

DR 80-2 Possible amendment to the City Zoning Code to remove parking lots from the list of possible uses permitted in the "B" Multi-family Dwelling District

# ACTION

DATE

S/D COMMITTEE

M.A.P.C.	<u>Approved with modifications</u>	<u>4-28-88</u>
W.C.C./B.C.C.	<u>Return to MAPC</u>	<u>5-10-88</u>
MAPC	<u>Approve with modifications</u>	<u>5-26-88</u>
W.C.C.	<u>Approved as recommended</u>	<u>6-14-88</u>

849 (PUBLISHED IN THE DAILY REPORTER ON JUNE 24, 1958)  
ORDINANCE NO. 49,366

AN ORDINANCE AMENDING SECTIONS 28.04.070 AND 28.04.080 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE REMOVAL OF PARKING LOTS FROM THE USES PERMITTED IN THE "B" MULTI-FAMILY DWELLING DISTRICT, AND REPEALING SAID ORIGINAL SECTIONS 28.04.070 AND 28.04.080 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boathouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwelling.
9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
11. Parking lots which are accessory use to any use permitted in the "B" Multi-family dwelling district.
12. Parking lots legally established prior to June 21, 1958, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 60 days from June 21, 1958 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

B. HEIGHT REGULATIONS.

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

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided, that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' \times X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet, and this figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot recorded at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear yards and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided, that the application of this rule shall not reduce the yard requirements; and provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units.

SECTION 28.04.080 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.

2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.

3. Clinics, dental, medical, chiropractic or osteopathic.

4. Hotels and motels, provided that the following conditions prevail:

a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.

b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways, entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.

c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.

d. When any parcel, tract or lot is used for a hotel or motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.

6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.

7. Optician.

8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.

10. Signs, as permitted by Section 28.04.139 of this code.

11. Storage garage.

12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

13. Mortuaries or funeral homes, provided that:

a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand square feet in area;

b. The "BB" office district is located contiguous to an arterial as designated in the transportation plan element of the comprehensive plan and any amendments thereto;

c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB", "B-S", "B-G" or "B" residential district (excluding streets, alleys or intervening public ways) by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five or more than eight feet in height; however, said solid wall shall be reduced to three feet in height when extending into the required front building setback.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three foot solid wall, constructed of the abovementioned materials or low shrubbery not less than ten feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard.

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties;

e. In no event shall monuments be displayed or sold on the premises.

### B. HEIGHT REGULATIONS.

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

### C. AREA REGULATIONS.

#### 1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "BB" office district, the minimum front yard setback shall be twenty feet. Provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front corner of the building on each side of the lot in question, provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20 \times X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet, and provided, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet. This figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

#### 2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" office district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

#### 3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings. The depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

#### 4. Lot Area Per Family:

4.1 The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements, and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.

4.2 The maximum building coverage of land area shall not exceed more than one-third of the total land area.

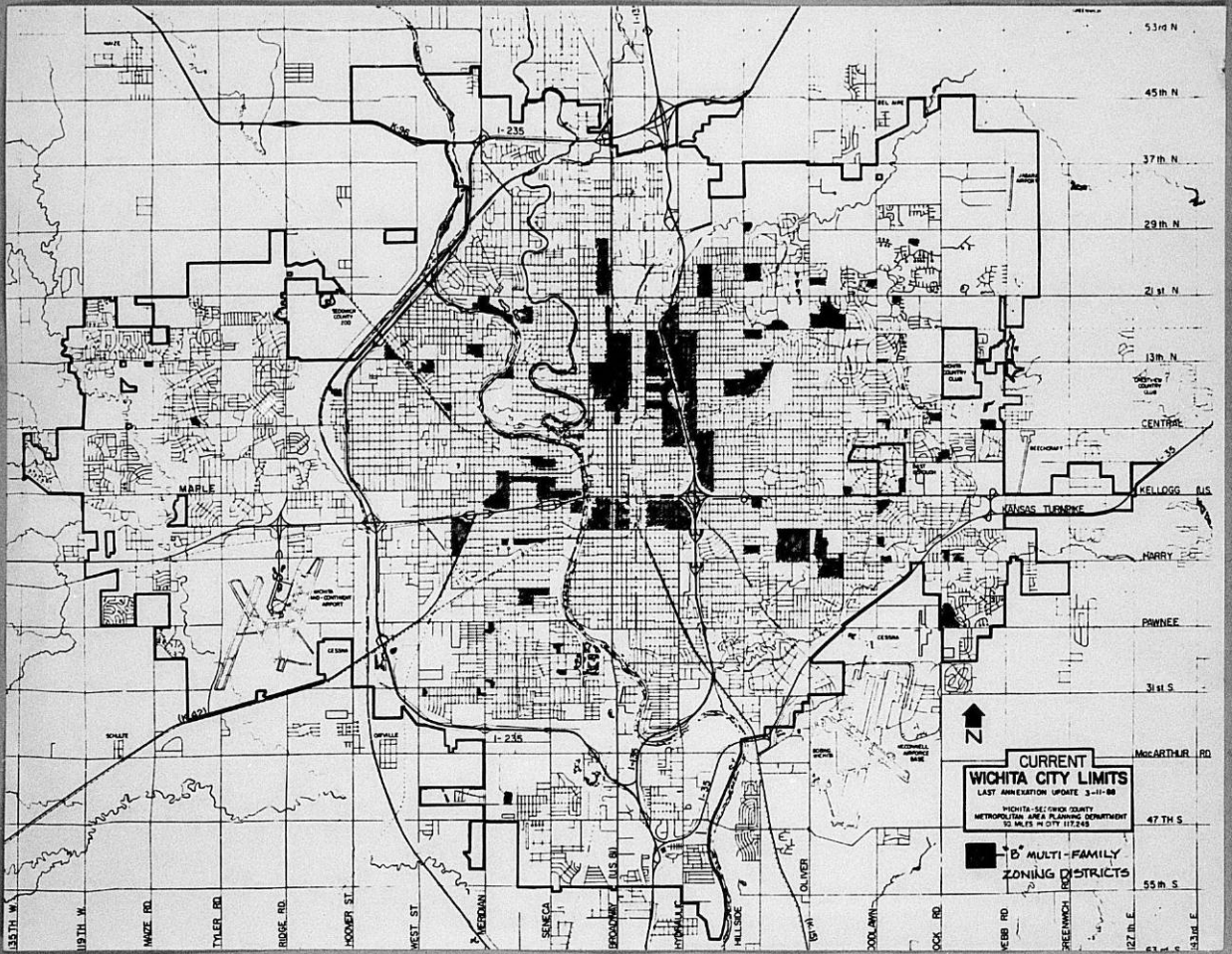
The original Sections 28.04.070 and 28.04.080 of the Code of the City of Wichita, Kansas, are hereby repealed.

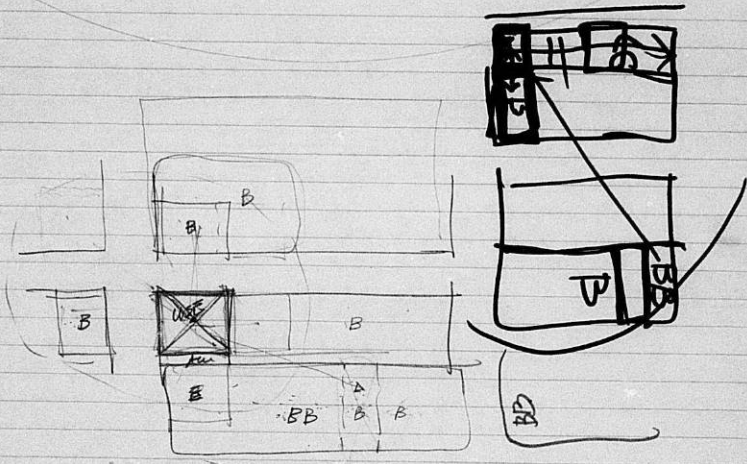
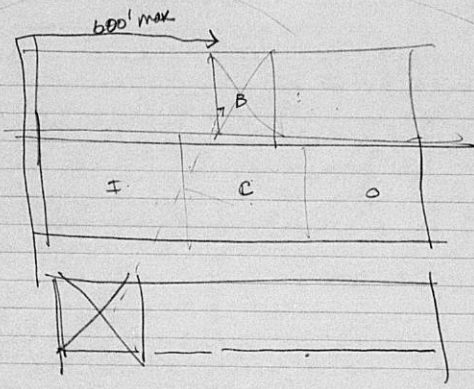
This ordinance shall be included in the code of the City of Wichita, Kansas, and be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas this 21st day of June, 1988.

Sheldon Kamen, Mayor  
John Moir, Director of Finance/City Clerk  
ATTEST: (SEAL)

(J 24)





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Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
June 14, 1988

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: DR 88-2 - AMENDMENT TO THE CITY ZONING CODE TO REMOVE  
PARKING LOTS FROM THE LIST OF USES PERMITTED IN THE  
"B" MULTI-FAMILY DWELLING DISTRICT.

INITIATED BY: Metropolitan Area Planning Department *Kroat*

AGENDA ACTION: Planning

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MAPC Recommendation: Approve subject to conditions (6-0)

Staff Recommendation: Approve

CPO Recommendation: Approve

Background: On May 10, 1988, the Wichita City Council considered a proposed amendment to remove parking lots from the uses permitted in the "B" Multi-family dwelling district of the City Zoning Code. The proposed amendment had been recommended for approval by the Metropolitan Area Planning Commission subject to several suggested conditions. The conditions included the establishment of a 180-day grace period whereby owners of properties in the "B" district intended for parking lot purposes could certify their intentions to the Superintendent of Central Inspection and thereby reserve the right to use the property for parking purposes. After discussion, the City Council took action to return the proposed amendment to the Planning Commission for reconsideration. The City Council specified that the following modifications to the proposal be considered by MAPC:

1. Reduction of the "grace" period from 180 days to 60 days from the date of adoption.
2. Owners of unimproved property intended for parking lot purposes must file for a parking lot permit within the 60-day grace period. Owners of property zoned the "B" Multi-Family District seeking a parking lot permit more than 60 days from the date of adoption, will be required to have an exception approved by the Board of Zoning Appeals.
3. The parking lot use must be established on the property with six months of the date of issuance of the permit in accordance with City Code.

PL/1836/2/4

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4. A more limiting factor be placed on the types of vehicles that may be parked in these lots.

During their reconsideration of this matter on May 26, 1988, the Metropolitan Area Planning Commission expressed their agreement with the modification suggested by the City Council. The Planning Commission took action to recommend to the City Council that the proposed amendment be adopted with the modifications specified above. In regard to Item No. 4 above, the vehicle registration office in the County Courthouse confirms that a 12m (12,000 pound) rated tag is the most restrictive classification now available for trucks. This tag rating will cover pick-up trucks, vans and similar sized vehicles. It will not cover the larger UPS delivery type vehicles. These and similar type vehicles require a 16m or higher numbered tag rating. The proposed amendment, therefore, limits parking of delivery type vehicles on lots in the "B" district to those with a 12m rated tag. A delineated copy of the sections of the City Zoning Code relating to parking lots in the "B" Multi-Family Dwelling District and showing the proposed amendments to be made are attached for reference. Provisions to be added are underlined and provisions to be deleted from the current text are marked through. A delineated copy of the entire ordinance required to effectuate the amendment is also attached for your reference.

- Recommendations/Actions:
1. Concur in the recommendation of the MAPC and place an ordinance on first reading; or
  2. Take appropriate action stating reasons.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 26, 1988

4. Case No. 88-2 - Public hearing for possible amendment to the City Zoning Code to remove parking lots from the list of uses permitted in the "B" Multi-Family Dwelling District.

DISCUSSION:

KROUT stated that the City Council, on May 10, considered the amendment to delete parking as a permitted use in the "B" district. He recalled that staff prepared the original amendment so that it would have taken place immediately upon adoption, and then there was some discussion about lots that may have been used in the past for parking and that are in various states of conditions. The final recommendation of the Planning Commission was to add a grace period in which the owner of any unimproved lot that would qualify today to be a parking lot could come in during a 180-day period and register his intent to use that lot in the future for parking, and then he would have that right from that point forward to use it for a parking lot. The City would advertise the availability of that registration grace period. KROUT said that the second change to the staff-prepared amendment was that they would allow for other small service or delivery vehicles to park in the parking lot.

KROUT said that the City Council returned the case to the Planning Commission for reconsideration and suggested three changes: 1) Reduce the grace period from 180 to 60 days; 2) Require owners of unimproved property intended to be used for parking purposes to file for a parking lot permit within the 60-day grace period (or thereafter seek a use exception through the BZA); and 3) Actually establish the parking lot in accordance with City Code within six months of the date of issuance of the permit.

KROUT said that Councilman Ferris felt that there should be more of a limitation placed than what the Commission came up with regarding other service and delivery vehicles. KROUT said that Robert Young, Principal Planner, was present to describe how staff tried to translate the Commission's intent into the ordinance by tying to the State license tag rating for the smallest commercial class.

YOUNG stated that the 12M rating would cover basically all pickup trucks, vans and panel trucks. The rating on UPS trucks is 16M, so they would not be included in the 12M rating. He qualified that the 12M rating is the smallest truck rating tag.

PARSONS felt that they had to think about the delivery vehicles that may be in a larger classification than 12M rating. He thought about putting a time limit on how long they could park in the lot.

GARDNER commented that he attended the hearing and had the impression that Councilman Ferris was kind of shooting from the hip and failed to understand that the 12M tag is as small a tag as you can get for most of the small trucks. He said that the reason for inserting this item into the ordinance is that it effectively moves into the next category which is "BB" Office, and if

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5-26-88  
Page 2

they are going to go into the "BB" Office district, you need to be a little more realistic about the types of vehicles that you accumulate in those areas so that accommodating the small delivery vehicles as opposed to strictly passenger vehicles was realistic. He felt that the way it is worded is adequate, and with a little bit of staff explanation, the Council members will understand it.

KROUT said that he just felt at the time that staff needed to do a double check.

PARSONS said that he has no problem with the three items for reconsideration. In fact he was very supportive of going back to the 60-day grace period and coming in with some kind of a permit application. He felt that if they are going to use them as parking lots, then use them for parking lots.

KROUT said that was the intent, and that is what he suggested to the Council.

CINDY SUNDELL-GUY, Zoning Committee Chairman, Midtown Citizens Association, stated that she had no problem with the changes that the City Council has suggested. She thanked the Commission for working so well with them on this amendment. Midtown is starting to think about what they can do to further improve the situation and appreciated the Commission's encouragement and support.

MOTION: That the Planning Commission recommended to the City Council the adoption of the amended change in the zoning code as recommended by the City Council. Brinegar moved, Sherman seconded and it carried unanimously. Fairbanks and Miles were not present. Moore and Turner were absent.

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PL/1835/2

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5-10-88  
DR 88-2  
Attachment No. 1

Proposed Amendment to the  
City Zoning Code  
as recommended by MAPC

Amend Section 28.04.070 A. as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boathouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwellings.
9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
11. Signs, as permitted by Section 28.04.139 of this code.
12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the

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street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

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

AN ORDINANCE AMENDING SECTIONS 28.04.070 AND 28.04.080 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REMOVAL OF PARKING LOTS FROM THE USES PERMITTED IN THE "B" MULTI-FAMILY DWELLING DISTRICT; AND REPEALING SAID ORIGINAL SECTIONS 28.04.070 AND 28.04.080 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
  1. Any use permitted in the "RB" four-family dwelling district.
  2. Boardinghouses and lodginghouses.
  3. Boathouses.
  4. Cemeteries.
  5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
  6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
  7. Greenhouses.
  8. Multiple-family dwellings.
  9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
  10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
  12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.
  13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:
    - a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.
    - b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.
    - c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.
    - d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
    - e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

B. HEIGHT REGULATIONS.

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

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided, that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet, and this figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two

thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided, that the application of this rule shall not reduce the yard requirements; and provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units.

SECTION 28.04.080 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.
  - e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.
  - f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.
  - g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.
5. Laboratory, dental or medical.
6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.
7. Optician.
8. Orthopedic shoe repair, limited to prescription work only.
9. Post office substation.
10. Signs, as permitted by Section 28.04.139 of this code.

11. Storage garage.  
12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

13. Mortuaries or funeral homes, provided that:  
a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand square feet in area;

b. The "BB" office district is located contiguous to an arterial as designated in the transportation plan element of the comprehensive plan and any amendments thereto;

c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB", "R-5", "R-6" or "B" residential district (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five or more than eight feet in height; however, said solid wall shall be reduced to three feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three foot solid wall, constructed of the abovementioned materials or low shrubbery not less than ten feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard;

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties;

e. In no event shall monuments be displayed or sold on the premises.

#### B. HEIGHT REGULATIONS.

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

#### C. AREA REGULATIONS.

##### 1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "BB" office district, the minimum front yard setback shall be twenty feet: Provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front corner of the building on each side of the lot in question, provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet, and provided, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet. This figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

##### 2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the

adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" office district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings. The depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

4.1 The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements, and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.

4.2 The maximum building coverage of land area shall not exceed more than one-third of the total land area.

The original Sections 28.04.070 and 28.04.080 of the Code of the City of Wichita, Kansas, are hereby repealed.

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

ADOPTED at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_,  
1988.

ATTEST:

\_\_\_\_\_  
Sheldon Kamen, Mayor

\_\_\_\_\_  
John Moir, Director of Finance/City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas R. Powell, City Attorney

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

AN ORDINANCE AMENDING SECTIONS 28.04.070 AND 28.04.080 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REMOVAL OF PARKING LOTS FROM THE USES PERMITTED IN THE "B" MULTI-FAMILY DWELLING DISTRICT; AND REPEALING SAID ORIGINAL SECTIONS 28.04.070 AND 28.04.080 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
  1. Any use permitted in the "RB" four-family dwelling district.
  2. Boardinghouses and lodginghouses.
  3. Boathouses.
  4. Cemeteries.
  5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
  6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
  7. Greenhouses.
  8. Multiple-family dwellings.
  9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
  10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
  12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.
13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:
  - a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.
  - b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.
  - c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.
  - d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
  - e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

B. HEIGHT REGULATIONS.

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

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided, that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet, and this figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided, that the application of this rule shall not reduce the yard requirements; and provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units.

SECTION 28.04.080 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.
  - e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.
  - f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.
  - g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.
5. Laboratory, dental or medical.
6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.
7. Optician.
8. Orthopedic shoe repair, limited to prescription work only.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" office district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings. The depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

4.1 The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements, and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.

4.2 The maximum building coverage of land area shall not exceed more than one-third of the total land area.

The original Sections 28.04.070 and 28.04.080 of the Code of the City of Wichita, Kansas, are hereby repealed.

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

ADOPTED at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_,  
1988.

ATTEST:

\_\_\_\_\_  
Sheldon Kamen, Mayor

\_\_\_\_\_  
John Moir, Director of Finance/City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas R. Powell, City Attorney

9. Post office substation.  
10. Signs, as permitted by Section 28.04.139 of this code.  
11. Storage garage.  
12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out as provided in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

13. Mortuaries or funeral homes, provided that:

a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand square feet in area;

b. The "BB" office district is located contiguous to an arterial as designated in the transportation plan element of the comprehensive plan and any amendments thereto;

c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB", "R-5", "R-6" or "B" residential district (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five or more than eight feet in height; however, said solid wall shall be reduced to three feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three foot solid wall, constructed of the abovementioned materials or low shrubbery not less than ten feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard;

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties;

e. In no event shall monuments be displayed or sold on the premises.

#### B. HEIGHT REGULATIONS.

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

#### C. AREA REGULATIONS.

##### 1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "BB" office district, the minimum front yard setback shall be twenty feet: Provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front corner of the building on each side of the lot in question, provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet, and provided, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet. This figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

##### 2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" office district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings. The depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

4.1 The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements, and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.

4.2 The maximum building coverage of land area shall not exceed more than one-third of the total land area.

The original Sections 28.04.070 and 28.04.080 of the Code of the City of Wichita, Kansas, are hereby repealed.

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

ADOPTED at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

ATTEST:

\_\_\_\_\_  
Sheldon Kamen, Mayor

\_\_\_\_\_  
John Moir, Director of Finance/City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas R. Powell, City Attorney

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

AN ORDINANCE AMENDING SECTIONS 28.04.070 AND 28.04.080 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REMOVAL OF PARKING LOTS FROM THE USES PERMITTED IN THE "B" MULTI-FAMILY DWELLING DISTRICT; AND REPEALING SAID ORIGINAL SECTIONS 28.04.070 AND 28.04.080 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
  1. Any use permitted in the "RB" four-family dwelling district.
  2. Boardinghouses and lodginghouses.
  3. Boathouses.
  4. Cemeteries.
  5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
  6. Educational, religious, charitable and fraternal organizations and primary institutions, excepting asylums for the insane.
  7. Greenhouses.
  8. Multiple-family dwellings.
  9. Private kindergartens and day care centers, and homes for the aged, accommodating seven or fewer children.
  10. Private clubs, except those which are customarily carried on as a business.
  11. Parking lots as defined in the "B" multiple-family dwelling district regulations.
  12. Parking lots legally established under the provisions established in the Code of the City of Wichita, Kansas, as amended, and when adjacent to a street immediately opposite the street, and provided that:
    - a. Compliance with the provisions of Sections 28.04.140, 28.04.141, and 28.04.143.
    - b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.
    - c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.
    - d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
    - e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

*Use as an example*

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

AN ORDINANCE AMENDING SECTIONS 28.04.070 AND 28.04.080 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REMOVAL OF PARKING LOTS FROM THE USES PERMITTED IN THE "B" MULTI-FAMILY DWELLING DISTRICT; AND REPEALING SAID ORIGINAL SECTIONS 28.04.070 AND 28.04.080 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
1. Any use permitted in the "RB" four-family dwelling district.
  2. Boardinghouses and lodginghouses.
  3. Boathouses.
  4. Cemeteries.
  5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
  6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
  7. Greenhouses.
  8. Multiple-family dwellings.
  9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
  10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
  12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

**B. HEIGHT REGULATIONS.**

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

**C. AREA REGULATIONS.**

**1. Front Yard:**

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided, that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet, and this figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

**2. Side Yard:**

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

**3. Rear Yard:**

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the center line of any platted alley.

**4. Lot Area Per Family:**

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided, that the application of this rule shall not reduce the yard requirements; and provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units.

SECTION 28.04.080 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.12.5b0 through 2.12.610.
  - e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.
  - f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.
  - g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.
5. Laboratory, dental or medical.
6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.
7. Optician.
8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.  
10. Signs, as permitted by Section 28.04.139 of this code.  
11. Storage garage.  
12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out as provided in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

13. Mortuaries or funeral homes, provided that:  
a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand square feet in area;

b. The "BB" office district is located contiguous to an arterial as designated in the transportation plan element of the comprehensive plan and any amendments thereto;

c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB", "R-5", "R-6" or "B" residential district (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five or more than eight feet in height; however, said solid wall shall be reduced to three feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three foot solid wall, constructed of the abovementioned materials or low shrubbery not less than ten feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard;

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties;

e. In no event shall monuments be displayed or sold on the premises.

**B. HEIGHT REGULATIONS.**

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

**C. AREA REGULATIONS.**

**1. Front Yard:**

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet, and provided, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet. This figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

**2. Side Yard:**

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

Contact:  
Margaret Courtney.  
2<sup>nd</sup> floor - Classified  
section of Wichita  
Eagle & Beacon.

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- 7190

OFFICIAL PUBLIC NOTICE

The Wichita City Council has amended the Wichita City Zoning Code to henceforth restrict the establishment of commercial parking lots on property zoned the "B" Multiple-Family Dwelling district. Parking lots already legally established and lots accessory to the uses permitted in the "B" Multiple-Family Dwelling district are not affected. In amending the City Zoning Code, the Wichita City Council created a grace period within which owners of unimproved property intended for parking lot use in the "B" Multiple-Family Dwelling district may apply for a permit for the establishment of such a lot. This notice is to advise owners of unimproved property zoned the "B" Multiple-Family Dwelling district that they have until August 22, 1988, to apply for a permit for the legal establishment of a parking lot. Establishment of the lot will be subject to provisions of the Code of the City of Wichita. Application may be made in the offices of the Central Inspection Division of the City of Wichita, on the 7th Floor of City Hall, 455 North Main Street, Wichita, Kansas, 67202. Questions concerning this matter may be directed to the offices of the Central Inspection Division, 268-4479, or the Metropolitan Area Planning Department, 268-4421.

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6590

OFFICIAL PUBLIC NOTICE

The Wichita City Council has amended the Wichita City Zoning Code to henceforth restrict the establishment of commercial parking lots on property zoned the "B" Multiple-Family Dwelling district. Parking lots already legally established and lots accessory to the uses permitted in the "B" Multiple-Family Dwelling district are not affected. In amending the City Zoning Code, the Wichita City Council created a grace period within which owners of unimproved property intended for parking lot use in the "B" Multiple-Family Dwelling district may apply for a permit for the establishment of such a lot. This notice is to advise owners of unimproved property zoned the "B" Multiple-Family Dwelling district that they have until August 22, 1988, to apply for a permit for the legal establishment of a parking lot. Establishment of the lot will be subject to provisions of the Code of the City of Wichita. Application may be made in the offices of the Central Inspection Division of the City of Wichita, on the 7th Floor of City Hall, 455 North Main Street, Wichita, Kansas, 67202. Questions concerning this matter may be directed to the offices of the Central Inspection Division, 268-4479, or the Metropolitan Area Planning Department, 268-4421.

PL/1862/2

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
May 10, 1988

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: DR 88-2 - AMENDMENT TO THE CITY ZONING CODE TO REMOVE  
PARKING LOTS FROM THE LIST OF USES PERMITTED IN THE  
"B" MULTI-FAMILY DWELLING DISTRICT REGULATIONS.

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

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MAPC Recommendation: Approve subject to conditions (7-0)

Staff Recommendation: Approve

CPO Recommendation: Approve

Background: The Planning Department was directed by the Wichita City Council to prepare and advertise for a public hearing before the Metropolitan Area Planning Commission an amendment to the City Zoning Code which would remove parking lots from the uses permitted "by right" in the "B" Multi-Family Dwelling district. Accordingly, a public hearing on this matter was scheduled for the April 28, 1988 meeting of the MAPC. Prior to the public hearing, two work sessions were held with members of the Planning Commission and other interested individuals representing the real estate industry, the Midtown neighborhood, the homebuilders and institutional users of parking in the "B" district. In addition, each of the ten CPO neighborhood councils reviewed the proposed amendments. Attached is a delineated copy of the appropriate sections of the city zoning code, based on the recommendations of the MAPC.

Also attached for your information is a map indicating the general locations of "B"-zoned property in the city (widely distributed, but concentrated close to the downtown area).

Analysis: The construction of parking lots in the "B" district for office, commercial and industrial uses on adjacent lots has frequently had a detrimental impact on nearby residential properties in the "B" district, adding traffic, noise and litter to the midst of residential neighborhoods. The proposed amendment would require that requests for parking lots in the "B" district for associated office, commercial or industrial uses be handled in the same manner as in all the other residential zoning districts: by the "use exception" procedure, with an advertised public hearing and

PL/1807/2

decision by the Board of Zoning Appeals. The Planning Department believes that this change will help to create a more stable protective climate for inner city neighborhoods and encourage the maintenance and improvement of residential properties in these neighborhoods.

Two key questions have been raised in regard to this proposal. Both the staff and the MAPC versions of the suggested amendment attempt to respond to both of these questions.

1. Will uses that are permitted in the "B" district be affected, in terms of any limitations on their ability to expand those uses and/or expand the parking that is accessory to those uses? The answer is no; uses permitted in "B", including hospitals and medical offices, may continue and may expand in the "B" district without limitation, subject to other applicable regulations. Parking required by the code for such a use must still be within 600 feet of the main use, but parking intended for the use that is in excess of the minimum required may extend beyond that distance. Although staff felt that the ordinance was already clear on this issue, language was included in the attached delineated amendment that reiterates the continued ability of uses permitted in "B" and their associated parking to continue and expand.

2. Will this amendment result in the designation of all existing parking lots that were previously permitted in "B" adjacent to office, commercial and industrial uses as "nonconforming uses? Planning Commissioners and business interests expressed concern that all parking lots currently existing in the "B" district would have a nonconforming status under the proposal as originally drafted, and that would create an undesirable and unnecessary stigma for all such lots. State law bars local governments from terminating nonconforming uses, and the city zoning code goes even further in protecting nonconforming uses by permitting rebuilding and expansion. Some local lenders however, apparently sell some of their commercial loans to the secondary mortgage market. Their national underwriting guidelines may be stricter and they may frown on the uncertainty created by any type of nonconformity. In an attempt to avoid this problem, language has been added to the proposed amendment stating that parking lots that were legally established before passage of the ordinance amendment will still be considered as "conforming" uses. The intent was to ensure that all these existing parking lots continue to conform to the standards in the "B" district (screening, setbacks, etc.) under which they were constructed. The proposed ordinance amendment accomplishes these objectives.

At the conclusion of their discussion, the Planning Commission took action to recommend that the proposed amendments be adopted subject to two conditions. The first condition was that a publicized grace period of 180 days be established to allow owners of existing parking lots in the "B" district and owners of unimproved property who had acquired the property with the "intention" of using it for parking lots in the "B" district to verify the existence of their parking lots or their intent to establish a parking lot by filing an affidavit with the Superintendent of Central Inspection. The second condition of approval was that the standards now appearing in the ordinance be expanded to allow the parking of small service and delivery-type vehicles.

Language has been added to the attached delineated copy of the proposed amendments that addresses each of these conditions.

The Planning Department does not object to the MAPC recommendation regarding the parking of small service and delivery-type vehicles. However, we disagree with the portion of the MAPC recommendation regarding the "grace period." In regard to the "intent to use" clause, we understand that the MAPC wanted to protect any property owner who may have calculated in his decision to buy an unimproved lot that it might be used someday for parking. However, we feel that this recommendation works against the purpose of the ordinance amendment, which is to protect residential neighborhoods, and that the avenue of a "use exception" is still available to all such property owners. We also believe that the MAPC's recommendation to recognize all existing parking lots, including those that are not legally established (i.e., they are not "non-conforming" and they did not receive permits and/or they do not meet the standards for paving, screening and setbacks) as parking lots sets a bad precedent, and should not be adopted. We do not think it was the MAPC's intent to allow any of these illegal lots to escape the standards, and the delineated amendment clarifies that issue.

If the City Council believes a grace period is appropriate, staff would suggest that the amendment provide for a property owner of an unimproved lot to apply for a permit within a (six-month) time period for a parking lot, and after that, be subject to the "use exception" requirement.

**Legal Consideration:** The Planning Commission considered these amendments for the first time during a public hearing on April 28, 1988, and recommended that the amending ordinance be adopted subject to the "grace period" provisions and the addition of service vehicles as stated above. The Department of Law is reviewing these provisions and will be able to render an opinion on their legality at your Tuesday meeting.

According to state law, if the City Council disagrees with any portion of the recommendation of the Planning Commission, for whatever reason, the proposed amendment must be returned to the Planning Commission for reconsideration.

- Recommendations/Actions:
1. Concur in the recommendation of the MAPC and place an ordinance on first reading; or
  2. Return the proposed amendment to MAPC stating reasons.

Proposed Amendment to the  
City Zoning Code  
as recommended by MAPC

Amend Section 28.04.070 A. as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boathouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwellings.
9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.

11. Signs, as permitted by Section 28.04.139 of this code.

12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to (\*) , or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the

street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 180 days from (\*) within which owners of properties that are unimproved that are intended for future use as a parking lot may submit an affidavit to the Superintendent of Central Inspection certifying their intended use. The existence of this 180 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Nothing in regard to the establishment of this 180 day period shall be construed to permit the establishment or expansion of a parking lot that does not in all ways conform to the standard, rules, and regulations for parking lots set forth in this section and all other city ordinances, codes and regulations.

(\*) - Date ordinance is adopted.

Proposed Amendment to the  
City Zoning Code

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained

through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.

6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.

7. Optician.

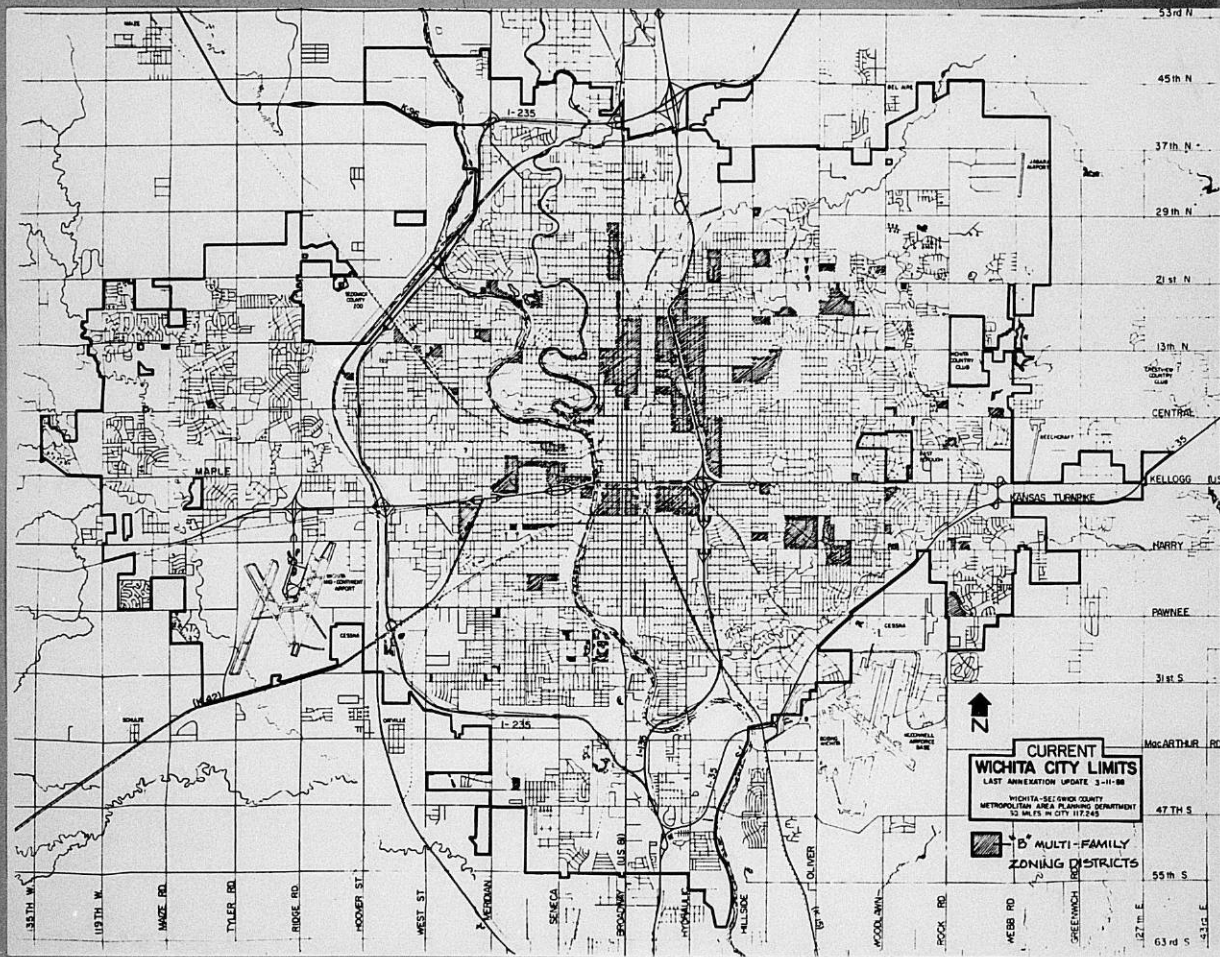
8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.

10. Signs, as permitted by Section 28.04.139 of this code.

11. Storage garage.

12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out, ~~as provided~~ in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.



**CURRENT WICHITA CITY LIMITS**  
 LAST ANNEXATION UPDATE 3-11-88  
 WICHITA-SEI GORCK COUNTY  
 METROPOLITAN AREA PLANNING DEPARTMENT  
 33 S.W. 5th, P.O. CITY 112280

**B MULTI-FAMILY ZONING DISTRICTS**



53rd N  
 45th N  
 37th N  
 29th N  
 21st N  
 13th N  
 CENTRAL  
 KELLOGG BL  
 HARRY  
 PRINEE  
 31st S  
 McARTHUR RD  
 47th S  
 55th S  
 127th E  
 63rd E  
 231st E

33rd W  
 193th W  
 HANCO RD  
 TYLER RD  
 RIDGE RD  
 HOOKER ST  
 WEST ST  
 WEIDMAN  
 SENECA  
 BROOKVIEW  
 HILLSIDE  
 COLLEIER  
 JOHNSON  
 ROCK RD  
 WEBB RD  
 GREENWICH RD

I-235  
 I-49

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 28, 1988

9. DR 88-2 - Public Hearing for possible amendment to the City Zoning Code to remove parking lots from the list of uses permitted in the "B" Multi-Family Dwelling District.

KROUT stated that this proposed amendment to the City Zoning Code would prohibit new parking lots from being constructed as a use by right in the "B" Multi-Family Dwelling District. The staff recommends approval of this amendment. He said that parking lots that have been constructed in the "B" district have had a detrimental effect on nearby residential properties. This amendment would require that future parking lots in "B" would only be permitted if they were approved by the Board of Zoning Appeals as a use exception. He said that in the same manner that all requests for parking lots in all of the other residential districts are treated. Staff feels that this will create a more stable and protective climate for residential investments in the inner city where most of the "B" zoning is concentrated.

KROUT said that there have been a couple of questions raised about this proposed amendment, and staff has attempted to address them. One of the questions raised was whether or not this would in any way restrict the use or the expansion of parking as an accessory to a use that is permitted in the "B" district, such as parking for a medical office or a hospital use. The staff did not think that that interpretation could be made, but added a clause to the proposed amendment that specifically indicates that parking accessory to a permitted use is a permitted use in the district. The second question was what this amendment would do to existing parking lots because they would, under the first draft, become nonconforming uses, as existing parking lots would no longer conform to the permitted uses listed for the "B" zoning district, and it was alleged that the designation of nonconforming would create a stigma that would make it difficult or impossible to obtain commercial financing for the properties that are so designated. Staff has conducted a number of informal interviews with people in the lending and title real estate industry, and found a variety of opinions on that subject. It appears that making parking lots nonconforming would not be a deal killer in terms of commercial uses, but there are a variety of opinions, and probably a variety of standards especially in the secondary lending market, as to whether or not this would create a problem in taking on a loan. KROUT said that whether or not this is a problem is more one of perception than reality, the revised draft lists parking lots that were legally established before the date of the passage of the ordinance as permitted uses. It leaves the standards in for parking lots in the "B" district, so that those existing lots which would then be considered conforming would continue to have to conform to the standards in terms of screening and setbacks that they do today.

KROUT stated that all 10 of the CPO Councils have reviewed the proposed ordinance and they are recommending approval. He noted that one of the CPO Councils did have a caveat concerning the issue of nonconforming lots and financing. Staff feels that the revised draft does address that issue.

GARDNER asked if staff did an analysis that incorporated the number of community unit plans that have "B" Multi-Family in them as parking buffers.

KROUT said that yes, an analysis was done, and it was found that all but one of the C.U.P.s have existing parking lots developed so that they would be conforming, and that one C.U.P. that apparently does not, does list parking as a permitted use, and staff feels that the interpretation should be clear that parking that was permitted in what was legally established through a public hearing process for a specific use in that C.U.P. should be a permitted use.

GARDNER asked if a community unit plan is brought in for a revision or an amendment at some point in the future so that the last date of revision then falls after the date that this ordinance was established, is there any interpretation of whether or not that "B", presuming the entire thing is subject to revision or reapproval, comes into any kind of catch-22 that it would in any way lose its capacity or have the date changed as far as being a legal use.

KROUT said that if that was a permitted use approved and you come in to amend an existing C.U.P. and you were not touching the issue of the approved parking in the "B" district, then he did not see how it would be considered to be a prohibited use.

GARDNER continued that if you had any modification of that area, would that throw the entire thing out. For example, a C.U.P. was brought in after this change was adopted, and amending the area that has the "B" Multiple Family in it to another category, does that "B" Multiple Family that existed prior have any kind of a change inflicted on it by virtue of a change in the parcel or a revision in the parcel. GARDNER said that he was trying to anticipate the problem before it occurs and incorporate in some fashion the caveat that addresses that.

PARSONS commented that he would not think it would unless the change that they were bringing in affected it.

MOORE asked Galbraith if staff had a list of parking lots that are in existence now so that there would not be a problem, or will there be a problem that you have to come back in later on and then argue about whether or not your land was a parking lot before this ordinance was passed.

MOORE said that he has a personal interest in this because he has four lots on St. Francis and 11th Street; it is not paved as parking; he does not rent it out as parking, but those four lots went with the Old English Manor apartments that he owned and that was for parking for those apartments and was from day-one when those apartments were built. He sold the apartments and he kept the four lots. The people in the apartments are still parking there and he does not charge them, but he considers that a parking lot and he does not want to come back in two years from now if he decides to pave it and use it as a parking lot and have to prove it was a damn parking lot 20 years ago.

KROUT asked if the parking lot was legally established? Was it part of a permit for the apartment use at the time?

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MOORE said that he did not need one. It was not grandfathered in; it was always in the same tract with the apartment complex until about 6 to 8 years ago when he sold the apartment complex.

MOORE asked what would happen if he wanted to rent the space for parking to the hospital employees.

KROUT said that would be permitted because a hospital is a use that is permitted in the "B" district. There would be no distance restrictions. The only problem would be if he wanted to rent it out for the users of a commercial or industrial use that is not permitted in the "B" district.

MOORE said that there were industrial uses right across the street.

KROUT said that then it might not be a problem.

MOORE responded that it would not be a problem if it was designated a parking lot right now because that is what it is.

PARSONS said that he did not know why they did not go ahead and identify those parking lots that are now parking lots so that there is no question in the future.

GALBRAITH said that staff has checked all of the C.U.P.s in the city, and there is no problem with a parking lot on the C.U.P. today in "B" zoning. Nothing can change that parking lot status.

TURNER asked if he bought a house north of his office to expand his parking, how would this affect him?

GALBRAITH explained that if the house today is not zoned "B", it has no rights to be utilized for parking, and the way he would seek an exception is through the Board of Zoning Appeals for parking; nothing regarding this amendment has any effect on a lot that is adjacent to his property that is not zoned "B".

KROUT said that part of his concern is that anyone that has a vacant lot in the "B" district that is unpaved can make the same claim as in Commissioner Moore's situation.

GARDNER asked when the "B" district was amended to permit parking lots.

GALBRAITH said about 20 years ago.

GARDNER mentioned that an amendment was also made in that section providing for some off-street parking in a front yard setback in some areas as well, particularly where there were narrow lots and they did not have access to the rear. It probably would be good just to get an idea of what the amendments to the parking text have been over a time period, because there certainly have been some uses that preceded or predated some of these elements. GARDNER said that he could use the lot on the southeast corner of Murdock and Emporia

PL/1802/2

as an example. At one time the easterly half of it had a gravel surface in there for the doctors' office to the south. It has since grown back to grass, but had a previous history of a parking lot in there. There are some examples of that nature that occur in the area that staff may want to take into account or be able to account for.

KROUT said that it seemed to him that that should be the burden of the individual property owner for him to demonstrate that he has a nonconforming use. It happens all the time when people get building permits, and for staff to do the research, not only of trying to determine what is a parking lot and what is not, which could be a real judgment call on the ground, and do some sort of legal search to try to uncover records in the building permit office to determine if and when that lot was ever approved for parking or whether it was associated with the use or not, is an unnecessary burden.

GARDNER responded that Krout was now complaining about an unnecessary burden, yet the Commission is talking about making a change that will impact some people, a very few he grants, with some level of a burden to demonstrate or prove that, and he did not feel that the Commission was unsympathetic to that. He felt that what they wanted to do was work through it in a fashion so that it can be accommodated so that it is the least burden to all parties involved.

KROUT asked if Gardner did not think that the property owners do have that burden today with nonconforming uses of establishing the evidence of their grandfather rights when they obtain building permits.

PARSONS said that as long as they continue that use, he did not think they had that burden.

KROUT explained that everyone that comes into the city that has a nonconforming use has to demonstrate to CID that they have their nonconformity.

GARDNER said that what he was saying was that it would be easier for staff just to say, "Let them deal with the nonconforming use," and he understands that, but what he was suggesting was that, if they do not have that problem today, he was not sure that it is one that they should, without some thought, inflict upon them under the guise of who cares, or the feeling that it ought to be their burden anyway. He is just suggesting that now is the time to work out that mechanism. GARDNER continued that Central Inspection can be magnificently obtuse when it comes to reading the zoning ordinance in some specific area.

KROUT said that is why the BZA is there, to take appeals from Central Inspection.

GARDNER said that he understands that, but the point that needs to be made is that now is the time to address that and clarify it as quickly as possible so that they do not create the problem.

MOORE stated that one of the requirements in there says they want to address the ramifications of nonconforming uses after the change and that there be no detrimental effects on property owners. He said that he was just fortunate that he happens to be sitting here where he can point it out on the record that may permit the argument 3 or 4 years from now if what did happen does happen. He felt they should designate which ones are parking lots now.

GARDNER further commented that there are several properties that are in a quasi-business commercial corridor, largely south of 9th Street, but either south of Murdock, that involve office uses on Main Street, Market Street and Broadway that do presently depend upon "B" Multi-family zoning adjacent for their parking lots. With the change that the Commission is discussing here, if the parking lot was legally established prior to this change, it would continue. He felt that was a good approach to dealing with that problem. He believed that it would be appropriate to consider a policy that they adopt jointly with this that would favor in some of those very specific corridor areas a statement that states they would look with favor upon an upgrade to the next adjacent zoning category for the appropriate zoning to be in effect, such as the Eby building parking on Market at Pine. It would seem to him to be an appropriate time to perhaps consider a statement to the effect that they would look with favor over a time period for those property owners that would be impacted by this in whatever degree, and have the opportunity to come in and file a zone change for the next category to be more specifically conforming.

KROUT said that he could agree with Gardner in that case, but he did not know where the "B" zoning was, or where to draw that line.

CINDY SUNDELL-GUY, Midtown Citizens Association, zoning chairman, stated that she had not made a planned presentation for today because she felt like this was a very equitable, very fair plan, and felt that all sides and all parties had a lot of input and had thought it through very carefully. She felt like this was a step in the right direction to solve and correct some of the problems that have plagued the inner city neighborhood. She said that she was not as sympathetic maybe to a situation of feeling like things are taken away from them, because when the parking lot at St. Francis was put it, at the time it actually started off being a parking lot, commercial was not allowed on it. It has just been in recent years that commercial parking lots have been allowed in that district. So the original intent of that lot was not for commercial.

SUNDELL-GUY said that she felt that it has caused a lot of problems for many years now in the inner city, and they have had to fight these problems over and over again. She believed that if this ordinance was passed, it will take care of a great percentage of the inner city's problems, and felt that the "B" Multi-family category has been the one classification that has been the catchall for all the problems in the inner city neighborhoods. If they could take that classification and take each of the permitted uses in it and disperse them into more appropriate classifications and reevaluate the ordinance as a whole, she felt that 75% of the inner city problems would be taken care of. She hoped that they could eventually look into an overall zoning plan for the whole inner city so that they would not have to keep piecemealing this together. She felt that this is a very important step in the right direction. They feel that the intent of the

organization and the intent of the inner city neighborhood associations is not to take parking lots that are in existence today and convert them back to residential lots. They have no feelings or thoughts that that would ever happen. They do not want to make something nonconforming so that if it is not being used as parking lot that they would put houses on them later. What they are wanting to happen is that they would have no more destruction of the housing stock than they already have in the inner city. They want, when a parking lot goes into the inner city where there is an existing house today, that there would be some kind of an equitable process where people would have a chance to voice their opinions before that property is taken down. She said that they have lost many, many structures to demolition where they should never have been taken down. She said that the lots would be worth a lot more today if the structures were in existence than they are as vacant lots. SUNDELL-GUY said that they were only trying to get input so widespread demolition would not happen in neighborhoods without someone having some say.

SUNDELL-GUY said that Commissioner Moore talks about how there is no chance of ever getting the BZA to approve a parking lot. She did not think that was true. His ex-law partner even got a zoning change in a historic district, and she did not think that has ever happened before in a historic district; all kinds of things can happen in neighborhoods. At least the process is there and at least they had a voice on that zoning change, but it is not fair to anyone to spend that kind of time and energy rebuilding a downtown area and have widespread demolition being able to happen with no input from anyone.

SUNDELL-GUY mentioned that the WI/SE report has stated that one of the strongest things that Wichita has for downtown development is the inner city neighborhoods surrounding it. She said that they have created a good safe solid buffer around downtown of residential housing, and the city has spent many hundreds of thousands of dollars doing demonstration areas, giving block grant money, 312 low interest money, and all kinds of things to try to help preserve this neighborhood. The city has bought vacant lots in the neighborhood and has moved houses on to them to help preserve this neighborhood. SUNDELL-GUY feels like there needs to be some protection; it is ridiculous that the city would pour this kind of money into this neighborhood and do absolutely nothing to protect it. She gave an example of what happened at 11th and Broadway when Hardee's went in. They took down a house on the corner of Market, and as far as they know, the parking lot is never used. It was not needed for Hardee's which is now Burger King, but the lot went into a historic area. There were 3 or 4 designated historic houses on that block. It did a lot of damage to that block in terms of monetary value and in terms of morale. An elderly gentleman supposedly had a heart attack when that parking lot went in next door to his residential home; he was very concerned. She said that it is a very hard situation for a neighborhood to have to keep swallowing over and over again. They are losing a minimum of 10 houses a year because of commercial parking lots going into this neighborhood. All they are asking is for a chance for the neighborhoods, BZA and CPOs to sit down and evaluate the situation on an individual basis so that they do have some input, and so some good planning can be done. The Hardee's parking lot was a very bad plan. She said that it was so easy to rape a neighborhood. It is so easy to go into a neighborhood where there are no controls or restrictions. She said that they were just asking

for the same kind of restrictions that most of the Commissioners have in their neighborhood. Unfortunately Midtown was built before restrictive covenants were put on neighborhoods.

MOORE stated that he did not have problems with the purpose and intent of the ordinance; he was all for it. He saw nothing but good to come out of it. But they just cannot pass the ordinance and leave everybody else out there hanging.

SUNDELL-GUY asked what about other people left hanging all of these years.

PARSONS agreed that no one on the bench is opposed to the ordinance, but felt that there should be some kind of procedure so that they do not create more problems without identifying those parking lots now and waiting until they straggle in one at a time.

KROUT commented that there are too many gray areas out there and a grass lot that someone says is a parking lot, and if they are really trying to figure out what is a parking lot, they would have to send the notice to everybody that has a vacant lot zoned "B" and have the property owner testify before the Planning Commission, and the Planning Commission would have to decide whether or not that is a legal parking lot.

GARDNER felt that there was a strong level of support to make a change. He felt that the concern resides in equity for as many parties as the Commission can achieve it for that are affected by the change, and that is a reasonable approach. The unreasonable side of it is to not be willing to work on the problems that result from making the change. He felt that there was a strong commitment to moving as quickly as possible, but felt it was contingent upon all parties involved trying to work out the difficulties that they perceive will occur so that they do not adversely impact any more than is absolutely necessary. He said that he would hate to be caught up in doing something here that has some strong potential good and find their efforts dissipated by impatience or unwillingness to work through the problems. GARDNER said that he respected Sundell-Guy's involvement in the Midtown area, and from a real estate perspective, he did not think he had to labor the areas that he was going to address. He asked if it would be possible to develop a position from Midtown that was supportive of zoning changes from the "B" Multi-family category along several of the streets adjacent to the near-downtown area, maybe that space between Central Street on the south which is CBD in most regards, and along Water, Wichita, Waco and over to St. Francis or Santa Fe, moving north to Murdock and 9th Street, or some areas where they have uses already established?

SUNDELL-GUY said that she has been very supportive of that, and would be glad to work with them. They would like their whole neighborhood looked at and they would like to do a blanket neighborhood policy. One of the things that they have been discussing for a long time is St. Francis Hospital's situation, that all of the property south of the hospital, they have no objections to them moving into that property except for certain areas that they have asked them to avoid, and certain structures that they have asked them to move. She felt that

they would be able to come to agreements with the hospital with no problems at all. She did not think that anyone in this organization is wanting to take something that is already commercial and turn it back to residential. It has never been their policy and it has never been anything that they have tried to do. They are just trying to protect the residential that they still have and keep it a neighborhood.

SUNDELL-GUY added that they would even like to see some of the property upzoned, and quite frankly "B" Multi-family does more destruction to their neighborhood than "BB" Office zoning does. "B" Multi-family is one of the most destructive categories in the zoning ordinance as far as residential neighborhoods are concerned. They would rather see "BB" and maybe even "LC" than they would "B" Multi-family because doctors' offices do not work well with historic buildings, but accountants' and lawyers' offices, and PR companies work very, very well. She did not see this ordinance being a threatening situation, but thinks it is one where no one is doing it to take away land values. All people want to do is have some reasonable expectations.

PARSONS said that he believes that is Sundell-Guy's position. For him, he would just rather have some assurances on the front end rather than dealing with them on the back end.

MOORE said that he agreed with Sundell-Guy all of the way. He is worried about all of the others out there that do not know about this ordinance. He said that he was not saying postpone this for a year while everybody runs in and tears their house down. He did not feel it was that hard to send notices to everybody that says, "If you consider your lot a parking lot, designate it as one and tell us why," and if the Commission does not agree with it, then they can argue about it. MOORE felt that there should be a Midtown C.U.P.

STEVE LUHNOW, President of Midtown Citizens Association, wanted to reiterate what Sundell-Guy had said, and stated that at the last Board meeting, they committed to this year developing a comprehensive plan for the association setting aside the separate districts, historic, residential and trying to upzone and work to protect the integrity of the entire Midtown district, not just the residential homeowners, renters or fast food chains, but look at the entire scope of the entire thing. He said that he would be working with as many people in the Midtown area as possible to develop this plan. One of the strong points of Midtown is their diversity. They have people of all races, nationalities, creeds and just about everything in between. They have renters, homeowners, commercial, light commercial, and other, and they want to get everybody involved in developing this plan. He said that he would rather send out letters to the owners of record and say, "What are your plans for your vacant lot?" LUHNOW said that it is very easy to misinterpret a vacant lot, so they need to get with the owners and do something in that regard. Driving the neighborhoods is the answer, but they have a lot of abilities here in staff that they can work and get something accomplished.

JOEL POLLACK, representing St. Francis Regional Medical Center, himself as a citizen, and himself as a member of Midtown, spoke. He said that he wanted to thank the members of the Planning Commission and staff for work on

this project. He had some trepidation originally because of the effects of "B" zoning on medical center property and the uses and the need for parking. He believed that those needs have been addressed and therefore he could come in with a good feeling, thanking the Commission and staff, and advising them of their support for the revised addition from Marvin Krout's memo of April 22 and what he has specified in that memo, as well as the revised draft. They are in support of that; they work closely with Midtown; St. Francis has a commitment to the citizens of Midtown to respect the residential integrity of their neighborhood and to not encroach into that neighborhood north of 10th Street. They are trying to work closely together on the entire comprehensive plan for Midtown. He said that he hopes this is step one in moving ahead in that direction, and he applauds their effort in that direction.

PARSONS asked Pollack if St. Francis Regional Medical Center owns any property now that is designated on his plan, that may not be designated anywhere else, for parking that is not yet parking.

POLLACK said yes.

PARSONS asked Pollack then how does he feel about this ordinance without identifying those locations.

POLLACK said that he has been assured that that is an accessory use to the medical center even though it is a distance of more than 600 feet and that it will be a valid legitimate use, so he has no concerns from the point of view of the medical center, but he does understand the concerns that have been raised about those people who are unaware of this and might have a designated use.

PARSONS continued, that if Pollack was not aware of it and came upon it later on, he would be a little bit taken back he assumed.

POLLACK agreed. He said that he does not read the Derby paper or the legal notices in the Wichita paper, and he probably would not know of any modification or change himself otherwise. He did not feel that there was anything wrong with letting people know that parking lots were not allowed in "B" zoning any more, and if they feel they have them, come tell the Commission about it; you have until July 1 to do so, otherwise speak now or forever hold your peace.

WESS GALYON, President of Builders Association, stated that they were advised of the change to be considered, and have had an opportunity to be involved in and have some interchange with the people that are concerned about the problems in the inner city. He felt that all of them have genuine concerns about the problems in the inner city. The only practical observation which has not been advanced that he would like to make at this point, is that it appears to them initially that this is sort of a quick turnaround time trying to come to a resolve on maybe what is appropriate for everyone. The thing that he has noticed is that now there is something concrete that includes the input from various entities. The next step is to assess the impact on those that are not yet aware of it. He said that is a practical approach, but feels nevertheless it is important because there are quite a few people that have concerns, and there

is a potential impact on their property and not all of it is in the inner city. He would agree with what Mr. Pollack said a few moments ago that he sees nothing wrong with maybe notifying the people by a certain date. The Builders Association applauds the Midtown group in trying to get a handle on the problem facing the inner city, and they would be willing to work with them in whatever capacity might be appropriate.

DAN FITZGERALD of 1309 North Topeka, a historic landmark district, stated that he became aware a few weeks ago that, in addition to looking out the back of his house into a commercial district which he was fully aware of when he bought his house, perhaps his house could be entirely surrounded by parking lots, and that his zoning, which he was not totally aware of all of the details, allowed for parking lots, so essentially his neighborhood would be commercial since those parking lots would be servicing commercial adjacent land, and so he wishes to speak in favor of the amendment. He also wished that the amendment could be approved today with the caveat that people with existing parking lots would be given a certain length of time to "register" their lots. He said that he would like to walk out the front of his house and see those homes across the street that have been there and would not like to walk out and see parking lots.

DAVE DEWEY, living in the Midtown area, stated that he would like for the Commission to approve the proposed ordinance today. He understands where Commissioner Moore is coming from, that if they wait 5 or 6 years they may have trouble proving when a lot started to become a parking lot. He felt that date could be established whether this ordinance is passed today or not. He said that there would be several homes in Midtown that would be islands in concrete parking lots unless the ordinance is passed today. The damage that would be caused by the Commission's delay far exceeds the good that would be caused by their delay. He urged the Commission to act now, and if they want to register which is a parking lot and which is not a parking lot, do that with all sense of urgency after the ordinance is passed.

CROCKETT asked why is there so much urgency behind this ordinance.

DEWEY stated that the house at 11th and Market that was moved in by the Mennonite Housing is behind Popeye's Fried Chicken, and very likely the lot behind it could be converted tomorrow to a parking lot unless this ordinance is passed. Popeye's Fried Chicken wants to extend their parking lot over to Market, and again the best example they have is Hardee's parking lot on Market that is never used. He said that summer is coming and it is convenient to tear down houses, and they felt that it was urgent that this amendment be passed as soon as possible.

PARSONS felt that this hearing will probably trigger some things that they are not interested in seeing happen. So whether it is done before or after the fact as far as the notification is concerned, he is not convinced that it doesn't make any difference.

SUNDELL-GUY stated that the only protection they have in the historic district is 240 days, so there is definitely an urgency factor there. They can keep a property from coming down in a historic district for 240 days.

Unfortunately most of the properties in Midtown are not protected with historic status. She would like to see the Commission vote for the ordinance, and she felt very strongly that it was unrealistic for the city staff to notify all of the property owners. It makes a lot more sense to get the articles in the paper and put a time frame on it and tell people that it is time to start reworking this ordinance.

PARSONS said that he was willing to support this ordinance as it stands now. He does not have a problem with this ordinance or the amendment, but he does have a problem with people knowing what is happening. There are too many times that things happen and people don't know they are happening, and the city has always been conscientious about notification. He said that he has considered what Commissioner Gardner was speaking to earlier about allowing the next zoning classification for those existing properties, and they cannot do that in 5 minutes today, but if they identified those properties that are affected as parking lots today or at least let those people who have those properties know that this situation exists, then he did not think they needed the other situation.

GARDNER said that he does have a technical objection regarding the use categories on parking lots, item D, and he asked if they were picking that up directly and placing that in the "BB" Office zoning category under Section 12 where they make reference to it by A, B, C, and D.

KROUT said yes.

GARDNER continued that he believed that because they are moving this into the "BB" Office category, it would be appropriate to expand "B" from being an outright prohibition of anything other than a passenger vehicle lot to more appropriately accommodate vehicles which are non-passenger vehicles and service business related and/or appropriate vehicles related to the "BB" Office category.

GALBRAITH stated that was exactly the way it is in the text today.

GARDNER said that he was not looking to expand a wide range of "commercial vehicles", but with all due respect, when they go to Central Inspection and try and get an interpretation, he could tell how it would be interpreted.

GALBRAITH asked if Gardner meant that he was not asking for clarification that permits a semi-trailer truck in "B" or "BB" just because it is adjacent to "E" Light Industrial.

GARDNER said that was correct. What he was looking for was something that gives the Commission a little broader interpretation than a strictly "passenger vehicle" which he felt was overlimiting.

PARSONS added this would prevent parking by service vehicles.

GARDNER said that the other area that he wanted to address is under Item 13 for parking lots, "legally established prior to the adoption of this ordinance". He said that they needed to add a phrase or a paragraph "or which shall be so designated as legally existing prior to adoption of this ordinance or upon

application of the owner for said designation." He said that he was getting around leaving it in the hands of Central Inspection where he was afraid it may be dropped and stepped upon badly. To Krout, GARDNER said that with all due respect he had not dealt with them personally enough to appreciate how badly that can happen, but several of the Commissioners do so on a more frequent basis and it is amazing what you can do to the King's English.

KROUT felt that Central Inspection's job is to interpret the ordinance and uses under the ordinance.

PARSONS said that if they go ahead and recommend passage of this ordinance today, which he is ready to do, with a 90-day condition for those persons who have property that they identify as parking lots to come in for the exception and have some verification of it and have it recorded so that there is no question about it, then at the end of 90 days it is all over, and all staff has to do is give legal notice to that effect.

GARDNER said that he was inclined to believe that 90 days may be too short a time period for people to discover and respond to the change. He would be more inclined to operate with something like six months, but felt that rather than establish there were curb cuts, and/or paving, or bumper blocks, etc., you may boil it down to something as simple as the aerial photo as whether there is a house on the lot or not, or whether it is a vacant lot, and he wanted to take it from the realms of legal "is's", "is we is, or is we ain't", down to the point of yes or no, vacant or not, by designation.

PARSONS asked if the 240 days' protection that they have for the historic property would begin at the end of the 90 days?

SUNDELL-GUY said that it could start at any point. Someone could take down a house within 40 days the way the ordinance is written now, but it would do them no good to take a house down if they cannot put in a commercial parking lot.

GARDNER said to digress a minute, he spent about a year arguing with Central Inspection as to whether or not an alley did or did not exist in the Riverside area. That was a bonafide platted alley of record that had never been legally opened or legally closed, and if something that terribly simple can be made into a tremendous case of disproportionate size, then this has the same capability.

SUNDELL-GUY said that she would like to keep it down to 90 days if they can.

KROUT stated that staff asked the City Attorney to come down to help them because he has a couple of problems. One is when you put a 90-day or 6-month or whatever time period on it, he was not sure what the purpose of that is because he felt that anyone who walks in the door after that period or for some reason was out of town, was not notified, or whatever, ought to be able to continue to establish that that was an existing use at the time of the passage of the ordinance, and that he ought to be able to continue that use. The other

problem is about the Planning Commission interpreting whether it is an existing use or not. He felt that the zoning ordinance interpretation power is with Central Inspection and not the Planning Commission.

PARSONS said that he had a more basic problem than that if that is what they are getting from legal counsel. Because if that is the case, anything that is published as a legal notice does not have any standing. What Krout is saying is that the man is in Europe for six months and if something would happen while he's gone to Europe, he can come back and say, "Wait a minute, I didn't read that, so I get to do it."

JOE LANG, Assistant City Attorney, stated that what they are getting to right now is that they can establish the fact that they have a nonconforming use at anytime in the future; there is no limit on it. What he understands they are trying to do is to say you have to come in in a certain number of days and say that you have this use, or you are thereafter forever divested of that use, and he has some problems with that.

GARDNER said that the best way to respond to that is to not put the bureaucratic's interpretation on the tail end of it; if the guy does not make it in six months, he is forever not entitled to get it. You keep away from doing that and do it the simple way which is if he walks in a year later and can demonstrate that he was in Australia for the time period and did not have the ability to properly respond, you would deal with it and treat him as a human being and give it to him.

LANG felt that could probably be done under this wording without any date by which he must apply. Just say that "if you are legally established on date X, you are entitled to this use."

MOORE said that if you apply within 90 days, and you can prove that you have got your parking lot, then you are automatically designated and you do not have to worry about it.

KROUT asked who would establish that someone does have a legal parking lot?

GARDNER responded that they walk in and tell you what your ownership is, and you establish that it was zoned "B" Multi-Family, and you ought to be able, in some fashion, to establish that it is not an improved site with a viable structure on it, and on that basis there ought to be a mechanism for recording that it was a qualified parking lot under the ordinance. If it is left to Central Inspection and they begin to go out and measure the width of curb cuts and the depth of the paving, and the height of the fences adjacent, and the appropriateness of landscaping, irrigation and whether or not the drainage was properly established, they will make federal cases out of every one of them.

KROUT asked if the Planning Commission would designate the parking lots then.

GARDNER responded that the Commission is coming up with a definition that precludes the bureaucratic bobbling that normally accompanies this kind of mechanism.

PARSONS stated that he understands where Krout is coming from; somebody has got to say "this is a parking lot", or "this is not a parking lot", regardless of whether there is an established criteria or not. Who is that going to be? Is that going to be the Planning Director, or the Superintendent of Central Inspection?

GARDNER said that you can identify either one, but you want to preestablish the criteria by which they are going to be determined.

PARSONS said that he did not have any problem with letting Central Inspection interpret the ordinance as long as there is defined criteria.

MOORE asked if they were saying that if a property has a structure on it, it cannot be a parking lot?

GARDNER said that what they are trying to do is have a sense of equity here on the basis of if it is a vacant lot and someone wants to claim and/or establish that it has been used for parking, and there are a number of vacant lots adjacent to properties up and down Market, if it is unimproved and the owner chooses to exercise that option, then that should be open. He thought that they would want to get around the problem of someone who has an improved lot being able to say it is a parking lot. That gives you the tear down prospect which the Commission is trying to avoid.

KROUT asked what was the criteria; how do they establish the use?

GARDNER said the property owner should be allowed to statement, provide an affidavit that it has been used as a parking lot and have that be sufficient.

PARSONS said then you would have to send somebody out to verify that.

KROUT responded that was the problem, and that is what Central Inspection does on a daily basis, they verify that sort of thing.

GARDNER felt that the verification needs to be simplified in terms of whether or not it has an improvement on it, and he was referencing a house or a commercial structure; if it is vacant, whether it has been paved or not or improved to the "legal parking lot standards". If it is vacant, it ought to be able to qualify based upon an affidavit. If it is going through a change period like this and it is unimproved, you don't lose anything.

LANG said that they are talking about the existing parking lots under "B" and there is a whole list of criteria that such parking lots have to meet right now to be a parking lot under "B".

KROUT stated that he disagrees with the concept of taking every unimproved lot and relying on the affidavit of the owner of that lot that it was used at some time for parking without any verification.

PARSONS said that somebody has to verify it, and if that is Central Inspection, so be it.

GARDNER did not think there would be that many coming in, but felt that they should bend over backwards avoiding the problem of leaving it up to Central Inspection to determine whether or not it was a legally conforming parking lot before.

SHERMAN asked if for instance a business owned a lot with a house on it thinking that one day they might want to use the lot as a parking lot, once this ordinance is passed, is the owner stuck with that as a house.

KROUT said that he could come in and seek a use exception with the Board of Zoning Appeals.

PARSONS suggested recommending approval of the ordinance to the City Council with a condition that a period of 180 days, which is six months, be given during which time legal notice is given that parking lots will not in the future be allowed in the "B" zone, and any landowner who currently owns property in the "B" district should be given the opportunity to come in, sign an affidavit that his vacant property is being used as a parking lot, or is intended to be used as a parking lot, and that that affidavit be placed on file and that parking lot remain there in perpetuity.

PARSONS asked if the legal department has a problem with that suggestion.

LANG said the only concern that comes to mind is that we have clear case law in this State that, in zoning, anticipated uses are not protected when you change zoning.

PARSONS said that he did not have a problem with taking the "intended" wording out, because he feels like in six months, if they had intent to use it as a parking lot, this will force them to do so and in six months they should be able to make that decision and move on it.

MOORE said that he would go and park all of his cars on that damn lot for the next six months and call it a parking lot. If you may have some intention to use it as a parking lot and it is already vacant and you bought it, you have the right to do it now. He does not see where that's a problem.

GARDNER said that Lang's use of the word "intent" troubles him, because if you felt the same level of concern over the removal of a right that presently exists, you would have it about balanced.

KROUT asked if the Commission was suggesting that the Council not pass the ordinance for six months during this period.

PARSONS said no, pass it now.

KROUT asked if this applies to only vacant lots that are adjacent to or across an alley or street from an office or commercial or industrial district, because that is all the parking lot can be used for today.

GARDNER said that if Krout rolls residential into that, he would buy it.

KROUT said but that is not the way the ordinance states. The existing ordinance only allows you to have parking in the "B" district for office, commercial or industrial uses if you are adjacent to, or across an alley or street from one of those districts.

KEN STEWART, attorney, stated that it seemed to him like Mr. Parsons' suggestion is a good one, and he thinks what he is hearing is that the Commission wants to provide an administrative approval for off-street parking which is now acceptable before they make any changes to the ordinance and allow those property owners to come in during a six-month period, file an affidavit and follow the procedures that staff would set up for administrative approval for those existing off-street parking areas.

PARSONS reiterated that what he was suggesting was that the ordinance be passed with the condition that, within the next 180 days, legal notice is given that parking lots will not in the future be allowed in the "B" zone by legal right, and that any landowner who currently owns vacant property be allowed to come in and file an affidavit and have his property recorded as a parking lot without further legal action being required either through the BZA or a zone change.

**MOTION:** That the Planning Commission recommend to the City Council the adoption of the amendments as advertised with the condition that notice be given advising those owners of properties zoned the "B" Multiple Family classification that they have 180 days from the date of adoption of this amendment to establish verification with the Office of Central Inspection of their parking lot or their intent to develop a parking lot on only those properties which are unimproved. In addition, 28.04.070.A.13.d. be amended to also permit the parking of small service type vehicles in addition to passenger vehicles. Parsons moved, Brinegar seconded.

MOORE left the meeting.

**VOTE ON THE MOTION:** It carried unanimously. Fairbanks and Miles were absent. Moore was not present for the vote.



**The Dukakis: 'Normalcy is about to become a rare and prized commodity'**

"WHEN WE STARTED off, there was one working mother on his street," remembers Kitty, a lifetime resident of this streetcar suburb. "There is nobody who isn't working now. And our street is a kind of microcosm of where this country is going. We've got blue-collar workers and professors, a real mixture."

About her husband's high standing with women in the gender gap polls she insists, "You can't fake a real commitment to women. A lot of women will come up to me and say, the way your husband treats you personally is something I respond to. I think it's all a part of a piece."

But is this would-be first lady

these attacks, she now says they toughened her. But not very much.

For now, though, Kitty Dukakis is recuperating in the relative quiet of her home, dipping into a book about the first ladies, marveling at Eleanor Roosevelt, thinking about our national "ambivalence" to the women in the White House. And also thinking about normalcy.

"When I came home from the hospital, Michael brought my suitcase in," she recounts. "There was my husband who was the nominee for president not only unpacking my stuff but folding it and putting it away. I was laughing, and Mike said, 'What's so funny?' I said, 'How many other candidates for president would do that? It was so normal.'" On Perry Street, normalcy is about to become a rare and prized commodity.

Washington Post Writers Group

## on with Gen. Stroessner

nd trafficking. When the Mar-  
ailles drug ring was broken in  
971, Paraguay was found to be  
a transfer point for drug ship-  
ments between France and the  
United States. It was estimated  
that during the drug network's five  
years of operation, \$2.5 billion  
worth of heroin was shipped into  
the United States annually. Fur-  
thermore, several high-ranking  
members of the regime were im-  
licated in the Marseilles oper-  
ation.

**LAST MARCH 29** a house sub-  
committee was told that Paraguay  
is both a major producer of mari-  
juana (3,000 metric tons per year)  
and a major transit point for co-  
caine (more than a ton passes  
through each year). State Depart-  
ment testimony during the same  
hearing acknowledged that there  
are "indications that officials of  
the Stroessner government and his  
colorado Party are involved in the  
trafficking."

The current catchword in U.S.

misguided sanctions against Pana-  
ma. Following the Panamanian  
dictator's lead, Stroessner could

turn ineffective U.S. pressure into  
another no-win situation for the  
United States.

### OFFICIAL PUBLIC NOTICE

The Wichita City Council has amended the Wichita City Zoning Code to henceforth restrict the establishment of commercial parking lots on property zoned the "B" Multiple-Family Dwelling district. Parking lots already legally established and lots accessory to the uses permitted in the "B" Multiple-Family Dwelling district are not affected. In amending the City Zoning Code, the Wichita City Council created a grace period within which owners of unimproved property intended for parking lot use in the "B" Multiple-Family Dwelling district may apply for a permit for the establishment of such a lot. This notice is to advise owners of unimproved property zoned the "B" Multiple-Family Dwelling district that they have until August 22, 1988, to apply for a permit for the legal establishment of a parking lot. Establishment of the lot will be subject to provisions of the Code of the City of Wichita. Application may be made in the offices of the Central Inspection Division of the City of Wichita, on the 7th floor of City Hall, 455 North Main Street, Wichita, Kansas, 67202. Questions concerning this matter may be directed to the offices of the Central Inspection Division, 268-4479, or the Metropolitan Area Planning Department, 268-4421.



**SUMMER  
SAVINGS!!!**

**50%**

OFFICIAL PUBLIC NOTICE

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PL/1862/2

**AN ORDINANCE AMENDING SECTIONS 28.04.070 AND 28.04.080 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REMOVAL OF PARKING LOTS FROM THE USES PERMITTED IN THE "B" MULTI-FAMILY DWELLING DISTRICT; AND REPEALING SAID ORIGINAL SECTIONS 28.04.070 AND 28.04.080 OF THE CODE OF THE CITY OF WICHITA.**

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

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses: buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

**A. USE REGULATIONS.**

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boardhouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwelling.
9. Private kindergartens, nurseries, child care centers and day cares for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business, and fraternity and sorority houses.
11. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.
12. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in Subsection 6, below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (1294) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

**B. HEIGHT REGULATIONS.**

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

**C. AREA REGULATIONS.**

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided, that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

2. Side Yard:

2.1 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.2 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided, that the application of this rule shall not reduce the yard requirements; and provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units.

SECTION 28.04.080 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the following area and height regulations:

**A. USE REGULATIONS.**

1. Any use permitted in the "B" multiple-family dwelling district.

2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.

3. Clinics, dental, medical, chiropractic or osteopathic.

4. Hotels and motels, provided that the following conditions prevail:

a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall be not less than twenty-five thousand square feet in area.

b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways, entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.

c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet from the property line of such adjoining parcel.

d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and rear property line; provided that the fence shall not be placed on the property line for shall any fence be placed closer to the front lot line than the front yard setback line.

Exception: Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no case shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.510.

e. Recreation uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

h. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboritory, dental or medical.

6. Office, any office in which clients or

backs.

For those parking areas adjacent to a street or alley which are situated across the public way from a residential zoning classification, either a three foot solid wall, constructed of the above-mentioned materials or low shrubbery, not less than ten feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard.

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties;

e. In no event shall monuments be displayed or sold on the premises.

**B. HEIGHT REGULATIONS.**

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

**C. AREA REGULATIONS.**

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "BB" office district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front corner of the building on each side of the lot in question; provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

2. Side Yard:

2.1 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" district.

2.2 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings. The depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall be not less than five feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

4.1 The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements; and provided further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.

4.2 The maximum building coverage of a land area shall not exceed more than one-third of the total land area.

The original Sections 28.04.070 and 28.04.080 of the Code of the City of Wichita,

shall be amended to read as follows:

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses: buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.

2. Boardinghouses and lodginghouses.

3. Boardhouses.

4. Cemeteries.

5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.

$$\frac{20 \times X}{2}$$

12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to June 21, 1968, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

- a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.
- b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways) by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.
- c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.
- d. The parking area shall be used for passenger vehicles and small delivery and service vehicles under 12,000 pounds tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
- e. There is hereby established a period of 60 days from June 21, 1968 within which owners of properties that are parking lots and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.143.

**B. HEIGHT REGULATIONS.**

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

**C. AREA REGULATIONS.**

1. Front Yard:  
In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided, that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20 \times X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet, and this figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

**2. Side Yard.**

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

**A. USE REGULATIONS.**

- 1. Any use permitted in the "B" multiple-family district.
- 2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutics or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
- 3. Clinics, dental, medical, chiropractic or osteopathic.
- 4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways, entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or motel and contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the rear and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.801 through 2.816.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, cigars and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.

6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.

7. Optician.

8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.

10. Signs, as permitted by Section 28.04.139 of this code.

11. Storage garage.

12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out in Section 28.04.070(A) (3) a, b, c, and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

13. Mortuaries or funeral homes, provided that:

- a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand square feet in area;
- b. The "BB" office district is located contiguous to an arterial as designated in the transportation plan element of the comprehensive plan and any amendments thereto;
- c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB", "R-5", "R-6" or "B" residential district (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five or more than eight feet in height; however, said solid wall shall be reduced to three feet in height when extending into the required front building set-

back of the existing building.

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet, and provided, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet. This figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

**2. Side Yard:**

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" office district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

**3. Rear Yard:**

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings. The depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

**4. Lot Area Per Family:**

4.1 The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements, and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.

4.2 The maximum building coverage of land area shall not exceed more than one-third of the total land area.

The original Sections 28.04.070 and 28.04.080 of the Code of the City of Wichita, Kansas, are hereby repealed.

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

ADOPTED at Wichita, Kansas this 21st day of June, 1988

Sheldon Kamen, Mayor  
John Moler, Director of Finance/City Clerk  
ATTEST: (SEAL)  
(J 24)

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
June 14, 1988

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: DR 88-2 - AMENDMENT TO THE CITY ZONING CODE TO REMOVE  
PARKING LOTS FROM THE LIST OF USES PERMITTED IN THE  
"B" MULTI-FAMILY DWELLING DISTRICT.

INITIATED BY: Metropolitan Area Planning Department *M. Krout*

AGENDA ACTION: Planning

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MAPC Recommendation: Approve subject to conditions (6-0)

Staff Recommendation: Approve

CPO Recommendation: Approve

**Background:** On May 10, 1988, the Wichita City Council considered a proposed amendment to remove parking lots from the uses permitted in the "B" Multi-family dwelling district of the City Zoning Code. The proposed amendment had been recommended for approval by the Metropolitan Area Planning Commission subject to several suggested conditions. The conditions included the establishment of a 180-day grace period whereby owners of properties in the "B" district intended for parking lot purposes could certify their intentions to the Superintendent of Central Inspection and thereby reserve the right to use the property for parking purposes. After discussion, the City Council took action to return the proposed amendment to the Planning Commission for reconsideration. The City Council specified that the following modifications to the proposal be considered by MAPC:

1. Reduction of the "grace" period from 180 days to 60 days from the date of adoption.
2. Owners of unimproved property intended for parking lot purposes must file for a parking lot permit within the 60-day grace period. Owners of property zoned the "B" Multi-Family District seeking a parking lot permit more than 60 days from the date of adoption, will be required to have an exception approved by the Board of Zoning Appeals.
3. The parking lot use must be established on the property with six months of the date of issuance of the permit in accordance with City Code.

PL/1836/2/4

4. A more limiting factor be placed on the types of vehicles that may be parked in these lots.

During their reconsideration of this matter on May 26, 1988, the Metropolitan Area Planning Commission expressed their agreement with the modification suggested by the City Council. The Planning Commission took action to recommend to the City Council that the proposed amendment be adopted with the modifications specified above. In regard to Item No. 4 above, the vehicle registration office in the County Courthouse confirms that a 12m (12,000 pound) rated tag is the most restrictive classification now available for trucks. This tag rating will cover pick-up trucks, vans and similar sized vehicles. It will not cover the larger UPS delivery type vehicles. These and similar type vehicles require a 16m or higher numbered tag rating. The proposed amendment, therefore, limits parking of delivery type vehicles on lots in the "B" district to those with a 12m rated tag. A delineated copy of the sections of the City Zoning Code relating to parking lots in the "B" Multi-Family Dwelling District and showing the proposed amendments to be made are attached for reference. Provisions to be added are underlined and provisions to be deleted from the current text are ~~marked through~~. A delineated copy of the entire ordinance required to effectuate the amendment is also attached for your reference.

- Recommendations/Actions:
1. Concur in the recommendation of the MAPC and place an ordinance on first reading; or
  2. Take appropriate action stating reasons.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 26, 1988

4. Case No. 88-2 - Public hearing for possible amendment to the City Zoning Code to remove parking lots from the list of uses permitted in the "B" Multi-Family Dwelling District.

DISCUSSION:

KROUT stated that the City Council, on May 10, considered the amendment to delete parking as a permitted use in the "B" district. He recalled that staff prepared the original amendment so that it would have taken place immediately upon adoption, and then there was some discussion about lots that may have been used in the past for parking and that are in various states of conditions. The final recommendation of the Planning Commission was to add a grace period in which the owner of any unimproved lot that would qualify today to be a parking lot could come in during a 180-day period and register his intent to use that lot in the future for parking, and then he would have that right from that point forward to use it for a parking lot. The City would advertise the availability of that registration grace period. KROUT said that the second change to the staff-prepared amendment was that they would allow for other small service or delivery vehicles to park in the parking lot.

KROUT said that the City Council returned the case to the Planning Commission for reconsideration and suggested three changes: 1) Reduce the grace period from 180 to 60 days; 2) Require owners of unimproved property intended to be used for parking purposes to file for a parking lot permit within the 60-day grace period (or thereafter seek a use exception through the BZA); and 3) Actually establish the parking lot in accordance with City Code within six months of the date of issuance of the permit.

KROUT said that Councilman Ferris felt that there should be more of a limitation placed than what the Commission came up with regarding other service and delivery vehicles. KROUT said that Robert Young, Principal Planner, was present to describe how staff tried to translate the Commission's intent into the ordinance by tying to the State license tag rating for the smallest commercial class.

YOUNG stated that the 12M rating would cover basically all pickup trucks, vans and panel trucks. The rating on UPS trucks is 16M, so they would not be included in the 12M rating. He qualified that the 12M rating is the smallest truck rating tag.

PARSONS felt that they had to think about the delivery vehicles that may be in a larger classification than 12M rating. He thought about putting a time limit on how long they could park in the lot.

GARDNER commented that he attended the hearing and had the impression that Councilman Ferris was kind of shooting from the hip and failed to understand that the 12M tag is as small a tag as you can get for most of the small trucks. He said that the reason for inserting this item into the ordinance is that it effectively moves into the next category which is "BB" Office, and if

they are going to go into the "BB" Office district, you need to be a little more realistic about the types of vehicles that you accumulate in those areas so that accommodating the small delivery vehicles as opposed to strictly passenger vehicles was realistic. He felt that the way it is worded is adequate, and with a little bit of staff explanation, the Council members will understand it.

KROUT said that he just felt at the time that staff needed to do a double check.

PARSONS said that he has no problem with the three items for reconsideration. In fact he was very supportive of going back to the 60-day grace period and coming in with some kind of a permit application. He felt that if they are going to use them as parking lots, then use them for parking lots.

KROUT said that was the intent, and that is what he suggested to the Council.

CINDY SUNDELL-GUY, Zoning Committee Chairman, Midtown Citizens Association, stated that she had no problem with the changes that the City Council has suggested. She thanked the Commission for working so well with them on this amendment. Midtown is starting to think about what they can do to further improve the situation and appreciated the Commission's encouragement and support.

**MOTION:** That the Planning Commission recommended to the City Council the adoption of the amended change in the zoning code as recommended by the City Council. Brinegar moved, Sherman seconded and it carried unanimously. Fairbanks and Miles were not present. Moore and Turner were absent.

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Proposed Amendment to the  
City Zoning Code  
as recommended by MAPC

Amend Section 28.04.070 A. as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boathouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwellings.
9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.

11. Signs, as permitted by Section 28.04.139 of this code.

12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the

street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

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

AN ORDINANCE AMENDING SECTIONS 28.04.070 AND 28.04.080 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REMOVAL OF PARKING LOTS FROM THE USES PERMITTED IN THE "B" MULTI-FAMILY DWELLING DISTRICT; AND REPEALING SAID ORIGINAL SECTIONS 28.04.070 AND 28.04.080 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.070 of the Code of the City of Wichita shall be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
1. Any use permitted in the "RB" four-family dwelling district.
  2. Boardinghouses and lodginghouses.
  3. Boathouses.
  4. Cemeteries.
  5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
  6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
  7. Greenhouses.
  8. Multiple-family dwellings.
  9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
  10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
  12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

- a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.
- b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.
- c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.
- d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 60 days from June 21, 1988 within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the Superintendent of Central Inspection. The existence of this 60 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

B. HEIGHT REGULATIONS.

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

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided, that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet, and this figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided, that the application of this rule shall not reduce the yard requirements; and provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units.

SECTION 28.04.080 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.
  - e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.
  - f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.
  - g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.
5. Laboratory, dental or medical.
6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.
7. Optician.
8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.
10. Signs, as permitted by Section 28.04.139 of this code.
11. Storage garage.
12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out as provided in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

13. Mortuaries or funeral homes, provided that:

a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand square feet in area;

b. The "BB" office district is located contiguous to an arterial as designated in the transportation plan element of the comprehensive plan and any amendments thereto;

c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB", "R-5", "R-6" or "B" residential district (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five or more than eight feet in height; however, said solid wall shall be reduced to three feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three foot solid wall, constructed of the abovementioned materials or low shrubbery not less than ten feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard;

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties;

e. In no event shall monuments be displayed or sold on the premises.

B. HEIGHT REGULATIONS.

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

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "BB" office district, the minimum front yard setback shall be twenty feet. Provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front corner of the building on each side of the lot in question, provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

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

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

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet, and provided, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty feet, shall be considered as having setbacks of thirty feet. This figure of thirty feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.

2. Side Yard:

2.1 In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot recorded at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" office district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings. The depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:  
4.1 The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements, and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.

4.2 The maximum building coverage of land area shall not exceed more than one-third of the total land area.

The original Sections 28.04.070 and 28.04.080 of the Code of the City of Wichita, Kansas, are hereby repealed.

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

ADOPTED at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

ATTEST:

\_\_\_\_\_  
Sheldon Kamen, Mayor

\_\_\_\_\_  
John Moir, Director of Finance/City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas R. Powell, City Attorney

**RE: AGENDA ITEM NO. 4**

WICHITA-SEDGWICK COUNTY

May 18, 1988

METROPOLITAN AREA PLANNING DEPARTMENT

**TO:** Wichita-Sedgwick County Metropolitan Area Planning Commission  
**FROM:** Marvin S. Krout, Director of Planning *MS Krout*  
**SUBJECT:** Reconsideration of Proposed Amendment to Delete Parking as a Permitted Use in the "B" Multi-Family District (DR 88-2).

On May 10, 1988, the Wichita City Council considered your recommendation for approval of the proposed amendment to the City Zoning Code for the deletion of parking as a permitted use in the "B" Multi-Family District. A copy of the proposed amendment containing provisions for 180-day grace period and verification of intended use as previously recommended to the council for approval is attached for your reference.

Upon completion of their discussion, the City Council took action to return the proposal to the Metropolitan Area Planning Commission for reconsideration. The City Council specified that the Planning Commission consider the following modifications to the MAPC's original recommendation.

1. Reduction of the "grace" period from 180 days to 60 days from the date of adoption.
2. Owners of unimproved property intended for parking lot purposes must file for a parking lot permit within the 60-day grace period. Owners of property zoned the "B" Multi-Family District seeking a parking lot permit more than 60 days from the date of adoptions, will be required to have an exception approved by the Board of Zoning Appeals.
3. The parking lot use must be established on the property with six months of the date of issuance of the permit in accordance with City Code.

This item is scheduled for MAPC reconsideration during the May 26, 1988 meeting. Staff will be prepared to discuss the matter with you at that time.

**RECOMMENDATION:**

It is recommended that the Planning Commission incorporate the suggested modifications into the proposed amendment and recommend the adoption of the revised amendment to the City Council.

PL/6598/4

Proposed Amendment to the  
City Zoning Code  
as recommended by MAPC

Amend Section 28.04.070 A. as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boathouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwellings.
9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.

11. Signs, as permitted by Section 28.04.139 of this code.

12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to \_\_\_\_\_ (\*), or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the

street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 180 days from (\*) within which owners of properties that are unimproved that are intended for future use as a parking lot may submit an affidavit to the Superintendent of Central Inspection certifying their intended use. The existence of this 180 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Nothing in regard to the establishment of this 180 day period shall be construed to permit the establishment or expansion of a parking lot that does not in all ways conform to the standard, rules, and regulations for parking lots set forth in this section and all other city ordinances, codes and regulations.

(\*) - Date ordinance is adopted.

Proposed Amendment to the  
City Zoning Code

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained

through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.
6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.
7. Optician.
8. Orthopedic shoe repair, limited to prescription work only.
9. Post office substation.
10. Signs, as permitted by Section 28.04.139 of this code.
11. Storage garage.
12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out, ~~as provided in Section 28.04.070(A)(13) a., b., c., and d.,~~ except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
May 10, 1988

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: DR 88-2 - AMENDMENT TO THE CITY ZONING CODE TO REMOVE  
PARKING LOTS FROM THE LIST OF USES PERMITTED IN THE  
"B" MULTI-FAMILY DWELLING DISTRICT REGULATIONS.

INITIATED BY: Metropolitan Area Planning Department

*M. K. Kroat*

AGENDA ACTION: Planning

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MAPC Recommendation: Approve subject to conditions (7-0)

Staff Recommendation: Approve

CPO Recommendation: Approve

**Background:** The Planning Department was directed by the Wichita City Council to prepare and advertise for a public hearing before the Metropolitan Area Planning Commission an amendment to the City Zoning Code which would remove parking lots from the uses permitted "by right" in the "B" Multi-Family Dwelling district. Accordingly, a public hearing on this matter was scheduled for the April 28, 1988 meeting of the MAPC. Prior to the public hearing, two work sessions were held with members of the Planning Commission and other interested individuals representing the real estate industry, the Midtown neighborhood, the homebuilders and institutional users of parking in the "B" district. In addition, each of the ten CPO neighborhood councils reviewed the proposed amendments. Attached is a delineated copy of the appropriate sections of the city zoning code, based on the recommendations of the MAPC.

Also attached for your information is a map indicating the general locations of "B"-zoned property in the city (widely distributed, but concentrated close to the downtown area).

**Analysis:** The construction of parking lots in the "B" district for office, commercial and industrial uses on adjacent lots has frequently had a detrimental impact on nearby residential properties in the "B" district, adding traffic, noise and litter to the midst of residential neighborhoods. The proposed amendment would require that requests for parking lots in the "B" district for associated office, commercial or industrial uses be handled in the same manner as in all the other residential zoning districts: by the "use exception" procedure, with an advertised public hearing and

PL/1807/2

decision by the Board of Zoning Appeals. The Planning Department believes that this change will help to create a more stable protective climate for inner city neighborhoods and encourage the maintenance and improvement of residential properties in these neighborhoods.

Two key questions have been raised in regard to this proposal. Both the staff and the MAPC versions of the suggested amendment attempt to respond to both of these questions.

1. Will uses that are permitted in the "B" district be affected, in terms of any limitations on their ability to expand those uses and/or expand the parking that is accessory to those uses? The answer is no; uses permitted in "B", including hospitals and medical offices, may continue and may expand in the "B" district without limitation, subject to other applicable regulations. Parking required by the code for such a use must still be within 600 feet of the main use, but parking intended for the use that is in excess of the minimum required may extend beyond that distance. Although staff felt that the ordinance was already clear on this issue, language was included in the attached delineated amendment that reiterates the continued ability of uses permitted in "B" and their associated parking to continue and expand.

2. Will this amendment result in the designation of all existing parking lots that were previously permitted in "B" adjacent to office, commercial and industrial uses as "nonconforming uses?" Planning Commissioners and business interests expressed concern that all parking lots currently existing in the "B" district would have a nonconforming status under the proposal as originally drafted, and that would create an undesirable and unnecessary stigma for all such lots. State law bars local governments from terminating nonconforming uses, and the city zoning code goes even further in protecting nonconforming uses by permitting rebuilding and expansion. Some local lenders however, apparently sell some of their commercial loans to the secondary mortgage market. Their national underwriting guidelines may be stricter and they may frown on the uncertainty created by any type of nonconformity. In an attempt to avoid this problem, language has been added to the proposed amendment stating that parking lots that were legally established before passage of the ordinance amendment will still be considered as "conforming" uses. The intent was to ensure that all these existing parking lots continue to conform to the standards in the "B" district (screening, setbacks, etc.) under which they were constructed. The proposed ordinance amendment accomplishes these objectives.

At the conclusion of their discussion, the Planning Commission took action to recommend that the proposed amendments be adopted subject to two conditions. The first condition was that a publicized grace period of 180 days be established to allow owners of existing parking lots in the "B" district and owners of unimproved property who had acquired the property with the "intention" of using it for parking lots in the "B" district to verify the existence of their parking lots or their intent to establish a parking lot by filing an affidavit with the Superintendent of Central Inspection. The second condition of approval was that the standards now appearing in the ordinance be expanded to allow the parking of small service and delivery-type vehicles.

Language has been added to the attached delineated copy of the proposed amendments that addresses each of these conditions.

The Planning Department does not object to the MAPC recommendation regarding the parking of small service and delivery-type vehicles. However, we disagree with the portion of the MAPC recommendation regarding the "grace period." In regard to the "intent to use" clause, we understand that the MAPC wanted to protect any property owner who may have calculated in his decision to buy an unimproved lot that it might be used someday for parking. However, we feel that this recommendation works against the purpose of the ordinance amendment, which is to protect residential neighborhoods, and that the avenue of a "use exception" is still available to all such property owners. We also believe that the MAPC's recommendation to recognize all existing parking lots, including those that are not legally established (i.e., they are not "non-conforming" and they did not receive permits and/or they do not meet the standards for paving, screening and setbacks) as parking lots sets a bad precedent, and should not be adopted. We do not think it was the MAPC's intent to allow any of these illegal lots to escape the standards, and the delineated amendment clarifies that issue.

If the City Council believes a grace period is appropriate, staff would suggest that the amendment provide for a property owner of an unimproved lot to apply for a permit within a (six-month) time period for a parking lot, and after that, be subject to the "use exception" requirement.

Legal Consideration: The Planning Commission considered these amendments for the first time during a public hearing on April 28, 1988, and recommended that the amending ordinance be adopted subject to the "grace period" provisions and the addition of service vehicles as stated above. The Department of Law is reviewing these provisions and will be able to render an opinion on their legality at your Tuesday meeting.

According to state law, if the City Council disagrees with any portion of the recommendation of the Planning Commission, for whatever reason, the proposed amendment must be returned to the Planning Commission for reconsideration.

Recommendations/Actions:

1. Concur in the recommendation of the MAPC and place an ordinance on first reading; or
2. Return the proposed amendment to MAPC stating reasons.

Proposed Amendment to the  
City Zoning Code  
as recommended by MAPC

Amend Section 28.04.070 A. as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boathouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwellings.
9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.

11. Signs, as permitted by Section 28.04.139 of this code.

12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to (\*) , or recognized under the provisions established in Subsection e. below, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the

street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under 12,000 pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

e. There is hereby established a period of 180 days from (\*) within which owners of properties that are unimproved that are intended for future use as a parking lot may submit an affidavit to the Superintendent of Central Inspection certifying their intended use. The existence of this 180 day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Nothing in regard to the establishment of this 180 day period shall be construed to permit the establishment or expansion of a parking lot that does not in all ways conform to the standard, rules, and regulations for parking lots set forth in this section and all other city ordinances, codes and regulations.

(\*) - Date ordinance is adopted.

Proposed Amendment to the  
City Zoning Code

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways, entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained

through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.

6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.

7. Optician.

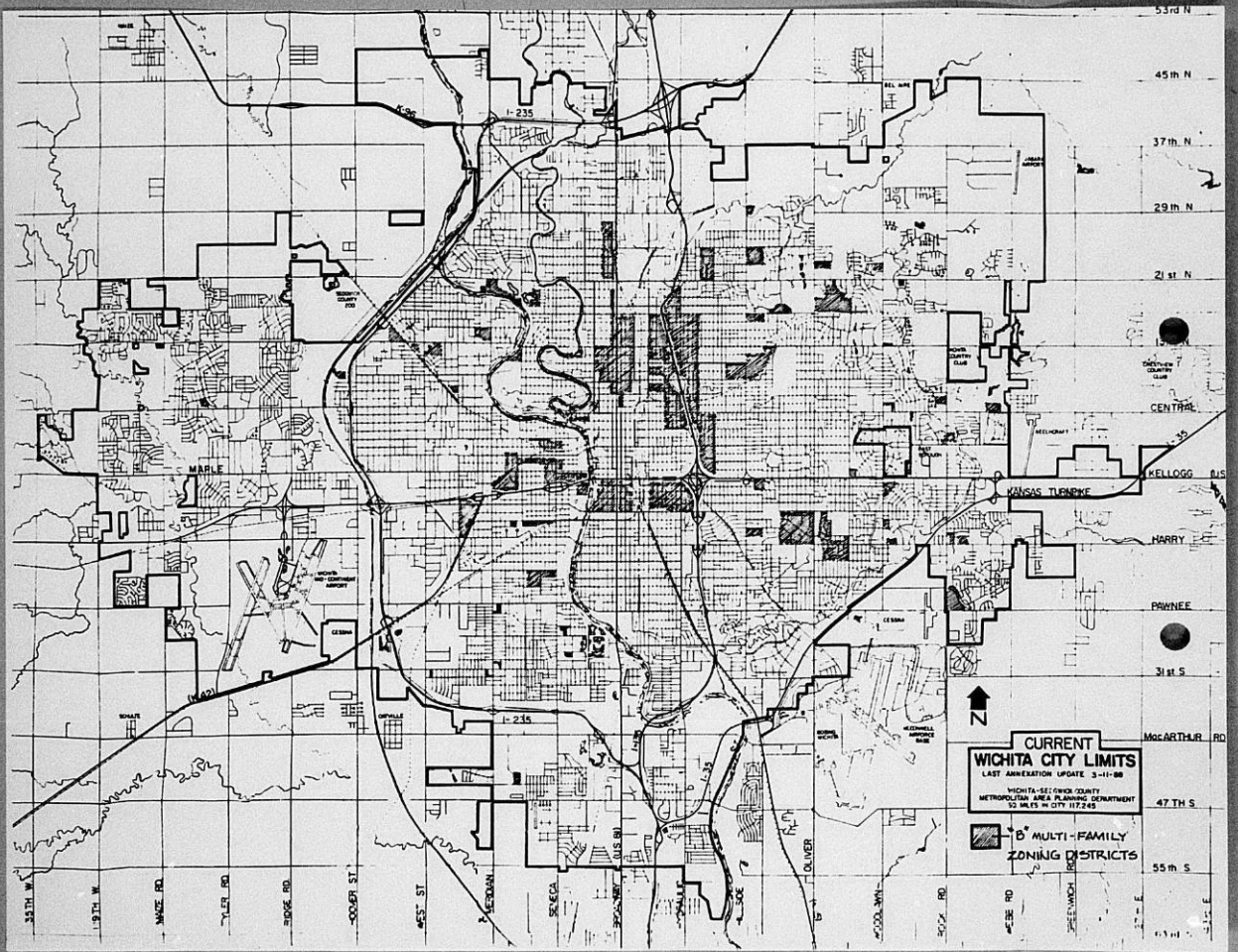
8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.

10. Signs, as permitted by Section 28.04.139 of this code.

11. Storage garage.

12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out, as provided in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.



CURRENT  
**WICHITA CITY LIMITS**  
 LAST ANNEXATION UPDATE 3-11-88  
 WICHITA-SSEI DEKOR COUNTY  
 METROPOLITAN AREA PLANNING COMMISSION  
 50 MILES W CITY 117249

■ B\* MULTI-FAMILY  
 ZONING DISTRICTS

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    April 26, 1988

TO      Marvin Krout, Director of Planning

FROM    Stanley J. Scott, CP Coordinator *[Signature]*

SUBJECT    DR 88-2: Amendment to Title 28,  
              the Code of the City of Wichita

Following your April 14 presentation to the CPO Coordinating Board, the ten CPO Neighborhood Councils reviewed the proposed amendments to Title 28 of the Code of the City of Wichita.

During their consideration of the proposed amendments, the ten (10) CPO Neighborhood Councils took action to support the proposed changes.

Council members were provided a delineated copy of the proposed amendments to Sections 28.04.070 and 28.04.080A.12 and your April 18 description of the proposed changes. Several Councils noted that they had previously supported removal of parking lots from the permitted use list under "B" Multi-family Dwelling District regulations.

Please provide the Council's recommendations to the MAPC and City Council when DR 88-2 is considered. Listed below are the Council's specific actions:

- 1A - Voted 7-0 to support the recommended amendments to Title 28.
- 1B - Voted 9-0 to support the recommended amendments to Title 28.
- 2A - Voted 9-0 to support the recommended amendments to Title 28.
- 2B - Consensus of the 8 Council members present, indicated they agree with the concept of the proposed amendment. The members expressed a need for the following items to be addressed and resolved if the change is approved:
  - 1) The ramifications of non-conforming uses after the change;
  - 2) that there be no detrimental efforts on property owners (i.e., that the change do not put property owners in jeopardy with their mortgages); and
  - 3) make sure the change is not in violation of Federal or State laws and insurance policies.
- 3A - Voted 8-1 to support the recommended amendments to Title 28. (Also suggested that all parking lots that take up a block or more be screened with shrubbery or some softening influence from the neighborhood.)

CPO Coordinating Board  
Summary Memo - Page 2

3B - Voted 8-0 to support the recommended amendments to Title  
28.

4A - Voted 8-0 to support the recommended amendments to Title  
28.

4B - Voted 8-0 to support the recommended amendments to Title  
28.

5A - Voted 9-0 to support the recommended amendments to Title  
28.

5B - Voted 8-0 to support the recommended amendments to Title  
28.

SJS:dm

**RECEIVED**

APR 27 1988

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 28, 1988

9. DR 88-2 - Public Hearing for possible amendment to the City Zoning Code to remove parking lots from the list of uses permitted in the "B" Multi-Family Dwelling District.

KROUT stated that this proposed amendment to the City Zoning Code would prohibit new parking lots from being constructed as a use by right in the "B" Multi-Family Dwelling District. The staff recommends approval of this amendment. He said that parking lots that have been constructed in the "B" district have had a detrimental effect on nearby residential properties. This amendment would require that future parking lots in "B" would only be permitted if they were approved by the Board of Zoning Appeals as a use exception. He said that is the same manner that all requests for parking lots in all of the other residential districts are treated. Staff feels that this will create a more stable and protective climate for residential investments in the inner city where most of the "B" zoning is concentrated.

KROUT said that there have been a couple of questions raised about this proposed amendment, and staff has attempted to address them. One of the questions raised was whether or not this would in any way restrict the use or the expansion of parking as an accessory to a use that is permitted in the "B" district, such as parking for a medical office or a hospital use. The staff did not think that that interpretation could be made, but added a clause to the proposed amendment that specifically indicates that parking accessory to a permitted use is a permitted use in the district. The second question was what this amendment would do to existing parking lots because they would, under the first draft, become nonconforming uses, as existing parking lots would no longer conform to the permitted uses listed for the "B" zoning district, and it was alleged that the designation of nonconforming would create a stigma that would make it difficult or impossible to obtain commercial financing for the properties that are so designated. Staff has conducted a number of informal interviews with people in the lending and title real estate industry, and found a variety of opinions on that subject. It appears that making parking lots nonconforming would not be a deal killer in terms of commercial uses, but there are a variety of opinions, and probably a variety of standards especially in the secondary lending market, as to whether or not this would create a problem in taking on a loan. KROUT said that whether or not this is a problem is more one of perception than reality, the revised draft lists parking lots that were legally established before the date of the passage of the ordinance as permitted uses. It leaves the standards in for parking lots in the "B" district, so that those existing lots which would then be considered conforming would continue to have to conform to the standards in terms of screening and setbacks that they do today.

KROUT stated that all 10 of the CPO Councils have reviewed the proposed ordinance and they are recommending approval. He noted that one of the CPO Councils did have a caveat concerning the issue of nonconforming lots and financing. Staff feels that the revised draft does address that issue.

GARDNER asked if staff did an analysis that incorporated the number of community unit plans that have "B" Multi-Family in them as parking buffers.

KROUT said that yes, an analysis was done, and it was found that all but one of the C.U.P.s have existing parking lots developed so that they would be conforming, and that one C.U.P. that apparently does not, does list parking as a permitted use, and staff feels that the interpretation should be clear that parking that was permitted in what was legally established through a public hearing process for a specific use in that C.U.P. should be a permitted use.

GARDNER asked if a community unit plan is brought in for a revision or an amendment at some point in the future so that the last date of revision then falls after the date that this ordinance was established, is there any interpretation of whether or not that "B", presuming the entire thing is subject to revision or reapproval, comes into any kind of catch-22 that it would in any way lose its capacity or have the date changed as far as being a legal use.

KROUT said that if that was a permitted use approved and you come in to amend an existing C.U.P. and you were not touching the issue of the approved parking in the "B" district, then he did not see how it would be considered to be a prohibited use.

GARDNER continued that if you had any modification of that area, would that throw the entire thing out. For example, a C.U.P. was brought in after this change was adopted, and amending the area that has the "B" Multiple Family in it to another category, does that "B" Multiple Family that existed prior have any kind of a change inflicted on it by virtue of a change in the parcel or a revision in the parcel. GARDNER said that he was trying to anticipate the problem before it occurs and incorporate in some fashion the caveat that addresses that.

PARSONS commented that he would not think it would unless the change that they were bringing in affected it.

MOORE asked Galbraith if staff had a list of parking lots that are in existence now so that there would not be a problem, or will there be a problem that you have to come back in later on and then argue about whether or not your land was a parking lot before this ordinance was passed.

MOORE said that he has a personal interest in this because he has four lots on St. Francis and 11th Street; it is not paved as parking; he does not rent it out as parking, but those four lots went with the Old English Manor apartments that he owned and that was for parking for those apartments and was from day-one when those apartments were built. He sold the apartments and he kept the four lots. The people in the apartments are still parking there and he does not charge them, but he considers that a parking lot and he does not want to come back in two years from now if he decides to pave it and use it as a parking lot and have to prove it was a damn parking lot 20 years ago.

KROUT asked if the parking lot was legally established? Was it part of a permit for the apartment use at the time?

MOORE said that he did not need one. It was not grandfathered in; it was always in the same tract with the apartment complex until about 6 to 8 years ago when he sold the apartment complex.

MOORE asked what would happen if he wanted to rent the space for parking to the hospital employees.

KROUT said that would be permitted because a hospital is a use that is permitted in the "B" district. There would be no distance restrictions. The only problem would be if he wanted to rent it out for the users of a commercial or industrial use that is not permitted in the "B" district.

MOORE said that there were industrial uses right across the street.

KROUT said that then it might not be a problem.

MOORE responded that it would not be a problem if it was designated a parking lot right now because that is what it is.

PARSONS said that he did not know why they did not go ahead and identify those parking lots that are now parking lots so that there is no question in the future.

GALBRAITH said that staff has checked all of the C.U.P.s in the city, and there is no problem with a parking lot on the C.U.P. today in "B" zoning. Nothing can change that parking lot status.

TURNER asked if he bought a house north of his office to expand his parking, how would this affect him?

GALBRAITH explained that if the house today is not zoned "B", it has no rights to be utilized for parking, and the way he would seek an exception is through the Board of Zoning Appeals for parking; nothing regarding this amendment has any effect on a lot that is adjacent to his property that is not zoned "B".

KROUT said that part of his concern is that anyone that has a vacant lot in the "B" district that is unpaved can make the same claim as in Commissioner Moore's situation.

GARDNER asked when the "B" district was amended to permit parking lots.

GALBRAITH said about 20 years ago.

GARDNER mentioned that an amendment was also made in that section providing for some off-street parking in a front yard setback in some areas as well, particularly where there were narrow lots and they did not have access to the rear. It probably would be good just to get an idea of what the amendments to the parking text have been over a time period, because there certainly have been some uses that preceded or predated some of these elements. GARDNER said that he could use the lot on the southeast corner of Murdock and Emporia

as an example. At one time the easterly half of it had a gravel surface in there for the doctors' office to the south. It has since grown back to grass, but had a previous history of a parking lot in there. There are some examples of that nature that occur in the area that staff may want to take into account or be able to account for.

KROUT said that it seemed to him that that should be the burden of the individual property owner for him to demonstrate that he has a nonconforming use. It happens all the time when people get building permits, and for staff to do the research, not only of trying to determine what is a parking lot and what is not, which could be a real judgment call on the ground, and do some sort of legal search to try to uncover records in the building permit office to determine if and when that lot was ever approved for parking or whether it was associated with the use or not, is an unnecessary burden.

GARDNER responded that Krout was now complaining about an unnecessary burden, yet the Commission is talking about making a change that will impact some people, a very few he grants, with some level of a burden to demonstrate or prove that, and he did not feel that the Commission was unsympathetic to that. He felt that what they wanted to do was work through it in a fashion so that it can be accommodated so that it is the least burden to all parties involved.

KROUT asked if Gardner did not think that the property owners do have that burden today with nonconforming uses of establishing the evidence of their grandfather rights when they obtain building permits.

PARSONS said that as long as they continue that use, he did not think they had that burden.

KROUT explained that everyone that comes into the city that has a nonconforming use has to demonstrate to CID that they have their nonconformity.

GARDNER said that what he was saying was that it would be easier for staff just to say, "Let them deal with the nonconforming use," and he understands that, but what he was suggesting was that, if they do not have that problem today, he was not sure that it is one that they should, without some thought, inflict upon them under the guise of who cares, or the feeling that it ought to be their burden anyway. He is just suggesting that now is the time to work out that mechanism. GARDNER continued that Central Inspection can be magnificently obtuse when it comes to reading the zoning ordinance in some specific area.

KROUT said that is why the BZA is there, to take appeals from Central Inspection.

GARDNER said that he understands that, but the point that needs to be made is that now is the time to address that and clarify it as quickly as possible so that they do not create the problem.

MOORE stated that one of the requirements in there says they want to address the ramifications of nonconforming uses after the change and that there be no detrimental effects on property owners. He said that he was just fortunate that he happens to be sitting here where he can point it out on the record that may permit the argument 3 or 4 years from now if what did happen does happen. He felt they should designate which ones are parking lots now.

GARDNER further commented that there are several properties that are in a quasi-business commercial corridor, largely south of 9th Street, but either south of Murdock, that involve office uses on Main Street, Market Street and Broadway that do presently depend upon "B" Multi-family zoning adjacent for their parking lots. With the change that the Commission is discussing here, if the parking lot was legally established prior to this change, it would continue. He felt that was a good approach to dealing with that problem. He believed that it would be appropriate to consider a policy that they adopt jointly with this that would favor in some of those very specific corridor areas a statement that states they would look with favor upon an upgrade to the next adjacent zoning category for the appropriate zoning to be in effect, such as the Eby building parking on Market at Pine. It would seem to him to be an appropriate time to perhaps consider a statement to the effect that they would look with favor over a time period for those property owners that would be impacted by this in whatever degree, and have the opportunity to come in and file a zone change for the next category to be more specifically conforming.

KROUT said that he could agree with Gardner in that case, but he did not know where the "B" zoning was, or where to draw that line.

CINDY SUNDELL-GUY, Midtown Citizens Association, zoning chairman, stated that she had not made a planned presentation for today because she felt like this was a very equitable, very fair plan, and felt that all sides and all parties had a lot of input and had thought it through very carefully. She felt like this was a step in the right direction to solve and correct some of the problems that have plagued the inner city neighborhood. She said that she was not as sympathetic maybe to a situation of feeling like things are taken away from them, because when the parking lot at St. Francis was put in, at the time it actually started off being a parking lot, commercial was not allowed on it. It has just been in recent years that commercial parking lots have been allowed in that district. So the original intent of that lot was not for commercial.

SUNDELL-GUY said that she felt that it has caused a lot of problems for many years now in the inner city, and they have had to fight these problems over and over again. She believed that if this ordinance was passed, it will take care of a great percentage of the inner city's problems, and felt that the "B" Multi-family category has been the one classification that has been the catchall for all the problems in the inner city neighborhoods. If they could take that classification and take each of the permitted uses in it and disperse them into more appropriate classifications and reevaluate the ordinance as a whole, she felt that 75% of the inner city problems would be taken care of. She hoped that they could eventually look into an overall zoning plan for the whole inner city so that they would not have to keep piecemealing this together. She felt that this is a very important step in the right direction. They feel that the intent of the

organization and the intent of the inner city neighborhood associations is not to take parking lots that are in existence today and convert them back to residential lots. They have no feelings or thoughts that that would ever happen. They do not want to make something nonconforming so that if it is not being used as parking lot that they would put houses on them later. What they are wanting to happen is that they would have no more destruction of the housing stock than they already have in the inner city. They want, when a parking lot goes into the inner city where there is an existing house today, that there would be some kind of an equitable process where people would have a chance to voice their opinions before that property is taken down. She said that they have lost many, many structures to demolition where they should never have been taken down. She said that the lots would be worth a lot more today if the structures were in existence than they are as vacant lots. SUNDELL-GUY said that they were only trying to get input so widespread demolition would not happen in neighborhoods without someone having some say.

SUNDELL-GUY said that Commissioner Moore talks about how there is no chance of ever getting the BZA to approve a parking lot. She did not think that was true. His ex-law partner even got a zoning change in a historic district, and she did not think that has ever happened before in a historic district; all kinds of things can happen in neighborhoods. At least the process is there and at least they had a voice on that zoning change, but it is not fair to anyone to spend that kind of time and energy rebuilding a downtown area and have widespread demolition being able to happen with no input from anyone.

SUNDELL-GUY mentioned that the WI/SE report has stated that one of the strongest things that Wichita has for downtown development is the inner city neighborhoods surrounding it. She said that they have created a good safe solid buffer around downtown of residential housing, and the city has spent many hundreds of thousands of dollars doing demonstration areas, giving block grant money, 312 low interest money, and all kinds of things to try to help preserve this neighborhood. The city has bought vacant lots in the neighborhood and has moved houses on to them to help preserve this neighborhood. SUNDELL-GUY feels like there needs to be some protection; it is ridiculous that the city would pour this kind of money into this neighborhood and do absolutely nothing to protect it. She gave an example of what happened at 11th and Broadway when Hardee's went in. They took down a house on the corner of Market, and as far as they know, the parking lot is never used. It was not needed for Hardee's which is now Burger King, but the lot went into a historic area. There were 3 or 4 designated historic houses on that block. It did a lot of damage to that block in terms of monetary value and in terms of morale. An elderly gentleman supposedly had a heart attack when that parking lot went in next door to his residential home; he was very concerned. She said that it is a very hard situation for a neighborhood to have to keep swallowing over and over again. They are losing a minimum of 10 houses a year because of commercial parking lots going into this neighborhood. All they are asking is for a chance for the neighborhoods, BZA and CPOs to sit down and evaluate the situation on an individual basis so that they do have some input, and so some good planning can be done. The Hardee's parking lot was a very bad plan. She said that it was so easy to rape a neighborhood. It is so easy to go into a neighborhood where there are no controls or restrictions. She said that they were just asking

for the same kind of restrictions that most of the Commissioners have in their neighborhood. Unfortunately Midtown was built before restrictive covenants were put on neighborhoods.

MOORE stated that he did not have problems with the purpose and intent of the ordinance; he was all for it. He saw nothing but good to come out of it. But they just cannot pass the ordinance and leave everybody else out there hanging.

SUNDELL-GUY asked what about other people left hanging all of these years.

PARSONS agreed that no one on the bench is opposed to the ordinance, but felt that there should be some kind of procedure so that they do not create more problems without identifying those parking lots now and waiting until they straggle in one at a time.

KROUT commented that there are too many gray areas out there and a grass lot that someone says is a parking lot, and if they are really trying to figure out what is a parking lot, they would have to send the notice to everybody that has a vacant lot zoned "B" and have the property owner testify before the Planning Commission, and the Planning Commission would have to decide whether or not that is a legal parking lot.

GARDNER felt that there was a strong level of support to make a change. He felt that the concern resides in equity for as many parties as the Commission can achieve it for that are affected by the change, and that is a reasonable approach. The unreasonable side of it is to not be willing to work on the problems that result from making the change. He felt that there was a strong commitment to moving as quickly as possible, but felt it was contingent upon all parties involved trying to work out the difficulties that they perceive will occur so that they do not adversely impact any more than is absolutely necessary. He said that he would hate to be caught up in doing something here that has some strong potential good and find their efforts dissipated by impatience or unwillingness to work through the problems. GARDNER said that he respected Sundell-Guy's involvement in the Midtown area, and from a real estate perspective, he did not think he had to labor the areas that he was going to address. He asked if it would be possible to develop a position from Midtown that was supportive of zoning changes from the "B" Multi-family category along several of the streets adjacent to the near-downtown area, maybe that space between Central Street on the south which is CBD in most regards, and along Water, Wichita, Waco and over to St. Francis or Santa Fe, moving north to Murdock and 9th Street, or some areas where they have uses already established?

SUNDELL-GUY said that she has been very supportive of that, and would be glad to work with them. They would like their whole neighborhood looked at and they would like to do a blanket neighborhood policy. One of the things that they have been discussing for a long time is St. Francis Hospital's situation, that all of the property south of the hospital, they have no objections to them moving into that property except for certain areas that they have asked them to avoid, and certain structures that they have asked them to move. She felt that

they would be able to come to agreements with the hospital with no problems at all. She did not think that anyone in this organization is wanting to take something that is already commercial and turn it back to residential. It has never been their policy and it has never been anything that they have tried to do. They are just trying to protect the residential that they still have and keep it a neighborhood.

SUNDELL-GUY added that they would even like to see some of the property upzoned, and quite frankly "B" Multi-family does more destruction to their neighborhood than "BB" Office zoning does. "B" Multi-family is one of the most destructive categories in the zoning ordinance as far as residential neighborhoods are concerned. They would rather see "BB" and maybe even "LC" than they would "B" Multi-family because doctors' offices do not work well with historic buildings, but accountants' and lawyers' offices, and PR companies work very, very well. She did not see this ordinance being a threatening situation, but thinks it is one where no one is doing it to take away land values. All people want to do is have some reasonable expectations.

PARSONS said that he believes that is Sundell-Guy's position. For him, he would just rather have some assurances on the front end rather than dealing with them on the back end.

MOORE said that he agreed with Sundell-Guy all of the way. He is worried about all of the others out there that do not know about this ordinance. He said that he was not saying postpone this for a year while everybody runs in and tears their house down. He did not feel it was that hard to send notices to everybody that says, "If you consider your lot a parking lot, designate it as one and tell us why," and if the Commission does not agree with it, then they can argue about it. MOORE felt that there should be a Midtown C.U.P.

STEVE LUHNOW, President of Midtown Citizens Association, wanted to reiterate what Sundell-Guy had said, and stated that at the last Board meeting, they committed to this year developing a comprehensive plan for the association setting aside the separate districts, historic, residential and trying to upzone and work to protect the integrity of the entire Midtown district, not just the residential homeowners, renters or fast food chains, but look at the entire scope of the entire thing. He said that he would be working with as many people in the Midtown area as possible to develop this plan. One of the strong points of Midtown is their diversity. They have people of all races, nationalities, creeds and just about everything in between. They have renters, homeowners, commercial, light commercial, and other, and they want to get everybody involved in developing this plan. He said that he would rather send out letters to the owners of record and say, "What are your plans for your vacant lot?" LUHNOW said that it is very easy to misinterpret a vacant lot, so they need to get with the owners and do something in that regard. Driving the neighborhoods is the answer, but they have a lot of abilities here in staff that they can work and get something accomplished.

JOEL POLLACK, representing St. Francis Regional Medical Center, himself as a citizen, and himself as a member of Midtown, spoke. He said that he wanted to thank the members of the Planning Commission and staff for work on

this project. He had some trepidation originally because of the effects of "B" zoning on medical center property and the uses and the need for parking. He believed that those needs have been addressed and therefore he could come in with a good feeling, thanking the Commission and staff, and advising them of their support for the revised addition from Marvin Krout's memo of April 22 and what he has specified in that memo, as well as the revised draft. They are in support of that; they work closely with Midtown; St. Francis has a commitment to the citizens of Midtown to respect the residential integrity of their neighborhood and to not encroach into that neighborhood north of 10th Street. They are trying to work closely together on the entire comprehensive plan for Midtown. He said that he hopes this is step one in moving ahead in that direction, and he applauds their effort in that direction.

PARSONS asked Pollack if St. Francis Regional Medical Center owns any property now that is designated on his plan, that may not be designated anywhere else, for parking that is not yet parking.

POLLACK said yes.

PARSONS asked Pollack then how does he feel about this ordinance without identifying those locations.

POLLACK said that he has been assured that that is an accessory use to the medical center even though it is a distance of more than 600 feet and that it will be a valid legitimate use, so he has no concerns from the point of view of the medical center, but he does understand the concerns that have been raised about those people who are unaware of this and might have a designated use.

PARSONS continued, that if Pollack was not aware of it and came upon it later on, he would be a little bit taken back he assumed.

POLLACK agreed. He said that he does not read the Derby paper or the legal notices in the Wichita paper, and he probably would not know of any modification or change himself otherwise. He did not feel that there was anything wrong with letting people know that parking lots were not allowed in "B" zoning any more, and if they feel they have them, come tell the Commission about it; you have until July 1 to do so, otherwise speak now or forever hold your peace.

WESS GALYON, President of Builders Association, stated that they were advised of the change to be considered, and have had an opportunity to be involved in and have some interchange with the people that are concerned about the problems in the inner city. He felt that all of them have genuine concerns about the problems in the inner city. The only practical observation which has not been advanced that he would like to make at this point, is that it appears to them initially that this is sort of a quick turnaround time trying to come to a resolve on maybe what is appropriate for everyone. The thing that he has noticed is that now there is something concrete that includes the input from various entities. The next step is to assess the impact on those that are not yet aware of it. He said that is a practical approach, but feels nevertheless it is important because there are quite a few people that have concerns, and there

is a potential impact on their property and not all of it is in the inner city. He would agree with what Mr. Pollack said a few moments ago that he sees nothing wrong with maybe notifying the people by a certain date. The Builders Association applauds the Midtown group in trying to get a handle on the problem facing the inner city, and they would be willing to work with them in whatever capacity might be appropriate.

DAN FITZGERALD of 1309 North Topeka, a historic landmark district, stated that he became aware a few weeks ago that, in addition to looking out the back of his house into a commercial district which he was fully aware of when he bought his house, perhaps his house could be entirely surrounded by parking lots, and that his zoning, which he was not totally aware of all of the details, allowed for parking lots, so essentially his neighborhood would be commercial since those parking lots would be servicing commercial adjacent land, and so he wishes to speak in favor of the amendment. He also wished that the amendment could be approved today with the caveat that people with existing parking lots would be given a certain length of time to "register" their lots. He said that he would like to walk out the front of his house and see those homes across the street that have been there and would not like to walk out and see parking lots.

DAVE DEWEY, living in the Midtown area, stated that he would like for the Commission to approve the proposed ordinance today. He understands where Commissioner Moore is coming from, that if they wait 5 or 6 years they may have trouble proving when a lot started to become a parking lot. He felt that date could be established whether this ordinance is passed today or not. He said that there would be several homes in Midtown that would be islands in concrete parking lots unless the ordinance is passed today. The damage that would be caused by the Commission's delay far exceeds the good that would be caused by their delay. He urged the Commission to act now, and if they want to register which is a parking lot and which is not a parking lot, do that with all sense of urgency after the ordinance is passed.

CROCKETT asked why is there so much urgency behind this ordinance.

DEWEY stated that the house at 11th and Market that was moved in by the Mennonite Housing is behind Popeye's Fried Chicken, and very likely the lot behind it could be converted tomorrow to a parking lot unless this ordinance is passed. Popeye's Fried Chicken wants to extend their parking lot over to Market, and again the best example they have is Hardee's parking lot on Market that is never used. He said that summer is coming and it is convenient to tear down houses, and they felt that it was urgent that this amendment be passed as soon as possible.

PARSONS felt that this hearing will probably trigger some things that they are not interested in seeing happen. So whether it is done before or after the fact as far as the notification is concerned, he is not convinced that it doesn't make any difference.

SUNDELL-GUY stated that the only protection they have in the historic district is 240 days, so there is definitely an urgency factor there. They can keep a property from coming down in a historic district for 240 days.

Unfortunately most of the properties in Midtown are not protected with historic status. She would like to see the Commission vote for the ordinance, and she felt very strongly that it was unrealistic for the city staff to notify all of the property owners. It makes a lot more sense to get the articles in the paper and put a time frame on it and tell people that it is time to start reworking this ordinance.

PARSONS said that he was willing to support this ordinance as it stands now. He does not have a problem with this ordinance or the amendment, but he does have a problem with people knowing what is happening. There are too many times that things happen and people don't know they are happening, and the city has always been conscientious about notification. He said that he has considered what Commissioner Gardner was speaking to earlier about allowing the next zoning classification for those existing properties, and they cannot do that in 5 minutes today, but if they identified those properties that are affected as parking lots today or at least let those people who have those properties know that this situation exists, then he did not think they needed the other situation.

GARDNER said that he does have a technical objection regarding the use categories on parking lots, item D, and he asked if they were picking that up directly and placing that in the "BB" Office zoning category under Section 12 where they make reference to it by A, B, C, and D.

KROUT said yes.

GARDNER continued that he believed that because they are moving this into the "BB" Office category, it would be appropriate to expand "B" from being an outright prohibition of anything other than a passenger vehicle lot to more appropriately accommodate vehicles which are non-passenger vehicles and service business related and/or appropriate vehicles related to the "BB" Office category.

GALBRAITH stated that was exactly the way it is in the text today.

GARDNER said that he was not looking to expand a wide range of "commercial vehicles", but with all due respect, when they go to Central Inspection and try and get an interpretation, he could tell how it would be interpreted.

GALBRAITH asked if Gardner meant that he was not asking for clarification that permits a semi-trailer truck in "B" or "BB" just because it is adjacent to "E" Light Industrial.

GARDNER said that was correct. What he was looking for was something that gives the Commission a little broader interpretation than a strictly "passenger vehicle" which he felt was overlimiting.

PARSONS added this would prevent parking by service vehicles.

GARDNER said that the other area that he wanted to address is under Item 13 for parking lots, "legally established prior to the adoption of this ordinance". He said that they needed to add a phrase or a paragraph "or which shall be so designated as legally existing prior to adoption of this ordinance or upon

application of the owner for said designation." He said that he was getting around leaving it in the hands of Central Inspection where he was afraid it may be dropped and stepped upon badly. To Krout, GARDNER said that with all due respect he had not dealt with them personally enough to appreciate how badly that can happen, but several of the Commissioners do so on a more frequent basis and it is amazing what you can do to the King's English.

KROUT felt that Central Inspection's job is to interpret the ordinance and uses under the ordinance.

PARSONS said that if they go ahead and recommend passage of this ordinance today, which he is ready to do, with a 90-day condition for those persons who have property that they identify as parking lots to come in for the exception and have some verification of it and have it recorded so that there is no question about it, then at the end of 90 days it is all over, and all staff has to do is give legal notice to that effect.

GARDNER said that he was inclined to believe that 90 days may be too short a time period for people to discover and respond to the change. He would be more inclined to operate with something like six months, but felt that rather than establish there were curb cuts, and/or paving, or bumper blocks, etc., you may boil it down to something as simple as the aerial photo as whether there is a house on the lot or not, or whether it is a vacant lot, and he wanted to take it from the realms of legal "is's", "is we is, or is we ain't", down to the point of yes or no, vacant or not, by designation.

PARSONS asked if the 240 days' protection that they have for the historic property would begin at the end of the 90 days?

SUNDELL-GUY said that it could start at any point. Someone could take down a house within 40 days the way the ordinance is written now, but it would do them no good to take a house down if they cannot put in a commercial parking lot.

GARDNER said to digress a minute, he spent about a year arguing with Central Inspection as to whether or not an alley did or did not exist in the Riverside area. That was a bonafide platted alley of record that had never been legally opened or legally closed, and if something that terribly simple can be made into a tremendous case of disproportionate size, then this has the same capability.

SUNDELL-GUY said that she would like to keep it down to 90 days if they can.

KROUT stated that staff asked the City Attorney to come down to help them because he has a couple of problems. One is when you put a 90-day or 6-month or whatever time period on it, he was not sure what the purpose of that is because he felt that anyone who walks in the door after that period or for some reason was out of town, was not notified, or whatever, ought to be able to continue to establish that that was an existing use at the time of the passage of the ordinance, and that he ought to be able to continue that use. The other

problem is about the Planning Commission interpreting whether it is an existing use or not. He felt that the zoning ordinance interpretation power is with Central Inspection and not the Planning Commission.

PARSONS said that he had a more basic problem than that if that is what they are getting from legal counsel. Because if that is the case, anything that is published as a legal notice does not have any standing. What Krout is saying is that the man is in Europe for six months and if something would happen while he's gone to Europe, he can come back and say, "Wait a minute, I didn't read that, so I get to do it."

JOE LANG, Assistant City Attorney, stated that what they are getting to right now is that they can establish the fact that they have a nonconforming use at anytime in the future; there is no limit on it. What he understands they are trying to do is to say you have to come in in a certain number of days and say that you have this use, or you are thereafter forever divested of that use, and he has some problems with that.

GARDNER said that the best way to respond to that is to not put the bureaucratic's interpretation on the tail end of it; if the guy does not make it in six months, he is forever not entitled to get it. You keep away from doing that and do it the simple way which is if he walks in a year later and can demonstrate that he was in Australia for the time period and did not have the ability to properly respond, you would deal with it and treat him as a human being and give it to him.

LANG felt that could probably be done under this wording without any date by which he must apply. Just say that "if you are legally established on date X, you are entitled to this use."

MOORE said that if you apply within 90 days, and you can prove that you have got your parking lot, then you are automatically designated and you do not have to worry about it.

KROUT asked who would establish that someone does have a legal parking lot?

GARDNER responded that they walk in and tell you what your ownership is, and you establish that it was zoned "B" Multi-Family, and you ought to be able, in some fashion, to establish that it is not an improved site with a viable structure on it, and on that basis there ought to be a mechanism for recording that it was a qualified parking lot under the ordinance. If it is left to Central Inspection and they begin to go out and measure the width of curb cuts and the depth of the paving, and the height of the fences adjacent, and the appropriateness of landscaping, irrigation and whether or not the drainage was properly established, they will make federal cases out of every one of them.

KROUT asked if the Planning Commission would designate the parking lots then.

GARDNER responded that the Commission is coming up with a definition that precludes the bureaucratic bobbling that normally accompanies this kind of mechanism.

PARSONS stated that he understands where Krout is coming from; somebody has got to say "this is a parking lot", or "this is not a parking lot", regardless of whether there is an established criteria or not. Who is that going to be? Is that going to be the Planning Director, or the Superintendent of Central Inspection?

GARDNER said that you can identify either one, but you want to preestablish the criteria by which they are going to be determined.

PARSONS said that he did not have any problem with letting Central Inspection interpret the ordinance as long as there is defined criteria.

MOORE asked if they were saying that if a property has a structure on it, it cannot be a parking lot?

GARDNER said that what they are trying to do is have a sense of equity here on the basis of if it is a vacant lot and someone wants to claim and/or establish that it has been used for parking, and there are a number of vacant lots adjacent to properties up and down Market, if it is unimproved and the owner chooses to exercise that option, then that should be open. He thought that they would want to get around the problem of someone who has an improved lot being able to say it is a parking lot. That gives you the tear down prospect which the Commission is trying to avoid.

KROUT asked what was the criteria; how do they establish the use?

GARDNER said the property owner should be allowed to statement, provide an affidavit that it has been used as a parking lot and have that be sufficient.

PARSONS said then you would have to send somebody out to verify that.

KROUT responded that was the problem, and that is what Central Inspection does on a daily basis, they verify that sort of thing.

GARDNER felt that the verification needs to be simplified in terms of whether or not it has an improvement on it, and he was referencing a house or a commercial structure; if it is vacant, whether it has been paved or not or improved to the "legal parking lot standards". If it is vacant, it ought to be able to qualify based upon an affidavit. If it is going through a change period like this and it is unimproved, you don't lose anything.

LANG said that they are talking about the existing parking lots under "B" and there is a whole list of criteria that such parking lots have to meet right now to be a parking lot under "B".

KROUT stated that he disagrees with the concept of taking every unimproved lot and relying on the affidavit of the owner of that lot that it was used at some time for parking without any verification.

PARSONS said that somebody has to verify it, and if that is Central Inspection, so be it.

GARDNER did not think there would be that many coming in, but felt that they should bend over backwards avoiding the problem of leaving it up to Central Inspection to determine whether or not it was a legally conforming parking lot before.

SHERMAN asked if for instance a business owned a lot with a house on it thinking that one day they might want to use the lot as a parking lot, once this ordinance is passed, is the owner stuck with that as a house.

KROUT said that he could come in and seek a use exception with the Board of Zoning Appeals.

PARSONS suggested recommending approval of the ordinance to the City Council with a condition that a period of 180 days, which is six months, be given during which time legal notice is given that parking lots will not in the future be allowed in the "B" zone, and any landowner who currently owns property in the "B" district should be given the opportunity to come in, sign an affidavit that his vacant property is being used as a parking lot, or is intended to be used as a parking lot, and that that affidavit be placed on file and that parking lot remain there in perpetuity.

PARSONS asked if the legal department has a problem with that suggestion.

LANG said the only concern that comes to mind is that we have clear case law in this State that, in zoning, anticipated uses are not protected when you change zoning.

PARSONS said that he did not have a problem with taking the "intended" wording out, because he feels like in six months, if they had intent to use it as a parking lot, this will force them to do so and in six months they should be able to make that decision and move on it.

MOORE said that he would go and park all of his cars on that damn lot for the next six months and call it a parking lot. If you may have some intention to use it as a parking lot and it is already vacant and you bought it, you have the right to do it now. He does not see where that's a problem.

GARDNER said that Lang's use of the word "intent" troubles him, because if you felt the same level of concern over the removal of a right that presently exists, you would have it about balanced.

KROUT asked if the Commission was suggesting that the Council not pass the ordinance for six months during this period.

PARSONS said no, pass it now.

KROUT asked if this applies to only vacant lots that are adjacent to or across an alley or street from an office or commercial or industrial district, because that is all the parking lot can be used for today.

GARDNER said that if Krout rolls residential into that, he would buy it.

KROUT said but that is not the way the ordinance states. The existing ordinance only allows you to have parking in the "B" district for office, commercial or industrial uses if you are adjacent to, or across an alley or street from one of those districts.

KEN STEWART, attorney, stated that it seemed to him like Mr. Parsons' suggestion is a good one, and he thinks what he is hearing is that the Commission wants to provide an administrative approval for off-street parking which is now acceptable before they make any changes to the ordinance and allow those property owners to come in during a six-month period, file an affidavit and follow the procedures that staff would set up for administrative approval for those existing off-street parking areas.

PARSONS reiterated that what he was suggesting was that the ordinance be passed with the condition that, within the next 180 days, legal notice is given that parking lots will not in the future be allowed in the "B" zone by legal right, and that any landowner who currently owns vacant property be allowed to come in and file an affidavit and have his property recorded as a parking lot without further legal action being required either through the BZA or a zone change.

**MOTION:** That the Planning Commission recommend to the City Council the adoption of the amendments as advertised with the condition that notice be given advising those owners of properties zoned the "B" Multiple Family classification that they have 180 days from the date of adoption of this amendment to establish verification with the Office of Central Inspection of their parking lot or their intent to develop a parking lot on only those properties which are unimproved. In addition, 28.04.070.A.13.d. be amended to also permit the parking of small service type vehicles in addition to passenger vehicles. Parsons moved, Brinegar seconded.

MOORE left the meeting.

**VOTE ON THE MOTION:** It carried unanimously. Fairbanks and Miles were absent. Moore was not present for the vote.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4561

May 3, 1988

Cindy Sundell-Guy  
1107 N. Broadway  
Wichita, KS 67214

Re: DR 88-2 - "B" District Parking Amendment

Dear Cindy:

The Metropolitan Area Planning Commission, at their regular meeting on April 28, 1988, considered the above-captioned request. Their action was to recommend approval of the amendments as advertised, with the condition that notice be given advising those owners of properties zoned the "B" Multiple-Family classification that they have 180 days from the date of adoption of this amendment to establish verification with the Office of Central Inspection of their parking lot or their intent to develop a parking lot on only those properties which are unimproved. In addition, 28.04.070.A.13.d. be amended to also permit the parking of small service type vehicles in addition to passenger vehicles.

This matter will be forwarded to the City Council for review at their meeting on May 10, 1988, said meeting to be held in the City Council Chambers beginning at 7 p.m.

If you or anyone receiving a copy of this letter have questions regarding this matter, feel free to call Bob Young of this office at 268-4421.

Sincerely,

Louise Olivarez  
Principal Planner

LO/jcm

cc: Wess Galyon, Wichita Area Builders Association, 730 N. Main, Wichita,  
KS 67203  
Lynda Tousley, Association of Realtors, 540 S. Broadway, Wichita,  
KS 67202  
Ken Stewart, Boyer, Donaldson & Stewart, 1030 First National Bank  
Building, Wichita, KS 67202  
Jamie Elliott, J. P. Weigand & Sons, Inc., 150 N. Market, Wichita,  
KS 67202  
Joel Pollack, 1035 N. Emporia, Ste. 140, Wichita, KS 67214  
Steve Luhnnow, 1312 N. Topeka, Wichita, KS 67214

FILE COPY

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    April 26, 1988

TO      Marvin Krout, Director of Planning

FROM    Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT    DR 88-2: Amendment to Title 28,  
              the Code of the City of Wichita

Following your April 14 presentation to the CPO Coordinating Board, the ten CPO Neighborhood Councils reviewed the proposed amendments to Title 28 of the Code of the City of Wichita.

During their consideration of the proposed amendments, the ten (10) CPO Neighborhood Councils took action to support the proposed changes.

Council members were provided a delineated copy of the proposed amendments to Sections 28.04.070 and 28.04.080A.12 and your April 18 description of the proposed changes. Several Councils noted that they had previously supported removal of parking lots from the permitted use list under "B" Multi-family Dwelling District regulations.

Please provide the Council's recommendations to the MAPC and City Council when DR 88-2 is considered. Listed below are the Council's specific actions:

- 1A - Voted 7-0 to support the recommended amendments to Title 28.
- 1B - Voted 9-0 to support the recommended amendments to Title 28.
- 2A - Voted 9-0 to support the recommended amendments to Title 28.
- 2B - Consensus of the 8 Council members present, indicated they agree with the concept of the proposed amendment. The members expressed a need for the following items to be addressed and resolved if the change is approved:
  - 1) The ramifications of non-conforming uses after the change;
  - 2) that there be no detrimental efforts on property owners (i.e., that the change do not put property owners in jeopardy with their mortgages); and
  - 3) make sure the change is not in violation of Federal or State laws and insurance policies.
- 3A - Voted 8-1 to support the recommended amendments to Title 28. (Also suggested that all parking lots that take up a block or more be screened with shrubbery or some softening influence from the neighborhood.)

CPO Coordinating Board  
Summary Memo - Page 2

3B - Voted 8-0 to support the recommended amendments to Title  
28.

4A - Voted 8-0 to support the recommended amendments to Title  
28.

4B - Voted 8-0 to support the recommended amendments to Title  
28.

5A - Voted 9-0 to support the recommended amendments to Title  
28.

5B - Voted 8-0 to support the recommended amendments to Title  
28.

SJS:dm

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METROPOLITAN PLANNING  
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WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

April 22, 1988

TO: Metropolitan Area Planning Commission  
FROM: Marvin S. Krout, Director of Planning *M Krout*  
SUBJECT: DR 88-2 Proposed amendment to exclude parking lots from the  
uses permitted in the City's "B" District

Attached is a revised draft of an amendment to the city zoning code that would prohibit new parking lots from being constructed "as of right" in the "B" Multiple Family Dwelling district. A public hearing has been advertised to consider this amendment at your meeting next week, on April 28.

The Planning Department recommends approval of this amendment. The construction of parking lots in the "B" district for office, commercial and industrial uses on adjacent lots has frequently had a detrimental impact on nearby residential properties in the "B" district, adding traffic, noise and litter to the midst of residential neighborhoods. The proposed amendment would require that requests for parking lots in the "B" district for associated office, commercial or industrial uses be handled in the same manner as in all the other residential zoning districts: by the "use exception" procedure, with an advertised public hearing and decision by the Board of Zoning Appeals. We think that this change will help to create a more stable protective climate for inner city neighborhoods and encourage the maintenance and improvement of residential properties in these neighborhoods.

Two key questions have been raised in regard to this proposal, and we have attempted to respond to them both in our revised draft:

1. Will uses that are permitted in the "B" district be affected, in terms of any limitations on their ability to expand those uses and/or expand the parking that is accessory to those uses? The answer is no; uses permitted in "B", including hospitals and medical offices, may continue and may expand in the "B" district without limitation, subject to other applicable regulations. Parking required by the code for such a use must still be within 600 feet of the main use, but parking intended for the use that is in excess of the minimum required may extend beyond that distance. Although staff feels that the ordinance is already clear on this issue, we have included suggested language in the attached revised draft that reiterates the continued ability of uses permitted in "B" and their associated parking to continue and expand.
2. Will this amendment result in the designation of all existing parking lots that were previously permitted in "B" adjacent to office, commercial and industrial uses as "nonconforming uses?" Planning Commissioners and business interests expressed concern that all parking lots currently existing in the "B" district would have a nonconforming status under the proposal as originally drafted, and that would create an undesirable and unnecessary stigma for all such lots. State law bars local governments from terminating nonconforming uses, and the city

Metropolitan Area Planning Commission  
April 22, 1988  
Page 2

zoning code goes even further in protecting nonconforming uses by permitting rebuilding and expansion. Many local lenders however, apparently sell some or all of their commercial loans to the secondary mortgage market, whose national underwriting guidelines are stricter and who frown on the uncertainty created by any type of nonconformity. In an attempt to avoid this problem, we have revised the language of the proposed amendment so that parking lots that were legally established before passage of the ordinance amendment will still be considered as "conforming" uses. At the same time, we want to ensure that all these existing parking lots continue to conform to the standards in the "B" district (screening, setbacks, etc.) under which they were constructed. The revised ordinance amendment accomplishes both of these objectives.

Also attached for your information is a map indicating the general locations of "B"-zoned property in the city (widely distributed, but concentrated close to the downtown area). Please feel free to call me or Bob Young (268-4495) if you have any questions.

MSK:rme  
Attachments

PL/1789/2/04

Proposed Amendment to the  
City Zoning Code

Amend Section 28.04.070 A. as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
1. Any use permitted in the "RB" four-family dwelling district.
  2. Boardinghouses and lodginghouses.
  3. Boathouses.
  4. Cemeteries.
  5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
  6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
  7. Greenhouses.
  8. Multiple-family dwellings.
  9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
  10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.

11. Signs, as permitted by Section 28.04.139 of this code.

12. Parking lots as an accessory use to any use permitted in the "B" Multi-family dwelling district.

13. Parking lots legally established prior to the (\*) whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

(\*) - Date ordinance is adopted.

PL/1746/2/2/04

Proposed Amendment to the  
City Zoning Code

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained

through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.

6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.

7. Optician.

8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.

10. Signs, as permitted by Section 28.04.139 of this code.

11. Storage garage.

12. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and subject to the conditions set out, ~~as provided~~ in Section 28.04.070(A)(13) a., b., c., and d., except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.



## ATTENDANCE RECORD

Date: 4-21-88  
 Time: 10:30  
 Place: MAPP Conf Rm  
 Meeting Arranged By: \_\_\_\_\_  
 Purpose: \_\_\_\_\_

Send to  
 people on att.  
 lists (memo  
 + attachmts)

Name	Organization	Address
✓ <u>Janie Elliott</u>	<u>J. P. Weigand &amp; Sons, Inc.</u>	<u>150 N. Market</u> <u>67202</u>
Phone: <u>262-6400</u>		
✓ <u>BO Donnelly</u>	<u>C.I.S.</u>	<u>7th Floor</u> <u>City Hall</u>
Phone: <u>268-4481</u>		
<u>Miss Kahan</u>	<u>WICHITA AREA BLDG.</u> <u>ASSN.</u>	<u>730 N. MAIN</u>
Phone: <u>265-4226</u>		
✓ <u>JAMES L. SANDERSON</u>	<u>MAPP</u>	<u>601 N. MARKET</u>
Phone: <u>264-9181</u>		
✓ <u>Cindy Sundell-Guy</u>	<u>Consolidated Realty</u>	<u>1107 N. Broadway</u>
Phone: <u>264-0654</u>		
✓ <u>KEN STEWART</u>	<u>Ross, Donaldson &amp;</u> <u>Stewart</u>	<u>1030 1st Nat. Bldg. 67202</u>
Phone: _____		
<u>Lynda Tausley</u>	<u>Assoc. of Realtors</u>	<u>540 So. Broadway</u> <u>67202</u>
Phone: <u>263-3167</u>		
✓ <u>Jim Guss</u>	<u>Consolidated</u>	<u>1107 N. BROADWAY</u>
Phone: <u>264-0654</u>		
Phone: _____		
Phone: _____		
Phone: _____		



WESS ELYON - WICHITA AREA BUNDLES ASSN.  
730 N. MAIN #1 ~~67203~~

✓ Mrs. Jamie Elliott J. P. Wiegand  
150 W. MET  
WICH. 67202

✓ Joel Pollack St Francis Regional  
Medical Center  
1035 N. Emporia Suite 140  
Wichita Ks 67214

✓ MR. KENNETH P. STEWART  
121 NATIONAL BANK BLDG.  
WICHITA, KS. 67202

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 28, 1988

9. DR 88-2 - Public Hearing for possible amendment to the City Zoning Code to remove parking lots from the list of uses permitted in the "B" Multi-Family Dwelling District.

KROUT stated that this proposed amendment to the City Zoning Code would prohibit new parking lots from being constructed as a use by right in the "B" Multi-Family Dwelling District. The staff recommends approval of this amendment. He said that parking lots that have been constructed in the "B" district have had a detrimental effect on nearby residential properties. This amendment would require that future parking lots in "B" would only be permitted if they were approved by the Board of Zoning Appeals as a use exception. He said that in the same manner that all requests for parking lots in all of the other residential districts are treated. Staff feels that this will create a more stable and protective climate for residential investments in the inner city where most of the "B" zoning is concentrated.

KROUT said that there have been a couple of questions raised about this proposed amendment, and staff has attempted to address them. One of the questions raised was whether or not this would in any way restrict the use or the expansion of parking as an accessory to a use that is permitted in the "B" district, such as parking for a medical office or a hospital use. The staff did not think that that interpretation could be made, but added a clause to the proposed amendment that specifically indicates that parking accessory to a permitted use is a permitted use in the district. The second question was what this amendment would do to existing parking lots because they would, under the first draft, become nonconforming uses, as existing parking lots would no longer conform to the permitted uses listed for the "B" zoning district, and it was alleged that the designation of nonconforming would create a stigma that would make it difficult or impossible to obtain commercial financing for the properties that are so designated. Staff has conducted a number of informal interviews with people in the lending and title real estate industry, and found a variety of opinions on that subject. It appears that making parking lots nonconforming would not be a deal killer in terms of commercial uses, but there are a variety of opinions, and probably a variety of standards especially in the secondary lending market, as to whether or not this would create a problem in taking on a loan. KROUT said that whether or not this is a problem is more one of perception than reality, the revised draft lists parking lots that were legally established before the date of the passage of the ordinance as permitted uses. It leaves the standards in for parking lots in the "B" district, so that those existing lots which would then be considered conforming would continue to have to conform to the standards in terms of screening and setbacks that they do today.

KROUT stated that all 10 of the CPO Councils have reviewed the proposed ordinance and they are recommending approval. He noted that one of the CPO Councils did have a caveat concerning the issue of nonconforming lots and financing. Staff feels that the revised draft does address that issue.

GARDNER asked if staff did an analysis that incorporated the number of community unit plans that have "B" Multi-Family in them as parking buffers.

KROUT said that yes, an analysis was done, and it was found that all but one of the C.U.P.s have existing parking lots developed so that they would be conforming, and that one C.U.P. that apparently does not, does list parking as a permitted use, and staff feels that the interpretation should be clear that parking that was permitted in what was legally established through a public hearing process for a specific use in that C.U.P. should be a permitted use.

GARDNER asked if a community unit plan is brought in for a revision or an amendment at some point in the future so that the last date of revision then falls after the date that this ordinance was established, is there any interpretation of whether or not that "B", presuming the entire thing is subject to revision or reapproval, comes into any kind of catch-22 that it would in any way lose its capacity or have the date changed as far as being a legal use.

KROUT said that if that was a permitted use approved and you come in to amend an existing C.U.P. and you were not touching the issue of the approved parking in the "B" district, then he did not see how it would be considered to be a prohibited use.

GARDNER continued that if you had any modification of that area, would that throw the entire thing out. For example, a C.U.P. was brought in after this change was adopted, and amending the area that has the "B" Multiple Family in it to another category, does that "B" Multiple Family that existed prior have any kind of a change inflicted on it by virtue of a change in the parcel or a revision in the parcel. GARDNER said that he was trying to anticipate the problem before it occurs and incorporate in some fashion the caveat that addresses that.

PARSONS commented that he would not think it would unless the change that they were bringing in affected it.

MOORE asked Galbraith if staff had a list of parking lots that are in existence now so that there would not be a problem, or will there be a problem that you have to come back in later on and then argue about whether or not your land was a parking lot before this ordinance was passed.

MOORE said that he has a personal interest in this because he has four lots on St. Francis and 11th Street; it is not paved as parking; he does not rent it out as parking, but those four lots went with the Old English Manor apartments that he owned and that was for parking for those apartments and was from day-one when those apartments were built. He sold the apartments and he kept the four lots. The people in the apartments are still parking there and he does not charge them, but he considers that a parking lot and he does not want to come back in two years from now if he decides to pave it and use it as a parking lot and have to prove it was a damn parking lot 20 years ago.

KROUT asked if the parking lot was legally established? Was it part of a permit for the apartment use at the time?

MOORE said that he did not need one. It was not grandfathered in; it was always in the same tract with the apartment complex until about 6 to 8 years ago when he sold the apartment complex.

MOORE asked what would happen if he wanted to rent the space for parking to the hospital employees.

KROUT said that would be permitted because a hospital is a use that is permitted in the "B" district. There would be no distance restrictions. The only problem would be if he wanted to rent it out for the users of a commercial or industrial use that is not permitted in the "B" district.

MOORE said that there were industrial uses right across the street.

KROUT said that then it might not be a problem.

MOORE responded that it would not be a problem if it was designated a parking lot right now because that is what it is.

PARSONS said that he did not know why they did not go ahead and identify those parking lots that are now parking lots so that there is no question in the future.

GALBRAITH said that staff has checked all of the C.U.P.s in the city, and there is no problem with a parking lot on the C.U.P. today in "B" zoning. Nothing can change that parking lot status.

TURNER asked if he bought a house north of his office to expand his parking, how would this affect him?

GALBRAITH explained that if the house today is not zoned "B", it has no rights to be utilized for parking, and the way he would seek an exception is through the Board of Zoning Appeals for parking; nothing regarding this amendment has any effect on a lot that is adjacent to his property that is not zoned "B".

KROUT said that part of his concern is that anyone that has a vacant lot in the "B" district that is unpaved can make the same claim as in Commissioner Moore's situation.

GARDNER asked when the "B" district was amended to permit parking lots.

GALBRAITH said about 20 years ago.

GARDNER mentioned that an amendment was also made in that section providing for some off-street parking in a front yard setback in some areas as well, particularly where there were narrow lots and they did not have access to the rear. It probably would be good just to get an idea of what the amendments to the parking text have been over a time period, because there certainly have been some uses that preceded or predated some of these elements. GARDNER said that he could use the lot on the southeast corner of Murdock and Emporia

as an example. At one time the easterly half of it had a gravel surface in there for the doctors' office to the south. It has since grown back to grass, but had a previous history of a parking lot in there. There are some examples of that nature that occur in the area that staff may want to take into account or be able to account for.

KROUT said that it seemed to him that that should be the burden of the individual property owner for him to demonstrate that he has a nonconforming use. It happens all the time when people get building permits, and for staff to do the research, not only of trying to determine what is a parking lot and what is not, which could be a real judgment call on the ground, and do some sort of legal search to try to uncover records in the building permit office to determine if and when that lot was ever approved for parking or whether it was associated with the use or not, is an unnecessary burden.

GARDNER responded that Krout was now complaining about an unnecessary burden, yet the Commission is talking about making a change that will impact some people, a very few he grants, with some level of a burden to demonstrate or prove that, and he did not feel that the Commission was unsympathetic to that. He felt that what they wanted to do was work through it in a fashion so that it can be accommodated so that it is the least burden to all parties involved.

KROUT asked if Gardner did not think that the property owners do have that burden today with nonconforming uses of establishing the evidence of their grandfather rights when they obtain building permits.

PARSONS said that as long as they continue that use, he did not think they had that burden.

KROUT explained that everyone that comes into the city that has a nonconforming use has to demonstrate to CID that they have their nonconformity.

GARDNER said that what he was saying was that it would be easier for staff just to say, "Let them deal with the nonconforming use," and he understands that, but what he was suggesting was that, if they do not have that problem today, he was not sure that it is one that they should, without some thought, inflict upon them under the guise of who cares, or the feeling that it ought to be their burden anyway. He is just suggesting that now is the time to work out that mechanism. GARDNER continued that Central Inspection can be magnificently obtuse when it comes to reading the zoning ordinance in some specific area.

KROUT said that is why the BZA is there, to take appeals from Central Inspection.

GARDNER said that he understands that, but the point that needs to be made is that now is the time to address that and clarify it as quickly as possible so that they do not create the problem.

MOORE stated that one of the requirements in there says they want to address the ramifications of nonconforming uses after the change and that there be no detrimental effects on property owners. He said that he was just fortunate that he happens to be sitting here where he can point it out on the record that may permit the argument 3 or 4 years from now if what did happen does happen. He felt they should designate which ones are parking lots now.

GARDNER further commented that there are several properties that are in a quasi-business commercial corridor, largely south of 9th Street, but either south of Murdock, that involve office uses on Main Street, Market Street and Broadway that do presently depend upon "B" Multi-family zoning adjacent for their parking lots. With the change that the Commission is discussing here, if the parking lot was legally established prior to this change, it would continue. He felt that was a good approach to dealing with that problem. He believed that it would be appropriate to consider a policy that they adopt jointly with this that would favor in some of those very specific corridor areas a statement that states they would look with favor upon an upgrade to the next adjacent zoning category for the appropriate zoning to be in effect, such as the Eby building parking on Market at Pine. It would seem to him to be an appropriate time to perhaps consider a statement to the effect that they would look with favor over a time period for those property owners that would be impacted by this in whatever degree, and have the opportunity to come in and file a zone change for the next category to be more specifically conforming.

KROUT said that he could agree with Gardner in that case, but he did not know where the "B" zoning was, or where to draw that line.

CINDY SUNDELL-GUY, Midtown Citizens Association, zoning chairman, stated that she had not made a planned presentation for today because she felt like this was a very equitable, very fair plan, and felt that all sides and all parties had a lot of input and had thought it through very carefully. She felt like this was a step in the right direction to solve and correct some of the problems that have plagued the inner city neighborhood. She said that she was not as sympathetic maybe to a situation of feeling like things are taken away from them, because when the parking lot at St. Francis was put it, at the time it actually started off being a parking lot, commercial was not allowed on it. It has just been in recent years that commercial parking lots have been allowed in that district. So the original intent of that lot was not for commercial.

SUNDELL-GUY said that she felt that it has caused a lot of problems for many years now in the inner city, and they have had to fight these problems over and over again. She believed that if this ordinance was passed, it will take care of a great percentage of the inner city's problems, and felt that the "B" Multi-family category has been the one classification that has been the catchall for all the problems in the inner city neighborhoods. If they could take that classification and take each of the permitted uses in it and disperse them into more appropriate classifications and reevaluate the ordinance as a whole, she felt that 75% of the inner city problems would be taken care of. She hoped that they could eventually look into an overall zoning plan for the whole inner city so that they would not have to keep piecemealing this together. She felt that this is a very important step in the right direction. They feel that the intent of the

organization and the intent of the inner city neighborhood associations is not to take parking lots that are in existence today and convert them back to residential lots. They have no feelings or thoughts that that would ever happen. They do not want to make something nonconforming so that if it is not being used as parking lot that they would put houses on them later. What they are wanting to happen is that they would have no more destruction of the housing stock than they already have in the inner city. They want, when a parking lot goes into the inner city where there is an existing house today, that there would be some kind of an equitable process where people would have a chance to voice their opinions before that property is taken down. She said that they have lost many, many structures to demolition where they should never have been taken down. She said that the lots would be worth a lot more today if the structures were in existence than they are as vacant lots. SUNDELL-GUY said that they were only trying to get input so widespread demolition would not happen in neighborhoods without someone having some say.

SUNDELL-GUY said that Commissioner Moore talks about how there is no chance of ever getting the BZA to approve a parking lot. She did not think that was true. His ex-law partner even got a zoning change in a historic district, and she did not think that has ever happened before in a historic district; all kinds of things can happen in neighborhoods. At least the process is there and at least they had a voice on that zoning change, but it is not fair to anyone to spend that kind of time and energy rebuilding a downtown area and have widespread demolition being able to happen with no input from anyone.

SUNDELL-GUY mentioned that the WI/SE report has stated that one of the strongest things that Wichita has for downtown development is the inner city neighborhoods surrounding it. She said that they have created a good safe solid buffer around downtown of residential housing, and the city has spent many hundreds of thousands of dollars doing demonstration areas, giving block grant money, 312 low interest money, and all kinds of things to try to help preserve this neighborhood. The city has bought vacant lots in the neighborhood and has moved houses on to them to help preserve this neighborhood. SUNDELL-GUY feels like there needs to be some protection; it is ridiculous that the city would pour this kind of money into this neighborhood and do absolutely nothing to protect it. She gave an example of what happened at 11th and Broadway when Hardee's went in. They took down a house on the corner of Market, and as far as they know, the parking lot is never used. It was not needed for Hardee's which is now Burger King, but the lot went into a historic area. There were 3 or 4 designated historic houses on that block. It did a lot of damage to that block in terms of monetary value and in terms of morale. An elderly gentleman supposedly had a heart attack when that parking lot went in next door to his residential home; he was very concerned. She said that it is a very hard situation for a neighborhood to have to keep swallowing over and over again. They are losing a minimum of 10 houses a year because of commercial parking lots going into this neighborhood. All they are asking is for a chance for the neighborhoods, BZA and CPOs to sit down and evaluate the situation on an individual basis so that they do have some input, and so some good planning can be done. The Hardee's parking lot was a very bad plan. She said that it was so easy to rape a neighborhood. It is so easy to go into a neighborhood where there are no controls or restrictions. She said that they were just asking

for the same kind of restrictions that most of the Commissioners have in their neighborhood. Unfortunately Midtown was built before restrictive covenants were put on neighborhoods.

MOORE stated that he did not have problems with the purpose and intent of the ordinance; he was all for it. He saw nothing but good to come out of it. But they just cannot pass the ordinance and leave everybody else out there hanging.

SUNDELL-GUY asked what about other people left hanging all of these years.

PARSONS agreed that no one on the bench is opposed to the ordinance, but felt that there should be some kind of procedure so that they do not create more problems without identifying those parking lots now and waiting until they straggle in one at a time.

KROUT commented that there are too many gray areas out there and a grass lot that someone says is a parking lot, and if they are really trying to figure out what is a parking lot, they would have to send the notice to everybody that has a vacant lot zoned "B" and have the property owner testify before the Planning Commission, and the Planning Commission would have to decide whether or not that is a legal parking lot.

GARDNER felt that there was a strong level of support to make a change. He felt that the concern resides in equity for as many parties as the Commission can achieve it for that are affected by the change, and that is a reasonable approach. The unreasonable side of it is to not be willing to work on the problems that result from making the change. He felt that there was a strong commitment to moving as quickly as possible, but felt it was contingent upon all parties involved trying to work out the difficulties that they perceive will occur so that they do not adversely impact any more than is absolutely necessary. He said that he would hate to be caught up in doing something here that has some strong potential good and find their efforts dissipated by impatience or unwillingness to work through the problems. GARDNER said that he respected Sundell-Guy's involvement in the Midtown area, and from a real estate perspective, he did not think he had to labor the areas that he was going to address. He asked if it would be possible to develop a position from Midtown that was supportive of zoning changes from the "B" Multi-family category along several of the streets adjacent to the near-downtown area, maybe that space between Central Street on the south which is CBD in most regards, and along Water, Wichita, Waco and over to St. Francis or Santa Fe, moving north to Murdock and 9th Street, or some areas where they have uses already established?

SUNDELL-GUY said that she has been very supportive of that, and would be glad to work with them. They would like their whole neighborhood looked at and they would like to do a blanket neighborhood policy. One of the things that they have been discussing for a long time is St. Francis Hospital's situation, that all of the property south of the hospital, they have no objections to them moving into that property except for certain areas that they have asked them to avoid, and certain structures that they have asked them to move. She felt that

they would be able to come to agreements with the hospital with no problems at all. She did not think that anyone in this organization is wanting to take something that is already commercial and turn it back to residential. It has never been their policy and it has never been anything that they have tried to do. They are just trying to protect the residential that they still have and keep it a neighborhood.

SUNDELL-GUY added that they would even like to see some of the property upzoned, and quite frankly "B" Multi-family does more destruction to their neighborhood than "BB" Office zoning does. "B" Multi-family is one of the most destructive categories in the zoning ordinance as far as residential neighborhoods are concerned. They would rather see "BB" and maybe even "LC" than they would "B" Multi-family because doctors' offices do not work well with historic buildings, but accountants' and lawyers' offices, and PR companies work very, very well. She did not see this ordinance being a threatening situation, but thinks it is one where no one is doing it to take away land values. All people want to do is have some reasonable expectations.

PARSONS said that he believes that is Sundell-Guy's position. For him, he would just rather have some assurances on the front end rather than dealing with them on the back end.

MOORE said that he agreed with Sundell-Guy all of the way. He is worried about all of the others out there that do not know about this ordinance. He said that he was not saying postpone this for a year while everybody runs in and tears their house down. He did not feel it was that hard to send notices to everybody that says, "If you consider your lot a parking lot, designate it as one and tell us why," and if the Commission does not agree with it, then they can argue about it. MOORE felt that there should be a Midtown C.U.P.

STEVE LUHNOW, President of Midtown Citizens Association, wanted to reiterate what Sundell-Guy had said, and stated that at the last Board meeting, they committed to this year developing a comprehensive plan for the association setting aside the separate districts, historic, residential and trying to upzone and work to protect the integrity of the entire Midtown district, not just the residential homeowners, renters or fast food chains, but look at the entire scope of the entire thing. He said that he would be working with as many people in the Midtown area as possible to develop this plan. One of the strong points of Midtown is their diversity. They have people of all races, nationalities, creeds and just about everything in between. They have renters, homeowners, commercial, light commercial, and other, and they want to get everybody involved in developing this plan. He said that he would rather send out letters to the owners of record and say, "What are your plans for your vacant lot?" LUHNOW said that it is very easy to misinterpret a vacant lot, so they need to get with the owners and do something in that regard. Driving the neighborhoods is the answer, but they have a lot of abilities here in staff that they can work and get something accomplished.

JOEL POLLACK, representing St. Francis Regional Medical Center, himself as a citizen, and himself as a member of Midtown, spoke. He said that he wanted to thank the members of the Planning Commission and staff for work on

this project. He had some trepidation originally because of the effects of "B" zoning on medical center property and the uses and the need for parking. He believed that those needs have been addressed and therefore he could come in with a good feeling, thanking the Commission and staff, and advising them of their support for the revised addition from Marvin Krout's memo of April 22 and what he has specified in that memo, as well as the revised draft. They are in support of that; they work closely with Midtown; St. Francis has a commitment to the citizens of Midtown to respect the residential integrity of their neighborhood and to not encroach into that neighborhood north of 10th Street. They are trying to work closely together on the entire comprehensive plan for Midtown. He said that he hopes this is step one in moving ahead in that direction, and he applauds their effort in that direction.

PARSONS asked Pollack if St. Francis Regional Medical Center owns any property now that is designated on his plan, that may not be designated anywhere else, for parking that is not yet parking.

POLLACK said yes.

PARSONS asked Pollack then how does he feel about this ordinance without identifying those locations.

POLLACK said that he has been assured that that is an accessory use to the medical center even though it is a distance of more than 600 feet and that it will be a valid legitimate use, so he has no concerns from the point of view of the medical center, but he does understand the concerns that have been raised about those people who are unaware of this and might have a designated use.

PARSONS continued, that if Pollack was not aware of it and came upon it later on, he would be a little bit taken back he assumed.

POLLACK agreed. He said that he does not read the Derby paper or the legal notices in the Wichita paper, and he probably would not know of any modification or change himself otherwise. He did not feel that there was anything wrong with letting people know that parking lots were not allowed in "B" zoning any more, and if they feel they have them, come tell the Commission about it; you have until July 1 to do so, otherwise speak now or forever hold your peace.

WESS GALYON, President of Builders Association, stated that they were advised of the change to be considered, and have had an opportunity to be involved in and have some interchange with the people that are concerned about the problems in the inner city. He felt that all of them have genuine concerns about the problems in the inner city. The only practical observation which has not been advanced that he would like to make at this point, is that it appears to them initially that this is sort of a quick turnaround time trying to come to a resolve on maybe what is appropriate for everyone. The thing that he has noticed is that now there is something concrete that includes the input from various entities. The next step is to assess the impact on those that are not yet aware of it. He said that is a practical approach, but feels nevertheless it is important because there are quite a few people that have concerns, and there

is a potential impact on their property and not all of it is in the inner city. He would agree with what Mr. Pollack said a few moments ago that he sees nothing wrong with maybe notifying the people by a certain date. The Builders Association applauds the Midtown group in trying to get a handle on the problem facing the inner city, and they would be willing to work with them in whatever capacity might be appropriate.

DAN FITZGERALD of 1309 North Topeka, a historic landmark district, stated that he became aware a few weeks ago that, in addition to looking out the back of his house into a commercial district which he was fully aware of when he bought his house, perhaps his house could be entirely surrounded by parking lots, and that his zoning, which he was not totally aware of all of the details, allowed for parking lots, so essentially his neighborhood would be commercial since those parking lots would be servicing commercial adjacent land, and so he wishes to speak in favor of the amendment. He also wished that the amendment could be approved today with the caveat that people with existing parking lots would be given a certain length of time to "register" their lots. He said that he would like to walk out the front of his house and see those homes across the street that have been there and would not like to walk out and see parking lots.

DAVE DEWEY, living in the Midtown area, stated that he would like for the Commission to approve the proposed ordinance today. He understands where Commissioner Moore is coming from, that if they wait 5 or 6 years they may have trouble proving when a lot started to become a parking lot. He felt that date could be established whether this ordinance is passed today or not. He said that there would be several homes in Midtown that would be islands in concrete parking lots unless the ordinance is passed today. The damage that would be caused by the Commission's delay far exceeds the good that would be caused by their delay. He urged the Commission to act now, and if they want to register which is a parking lot and which is not a parking lot, do that with all sense of urgency after the ordinance is passed.

CROCKETT asked why is there so much urgency behind this ordinance.

DEWEY stated that the house at 11th and Market that was moved in by the Menonite Housing is behind Popeye's Fried Chicken, and very likely the lot behind it could be converted tomorrow to a parking lot unless this ordinance is passed. Popeye's Fried Chicken wants to extend their parking lot over to Market, and again the best example they have is Hardee's parking lot on Market that is never used. He said that summer is coming and it is convenient to tear down houses, and they felt that it was urgent that this amendment be passed as soon as possible.

PARSONS felt that this hearing will probably trigger some things that they are not interested in seeing happen. So whether it is done before or after the fact as far as the notification is concerned, he is not convinced that it doesn't make any difference.

SUNDELL-GUY stated that the only protection they have in the historic district is 240 days, so there is definitely an urgency factor there. They can keep a property from coming down in a historic district for 240 days.

Unfortunately most of the properties in Midtown are not protected with historic status. She would like to see the Commission vote for the ordinance, and she felt very strongly that it was unrealistic for the city staff to notify all of the property owners. It makes a lot more sense to get the articles in the paper and put a time frame on it and tell people that it is time to start reworking this ordinance.

PARSONS said that he was willing to support this ordinance as it stands now. He does not have a problem with this ordinance or the amendment, but he does have a problem with people knowing what is happening. There are too many times that things happen and people don't know they are happening, and the city has always been conscientious about notification. He said that he has considered what Commissioner Gardner was speaking to earlier about allowing the next zoning classification for those existing properties, and they cannot do that in 5 minutes today, but if they identified those properties that are affected as parking lots today or at least let those people who have those properties know that this situation exists, then he did not think they needed the other situation.

GARDNER said that he does have a technical objection regarding the use categories on parking lots, item D, and he asked if they were picking that up directly and placing that in the "BB" Office zoning category under Section 12 where they make reference to it by A, B, C, and D.

KROUT said yes.

GARDNER continued that he believed that because they are moving this into the "BB" Office category, it would be appropriate to expand "B" from being an outright prohibition of anything other than a passenger vehicle lot to more appropriately accommodate vehicles which are non-passenger vehicles and service business related and/or appropriate vehicles related to the "BB" Office category.

GALBRAITH stated that was exactly the way it is in the text today.

GARDNER said that he was not looking to expand a wide range of "commercial vehicles", but with all due respect, when they go to Central Inspection and try and get an interpretation, he could tell how it would be interpreted.

GALBRAITH asked if Gardner meant that he was not asking for clarification that permits a semi-trailer truck in "B" or "BB" just because it is adjacent to "E" Light Industrial.

GARDNER said that was correct. What he was looking for was something that gives the Commission a little broader interpretation than a strictly "passenger vehicle" which he felt was overlimiting.

PARSONS added this would prevent parking by service vehicles.

GARDNER said that the other area that he wanted to address is under Item 13 for parking lots, "legally established prior to the adoption of this ordinance". He said that they needed to add a phrase or a paragraph "or which shall be so designated as legally existing prior to adoption of this ordinance or upon

application of the owner for said designation." He said that he was getting around leaving it in the hands of Central Inspection where he was afraid it may be dropped and stepped upon badly. To Krout, GARDNER said that with all due respect he had not dealt with them personally enough to appreciate how badly that can happen, but several of the Commissioners do so on a more frequent basis and it is amazing what you can do to the King's English.

KROUT felt that Central Inspection's job is to interpret the ordinance and uses under the ordinance.

PARSONS said that if they go ahead and recommend passage of this ordinance today, which he is ready to do, with a 90-day condition for those persons who have property that they identify as parking lots to come in for the exception and have some verification of it and have it recorded so that there is no question about it, then at the end of 90 days it is all over, and all staff has to do is give legal notice to that effect.

GARDNER said that he was inclined to believe that 90 days may be too short a time period for people to discover and respond to the change. He would be more inclined to operate with something like six months, but felt that rather than establish there were curb cuts, and/or paving, or bumper blocks, etc., you may boil it down to something as simple as the aerial photo as whether there is a house on the lot or not, or whether it is a vacant lot, and he wanted to take it from the realms of legal "is's", "is we is, or is we ain't", down to the point of yes or no, vacant or not, by designation.

PARSONS asked if the 240 days' protection that they have for the historic property would begin at the end of the 90 days?

SUNDELL-GUY said that it could start at any point. Someone could take down a house within 40 days the way the ordinance is written now, but it would do them no good to take a house down if they cannot put in a commercial parking lot.

GARDNER said to digress a minute, he spent about a year arguing with Central Inspection as to whether or not an alley did or did not exist in the Riverside area. That was a bonafide platted alley of record that had never been legally opened or legally closed, and if something that terribly simple can be made into a tremendous case of disproportionate size, then this has the same capability.

SUNDELL-GUY said that she would like to keep it down to 90 days if they can.

KROUT stated that staff asked the City Attorney to come down to help them because he has a couple of problems. One is when you put a 90-day or 6-month or whatever time period on it, he was not sure what the purpose of that is because he felt that anyone who walks in the door after that period or for some reason was out of town, was not notified, or whatever, ought to be able to continue to establish that that was an existing use at the time of the passage of the ordinance, and that he ought to be able to continue that use. The other

problem is about the Planning Commission interpreting whether it is an existing use or not. He felt that the zoning ordinance interpretation power is with Central Inspection and not the Planning Commission.

PARSONS said that he had a more basic problem than that if that is what they are getting from legal counsel. Because if that is the case, anything that is published as a legal notice does not have any standing. What Krout is saying is that the man is in Europe for six months and if something would happen while he's gone to Europe, he can come back and say, "Wait a minute, I didn't read that, so I get to do it."

JOE LANG, Assistant City Attorney, stated that what they are getting to right now is that they can establish the fact that they have a nonconforming use at anytime in the future; there is no limit on it. What he understands they are trying to do is to say you have to come in in a certain number of days and say that you have this use, or you are thereafter forever divested of that use, and he has some problems with that.

GARDNER said that the best way to respond to that is to not put the bureaucratic's interpretation on the tail end of it; if the guy does not make it in six months, he is forever not entitled to get it. You keep away from doing that and do it the simple way which is if he walks in a year later and can demonstrate that he was in Australia for the time period and did not have the ability to properly respond, you would deal with it and treat him as a human being and give it to him.

LANG felt that could probably be done under this wording without any date by which he must apply. Just say that "if you are legally established on date X, you are entitled to this use."

MOORE said that if you apply within 90 days, and you can prove that you have got your parking lot, then you are automatically designated and you do not have to worry about it.

KROUT asked who would establish that someone does have a legal parking lot?

GARDNER responded that they walk in and tell you what your ownership is, and you establish that it was zoned "B" Multi-Family, and you ought to be able, in some fashion, to establish that it is not an improved site with a viable structure on it, and on that basis there ought to be a mechanism for recording that it was a qualified parking lot under the ordinance. If it is left to Central Inspection and they begin to go out and measure the width of curb cuts and the depth of the paving, and the height of the fences adjacent, and the appropriateness of landscaping, irrigation and whether or not the drainage was properly established, they will make federal cases out of every one of them.

KROUT asked if the Planning Commission would designate the parking lots then.

GARDNER responded that the Commission is coming up with a definition that precludes the bureaucratic bobbling that normally accompanies this kind of mechanism.

PARSONS stated that he understands where Krout is coming from; somebody has got to say "this is a parking lot", or "this is not a parking lot", regardless of whether there is an established criteria or not. Who is that going to be? Is that going to be the Planning Director, or the Superintendent of Central Inspection?

GARDNER said that you can identify either one, but you want to preestablish the criteria by which they are going to be determined.

PARSONS said that he did not have any problem with letting Central Inspection interpret the ordinance as long as there is defined criteria.

MOORE asked if they were saying that if a property has a structure on it, it cannot be a parking lot?

GARDNER said that what they are trying to do is have a sense of equity here on the basis of if it is a vacant lot and someone wants to claim and/or establish that it has been used for parking, and there are a number of vacant lots adjacent to properties up and down Market, if it is unimproved and the owner chooses to exercise that option, then that should be open. He thought that they would want to get around the problem of someone who has an improved lot being able to say it is a parking lot. That gives you the tear down prospect which the Commission is trying to avoid.

KROUT asked what was the criteria; how do they establish the use?

GARDNER said the property owner should be allowed to statement, provide an affidavit that it has been used as a parking lot and have that be sufficient.

PARSONS said then you would have to send somebody out to verify that.

KROUT responded that was the problem, and that is what Central Inspection does on a daily basis, they verify that sort of thing.

GARDNER felt that the verification needs to be simplified in terms of whether or not it has an improvement on it, and he was referencing a house or a commercial structure; if it is vacant, whether it has been paved or not or improved to the "legal parking lot standards". If it is vacant, it ought to be able to qualify based upon an affidavit. If it is going through a change period like this and it is unimproved, you don't lose anything.

LANG said that they are talking about the existing parking lots under "B" and there is a whole list of criteria that such parking lots have to meet right now to be a parking lot under "B".

KROUT stated that he disagrees with the concept of taking every unimproved lot and relying on the affidavit of the owner of that lot that it was used at some time for parking without any verification.

PARSONS said that somebody has to verify it, and if that is Central Inspection, so be it.

GARDNER did not think there would be that many coming in, but felt that they should bend over backwards avoiding the problem of leaving it up to Central Inspection to determine whether or not it was a legally conforming parking lot before.

SHERMAN asked if for instance a business owned a lot with a house on it thinking that one day they might want to use the lot as a parking lot, once this ordinance is passed, is the owner stuck with that as a house.

KROUT said that he could come in and seek a use exception with the Board of Zoning Appeals.

PARSONS suggested recommending approval of the ordinance to the City Council with a condition that a period of 180 days, which is six months, be given during which time legal notice is given that parking lots will not in the future be allowed in the "B" zone, and any landowner who currently owns property in the "B" district should be given the opportunity to come in, sign an affidavit that his vacant property is being used as a parking lot, or is intended to be used as a parking lot, and that that affidavit be placed on file and that parking lot remain there in perpetuity.

PARSONS asked if the legal department has a problem with that suggestion.

LANG said the only concern that comes to mind is that we have clear case law in this State that, in zoning, anticipated uses are not protected when you change zoning.

PARSONS said that he did not have a problem with taking the "intended" wording out, because he feels like in six months, if they had intent to use it as a parking lot, this will force them to do so and in six months they should be able to make that decision and move on it.

MOORE said that he would go and park all of his cars on that damn lot for the next six months and call it a parking lot. If you may have some intention to use it as a parking lot and it is already vacant and you bought it, you have the right to do it now. He does not see where that's a problem.

GARDNER said that Lang's use of the word "intent" troubles him, because if you felt the same level of concern over the removal of a right that presently exists, you would have it about balanced.

KROUT asked if the Commission was suggesting that the Council not pass the ordinance for six months during this period.

PARSONS said no, pass it now.

KROUT asked if this applies to only vacant lots that are adjacent to or across an alley or street from an office or commercial or industrial district, because that is all the parking lot can be used for today.

GARDNER said that if Krout rolls residential into that, he would buy it.

KROUT said but that is not the way the ordinance states. The existing ordinance only allows you to have parking in the "B" district for office, commercial or industrial uses if you are adjacent to, or across an alley or street from one of those districts.

KEN STEWART, attorney, stated that it seemed to him like Mr. Parsons' suggestion is a good one, and he thinks what he is hearing is that the Commission wants to provide an administrative approval for off-street parking which is now acceptable before they make any changes to the ordinance and allow those property owners to come in during a six-month period, file an affidavit and follow the procedures that staff would set up for administrative approval for those existing off-street parking areas.

PARSONS reiterated that what he was suggesting was that the ordinance be passed with the condition that, within the next 180 days, legal notice is given that parking lots will not in the future be allowed in the "B" zone by legal right, and that any landowner who currently owns vacant property be allowed to come in and file an affidavit and have his property recorded as a parking lot without further legal action being required either through the BZA or a zone change.

MOTION: That the Planning Commission recommend to the City Council the adoption of the amendments as advertised with the condition that notice be given advising those owners of properties zoned the "B" Multiple Family classification that they have 180 days from the date of adoption of this amendment to establish verification with the Office of Central Inspection of their parking lot or their intent to develop a parking lot on only those properties which are unimproved. In addition, 28.04.070.A.13.d. be amended to also permit the parking of small service type vehicles in addition to passenger vehicles. Parsons moved, Brinegar seconded.

MOORE left the meeting.

VOTE ON THE MOTION: It carried unanimously. Fairbanks and Miles were absent. Moore was not present for the vote.

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Name

Address

✓ Ted Branson	Branson Assoc. Inc.	435 N. Broadway
✓ Lydia Toulley	Assoc. of Realtors	540 So. Broadway 67202
✓ Andy J. Suckling	C-21 Consolidated	1107 N. Broadway 2640654
✓ Lou J. K. Moody		150 N. Market 67202

✓ Grant Tidemann	J.P. Weigand
✓ Mike Lovelace	✓
✓ MARTY MOODY	u
✓ Guy Gray	"
✓ Tom Johnson	cc
✓ SAM WOODBURN	ll

WICHITA-SEDGWICK COUNTY

Date: April 6, 1988

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Metropolitan Area Planning Commission

FROM: Marvin S. Krout, Director of Planning *MSK by [Signature]*

SUBJECT: Proposed amendment to exclude parking lots from the uses permitted in the City's "B" Multiple Family Dwelling district

The Planning Department has been directed by the Wichita City Council to prepare and advertise for a public hearing before the Planning Commission an amendment to the city zoning code which would remove parking lots from the uses permitted in the "B" Multiple Family Dwelling district. Accordingly, we have scheduled a public hearing on this matter for the April 28, 1988 meeting of MAPC. We have also scheduled a preliminary discussion of this proposal on your April 14, 1988 informal luncheon agenda beginning at 10:30 a.m. in the Planning Department conference room on the 10th floor of City Hall.

Attached is a delineated copy of Section 28.04.070 A. of the city's "B" Multiple Family Dwelling district regulations which would remove parking lots from the permitted use list.

Since the standards contained in Section 28.04.070 A. are referenced in the subsequent "BB" Office district provisions of the code, removal of the same from the "B" Multiple Family regulations will require a corresponding amendment to reincorporate the standards into the "BB" Office district regulation. A delineated copy of Section 28.04.080 A. containing the permitted uses in the "BB" Office district regulations is also attached which would retain the referenced parking lot standards.

Although adoption of this proposal will eliminate parking lots as a use "by right" in the "B" Multiple Family Dwelling district, parking lots may continue to be established in any city zoning district as an exception through the city Board of Zoning Appeals.

We will discuss this matter with you during the April 14, 1988, informal meeting.

MSK:rme  
Attachment

PL/1745/2

Proposed Amendment to the  
City Zoning Code

Additions are underlined  
Deletions are ~~marked thru~~

Amend Section 28.04.070 A. as follows:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "RB" four-family dwelling district.
2. Boardinghouses and lodginghouses.
3. Boathouses.
4. Cemeteries.
5. Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
6. Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane.
7. Greenhouses.
8. Multiple-family dwellings.
9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
10. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.

11. Signs, as permitted by Section 28.04.139 of this code.

~~13. Parking lots, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:~~

~~a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.~~

~~b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain-link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.~~

c.--Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet; or exceed the height of ten feet.--

d.--The parking area shall be used for passenger vehicles only; and in no case shall it be used for sales; repair work; storage; dismantling or servicing of any vehicles; equipment; materials or supplies.--

Proposed Amendment to the  
City Zoning Code

Additions are underlined  
Deletions are ~~marked thru~~

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.
4. Hotels and motels, provided that the following conditions prevail:
  - a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.
  - b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.
  - c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.
  - d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA", "A", "RB", and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light

or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provision of Section 2.12.560 through 2.12.610.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.
6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.
7. Optician.
8. Orthopedic shoe repair, limited to prescription work only.
9. Post office substation.
10. Signs, as permitted by Section 28.04.139 of this code.
11. Storage garage.
12. Parking lots, as provided in Section 28.04.070(A)(13); except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street; or when located within the required front yard on an interior side lot line;-- whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143.

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street or when located within the required front yard on an interior side lot line; on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall.

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet.

d. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing any vehicles, equipment, materials or supplies.

Wichita Board of Realtors  
c/o Lynda Tousley  
717 N. Emporia  
Wichita, KS 67214

Wichita Area Builders Association  
c/o Wesley E. Galyon, President/CEO  
730 N. Main, Suite 1  
Wichita, KS 67203

The Chamber of Commerce  
350 W. Douglas  
Wichita, KS 67202

Building Owners & Managers Association  
c/o Norb Scheider, President  
150 N. Main, P. O. Box 637  
Wichita, KS 67201

Willard Ebersole, President  
Mid-Town Citizens Association  
1332 N. Market  
Wichita, KS 67214

Joel Pollack  
1035 N. Emporia  
Wichita, KS 67214

League of Women Voters of Wichita  
350 N. Market  
Wichita, KS 67202

Marvin S. Krout, Director of Planning

Monty Robson, Superintendent of Central Inspection

Glen E. Dockery, Interim Director  
Department of Housing & Economic Development

( \_\_\_\_ ) Published in The Daily Reporter on April 5, 1988 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, April 28, 1988, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Council Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

An amendment to Section 28.04.070 of the City Zoning Code to remove parking lots from the permitted use list under the "B" Multi-family dwelling district regulations.

An amendment to Section 28.04.080 A.12. of the City Zoning Code to include parking lot standards in the "BB" Office District regulations.

Copies of the proposed amendment (Case No. DR 88-2) 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 change of the zoning ordinance will be considered by the Planning Commission as by law provided.

WITNESS MY HAND this 5th day of April, 1988.

Marvin S. Krout, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission

PL/6443/4

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

Date: April 4, 1988

TO: Tom Powell, Director of Law

FROM: Marvin Krout, Director of Planning

SUBJECT: Effects of Removing Parking Lots from the Uses Permitted in the "B" Multi-Family Zoning District.

The Planning Department has been directed by the City Council to prepare and advertise for public hearing an amendment to the City Zoning Code which would remove parking lots from the list of uses now permitted in the "B" multi-family dwelling district. We have advised the Planning Commission of this directive and have scheduled a public hearing on this matter for their April 28, 1988 meeting agenda.

After being advised of this proposal, Planning Commissioner Jim Gardner has raised the question as to whether or not the elimination of a use of this nature would constitute inverse condemnation and leave the City liable to paying damages on properties now covered by the "B" multi-family dwelling district classification.

On the basis of past articles on this subject at the national level, the Planning Department has been of the opinion that an amendment to the zoning code to eliminate a selected use from a broader list of uses permitted in a zoning district would not leave the City liable for damages, particularly when this same use may still be established within the district as an exception in the "B" district through the Board of Zoning Appeals.

Would you please give us your opinion on the issue of what, if any, damage payment liability the City may be inviting by removing the parking lot use from those uses now permitted in the "B" multi-family dwelling district.

RLY:MSK:dik

cc: Chris Cherches, City Manager

**FILE COPY**

April 1, 1988

Wichita Board of Realtors  
c/o Lynda Tousley  
717 North Emporia  
Wichita, Kansas 67214

Dear Ms. Tousley:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

Sincerely,

Robert L. Young  
Principal Planner

RLY:blw

FILE COPY

April 1, 1988

Wichita Area Builders Association  
c/o Wesley E. Galyon, President/CEO  
730 North Main, Suite 1  
Wichita, Kansas 67203

Dear Mr. Galyon:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

Sincerely,

Robert L. Young  
Principal Planner

RLY:blw

FILE COPY

April 1, 1988

The Chamber of Commerce  
350 West Douglas  
Wichita, Kansas 67202

To Whom It May Concern:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

Sincerely,

Robert L. Young  
Principal Planner

RLY:blw

FILE COPY

April 1, 1988

Building Owners & Managers Association  
c/o Norb Scheider, President  
Union Center, Inc.  
150 North Main - P.O. Box 637  
Wichita, Kansas 67201

Dear Mr. Scheider:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

Sincerely,

Robert L. Young  
Principal Planner

RLY:blw

FILE COPY

April 1, 1988

Willard Ebersole, President  
Mid-Town Citizens Association  
1332 North Market  
Wichita, Kansas 67214

Dear Mr. Ebersole:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

Sincerely,

Robert L. Young  
Principal Planner

RLY:blw

FILE COPY

April 1, 1988

Joel Pollack  
1035 North Emporia  
Wichita, Kansas 67214

Dear Mr. Pollack:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

Sincerely,

Robert L. Young  
Principal Planner

RLY:blw

FILE COPY

April 1, 1988

League of Women Voters of Wichita  
350 North Market  
Wichita, Kansas 67202

To Whom It May Concern:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

Sincerely,

Robert L. Young  
Principal Planner

RLY:blw

FILE COPY

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

April 1, 1988

TO: Marvin S. Krout, Director of Planning  
FROM: Robert L. Young, Principal Planner, Current Plans Division  
SUBJECT: Public Hearing on Proposed Amendment to the City Zoning Code  
(DR 88-2)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Department Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

RLY:blw

FILE COPY

PL/6430/4/2

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

April 1, 1988

TO: Monty Robson, Superintendent of Central Inspection  
FROM: Robert L. Young, Principal Planner, Current Plans Division  
SUBJECT: Public Hearing on Proposed Amendment to the City Zoning Code  
(DR 88-2)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Department Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

RLY:blw

FILE COPY

PL/6430/4/2

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

April 1, 1988

TO: Glen E. Dockery, Interim Director, Department of Housing and  
Economic Development

FROM: Robert L. Young, Principal Planner, Current Plans Division

SUBJECT: Public Hearing on Proposed Amendment to the City Zoning Code  
(DR 88-2)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code which would remove parking lots from the permitted uses listed under the "B" multi-family dwelling district regulations.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's April 28, 1988 meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on April 14, 1988, beginning at 11:00 a.m., in the Planning Department Conference Room on the Tenth Floor of City Hall.

We will send you a draft of the proposed amendment as soon as it becomes available for your review and comment.

RLY:blw

FILE COPY

PL/6430/4/2

DR 88 - 2 Possible amendment to the  
City Zoning Code to remove parking lots  
from the list of uses permitted in the  
"B" multi-family dwelling district regulations.

### OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN, that on Thursday, April 28, 1988, the Wichita-Sedgewick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, Wichita City Hall, 455 North Main Street, Wichita, Kansas, in a meeting beginning at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

An amendment to Section 28.04.070 of the City zoning Code to remove parking lots from the permitted use list under the "B" multi-family dwelling district regulations.

An amendment to Section 28.04.080 A.12. of the City zoning Code to include parking lot standards in the "BB" office district regulations.

Copies of the proposed amendments are available upon request from the Wichita-Sedgewick County Metropolitan Area Planning Department. The proposed amendments will there be discussed and considered by the Wichita-Sedgewick County Metropolitan Area Planning Commission, and all persons interested in

said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed change of the zoning ordinance will be considered by the Planning Commission as by law provided.

WITNESS MY HAND this 5<sup>th</sup> day of  
April, 1988

Marvin S. Kroat,  
Secretary, Wichita  
Sedgwick County Metropolitan  
Area Planning Commission.

Page

## Brookline for the coming storm



The Dukakis: 'Normalcy is about to become a rare and prized commodity'

"WHEN WE STARTED off, there was one working mother on this street," remembers Kitty, a lifetime resident of this streetcar suburb. "There is nobody who isn't working now. And our street is a kind of microcosm of where this country is going. We've got blue-collar workers and professors, a real mixture."

About her husband's high standing with women in the gender gap polls she insists, "You can't fake a real commitment to women. A lot of women will come up to me and say, the way your husband treats you personally is something I respond to. I think it's all a part of a piece."

But is this would-be first lady

prepared for what comes next? Is this worrier ready for the spotlight on everything from their garden to their three grown children? As governor's wife Kitty Dukakis has had her share of criticism, "I think in the past I've been more volatile than is acceptable," she says carefully. Imperious, pushy, the Dragon Lady of Brookline, charged one relentless press critic. Admittedly traumatized by these attacks, she now says they toughened her. But not very much.

For now, though, Kitty Dukakis is recuperating in the relative quiet of her home, dipping into a book about the first ladies, marveling at Eleanor Roosevelt, thinking about our national "ambivalence" to the women in the White House. And also thinking about normalcy.

"When I came home from the hospital, Michael brought my suitcase in," she recounts. "There was my husband who was the nominee for president not only unpacking my stuff but folding it and putting it away. I was laughing, and Mike said, 'What's so funny?' I said, 'How many other candidates for president would do that?' It was so normal." On Perry Street, normalcy is about to become a rare and prized commodity.

Washington Post Writers Group

## Deal with Gen. Stroessner

and trafficking. When the Marselles drug ring was broken in 1971, Paraguay was found to be the transfer point for drug shipments between France and the United States. It was estimated that during the drug network's five years of operation, \$2.5 billion worth of heroin was shipped into the United States annually. Furthermore, several high-ranking members of the regime were implicated in the Marselles operation.

LAST MARCH 29 a house subcommittee was told that Paraguay is both a major producer of marijuana (3,000 metric tons per year) and a major transit point for cocaine (more than a ton passes through each year). State Department testimony during the same hearing acknowledged that there are "indications that officials of the Stroessner government and his Colorado Party are involved in the trafficking."

The current catchword in U.S.

misguided sanctions against Panama. Following the Panamanian dictator's lead, Stroessner could

turn ineffective U.S. pressure into another no-win situation for the United States.

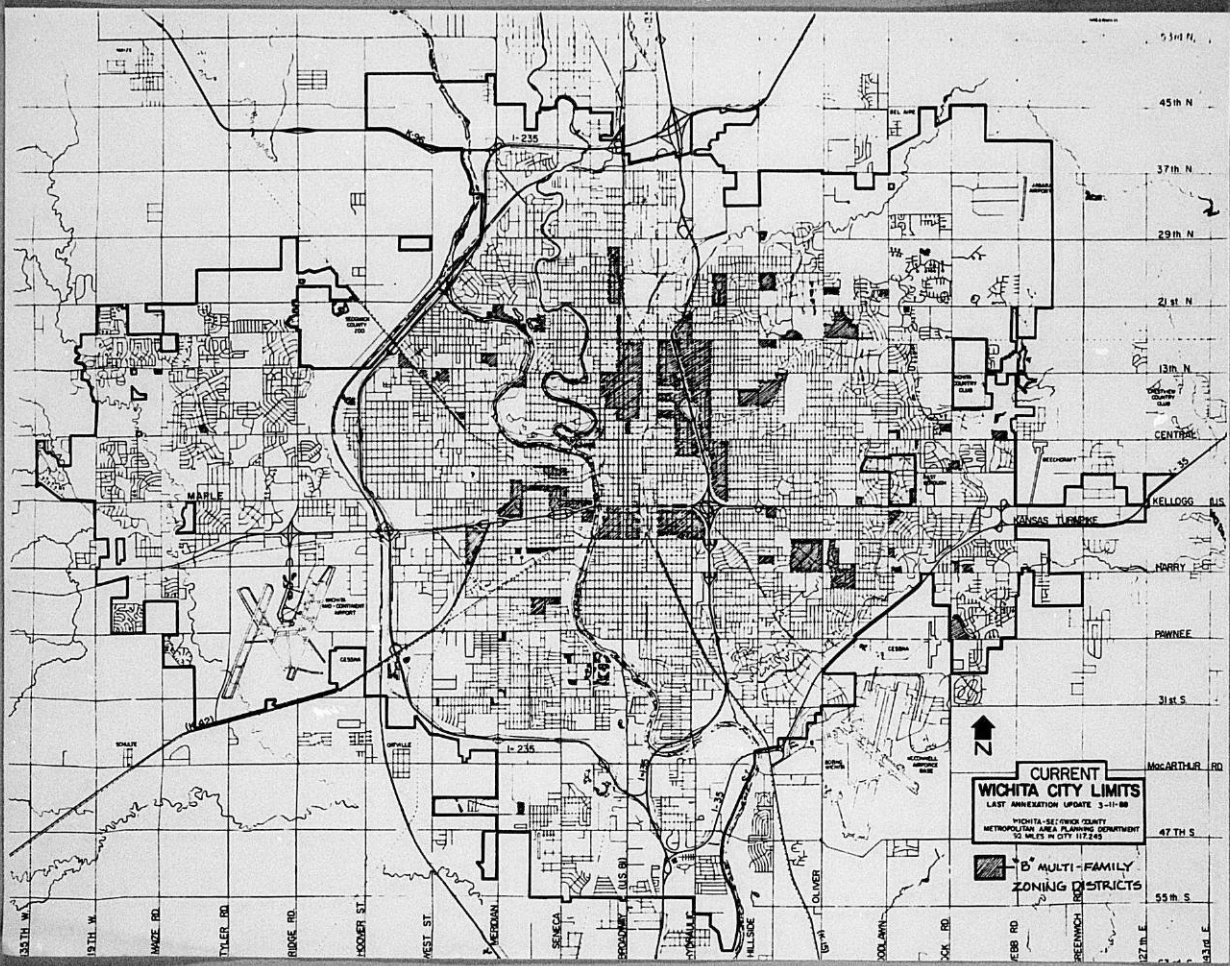
### OFFICIAL PUBLIC NOTICE

The Wichita City Council has amended the Wichita City Zoning Code to henceforth restrict the establishment of commercial parking lots on property zoned the "B" Multiple-Family Dwelling district. Parking lots already legally established and lots accessory to the uses permitted in the "B" Multiple-Family Dwelling district are not affected. In amending the City Zoning Code, the Wichita City Council created a grace period within which owners of unimproved property intended for parking lot use in the "B" Multiple-Family Dwelling district may apply for a permit for the establishment of such a lot. This notice is to advise owners of unimproved property zoned the "B" Multiple-Family Dwelling district that they have until August 22, 1988, to apply for a permit for the legal establishment of a parking lot. Establishment of the lot will be subject to provisions of the Code of the City of Wichita. Application may be made in the offices of the Central Inspection Division of the City of Wichita, on the 7th floor of City Hall, 455 North Main Street, Wichita, Kansas, 67202. Questions concerning this matter may be directed to the offices of the Central Inspection Division, 268-4479, or the Metropolitan Area Planning Department, 268-4421.



SUMMER SAVINGS!!!

500%



1. - Product - What's behind?  
Maurice's response.

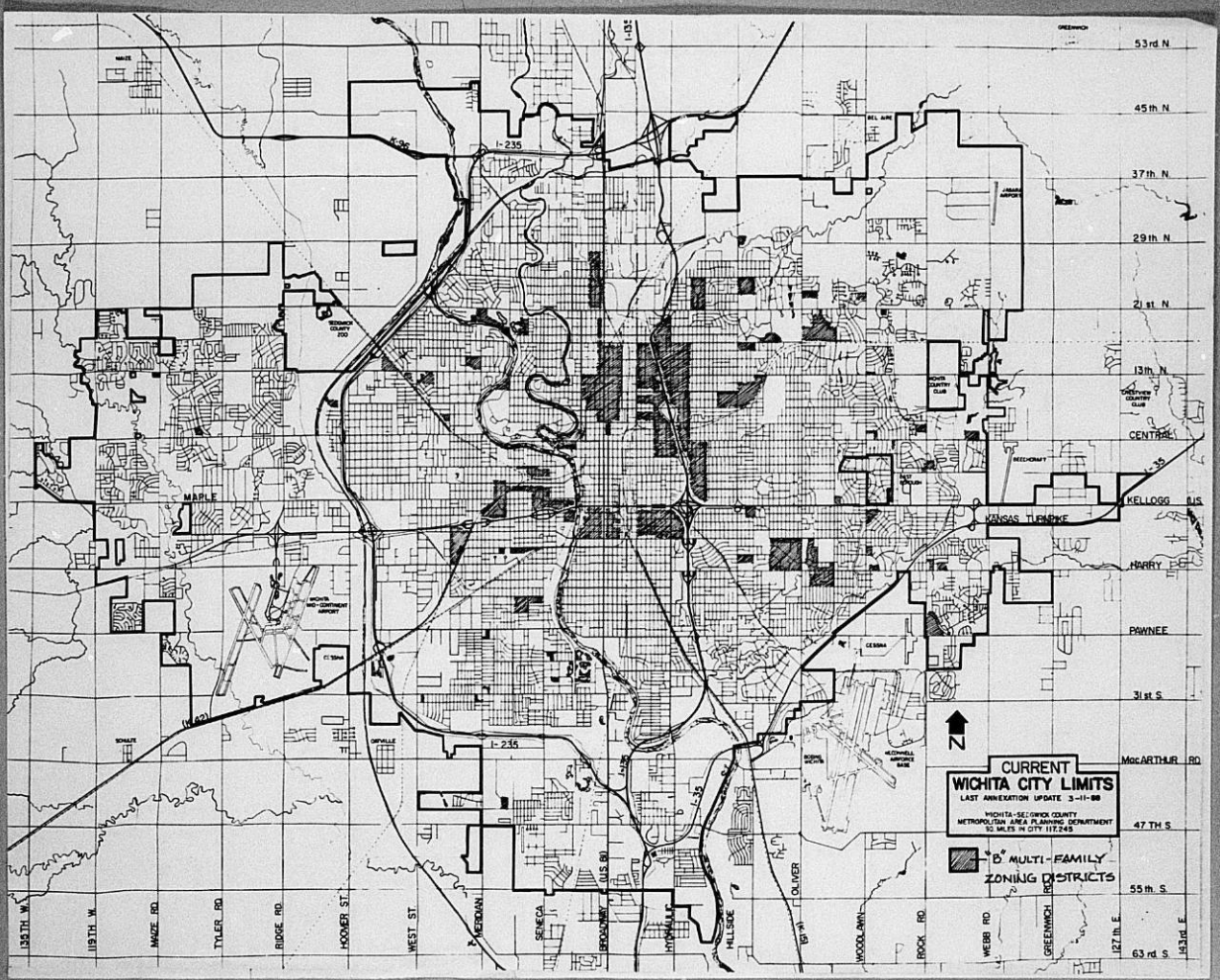
- Carden - Disruption for  
swimming through FDIC  
FLIC

- If eliminated by right - the  
owners have had their  
refining ability impact.

- this impact needs to be addressed  
- just as important as the  
neighborhood character concerns.

- option to provide  
mechanism of bestowing ad  
legal use - case before  
PZA ~~on~~ on a  
case by case basis at the  
discretion of the applicant.

- ~~the~~



Jack: RE - Gardner's  
comments on "B" amendment;

I think we should call  
the usual people:

- WABA
- Chamber
- Bd of Realtors

(plus BOMA) - ?

and also - Midtown C. Assn  
(anyone else?)

informally in the next few  
days & tell them that we will  
be discussing this amendt @  
a workshop on 4-14 and  
hearing on 4-28, then followup  
next Fri by mailout. Agree? MK

Joel Pollack  
League of Women  
Voters

### IMPORTANT MESSAGE

FOR Bob  
DATE 4/14 TIME 1:30 A.M.  
P.M.

#### WHILE YOU WERE AWAY

BY Ken Steward  
OF 1030 1<sup>st</sup> Nat'l Blvd  
PHONE No. 264-7321

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RETURNED YOUR CALL	

MESSAGE RE: Proposed changes  
to zoning policy(?)

SIGNED Jan

FORM 000-017

- what's required by law vs. what's ~~was~~ provided by the business for customers.
- Set up meeting Thurs. Morning @ 10:30
- Cindy - good point about lack of understanding and lack of protection in the older neighborhoods in the center city.
- must deal in a more automatic method of dealing with epitaxial pricing. Cts. \* will have by next Thursday.
- Properties purchased for future expansion (Sherman) - loss

of right to use for expansion

Union 2 issues

- ✓ Check out Gordon's contention about financing ~~was~~ vs non-conformity.

Map 8 1/2" x 11"

- conforming, permitted, - occupying permit,
- person who has purchased in anticipation - BZA exception.

~~Wally~~  
Retail Banking 269-4786

Don ~~Walden~~  
~~Wood~~  
Uaichlow  
269-4869

Richard Shendoff.  
- can't think of any  
situation when this  
would be a problem  
on title insurance or  
loan qualification

Lowell Richardson - knows  
of no problem.

Bill Malone - can be a  
problem for out of town  
lender.

**IMPORTANT MESSAGE**

FOR Bob  
DATE 4/20 TIME 1:09 A.M. P.M.  
**WHILE YOU WERE AWAY**  
OF Don Midlow  
Mid-Ko Fed  
PHONE No. 269-4869

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
SIGNED Jan

FORM 000-017

Bill - says they specify  
as to title and  
as to zoning

Eden Edwards - say there  
is no problem with this  
abstracting work - as they  
except out matters  
relating to zoning  
- will check further.

Don Mailow - as a  
commercial lender, he would  
require a prospective client  
to bring the property into  
conformity or otherwise  
assume risk of continued  
conformity (Kroner rights to  
be with owner)



MAIZE

K-96

I-235

SEDGWICK COUNTY ZOO

MAPLE

WICHITA MID-CONTINENT AIRPORT

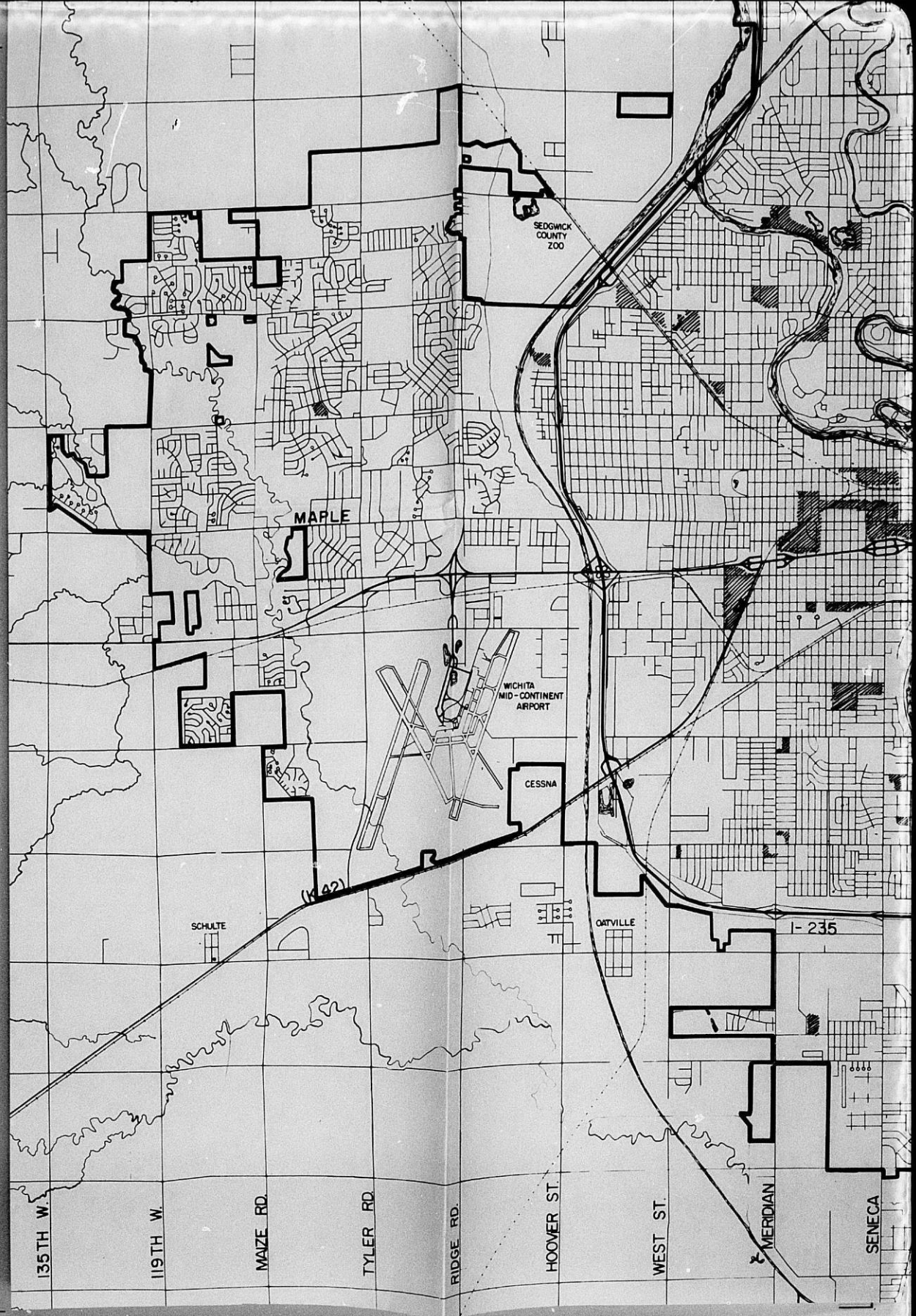
CESSNA

K-42

SCHULTE

OATVILLE

I-235



SEDGWICK COUNTY ZOO

MAPLE

WICHITA MID-CONTINENT AIRPORT

CESSNA

(K42)

SCHULTE

OATVILLE

I-235

135TH W.

119TH W.

MAIZE RD.

TYLER RD.

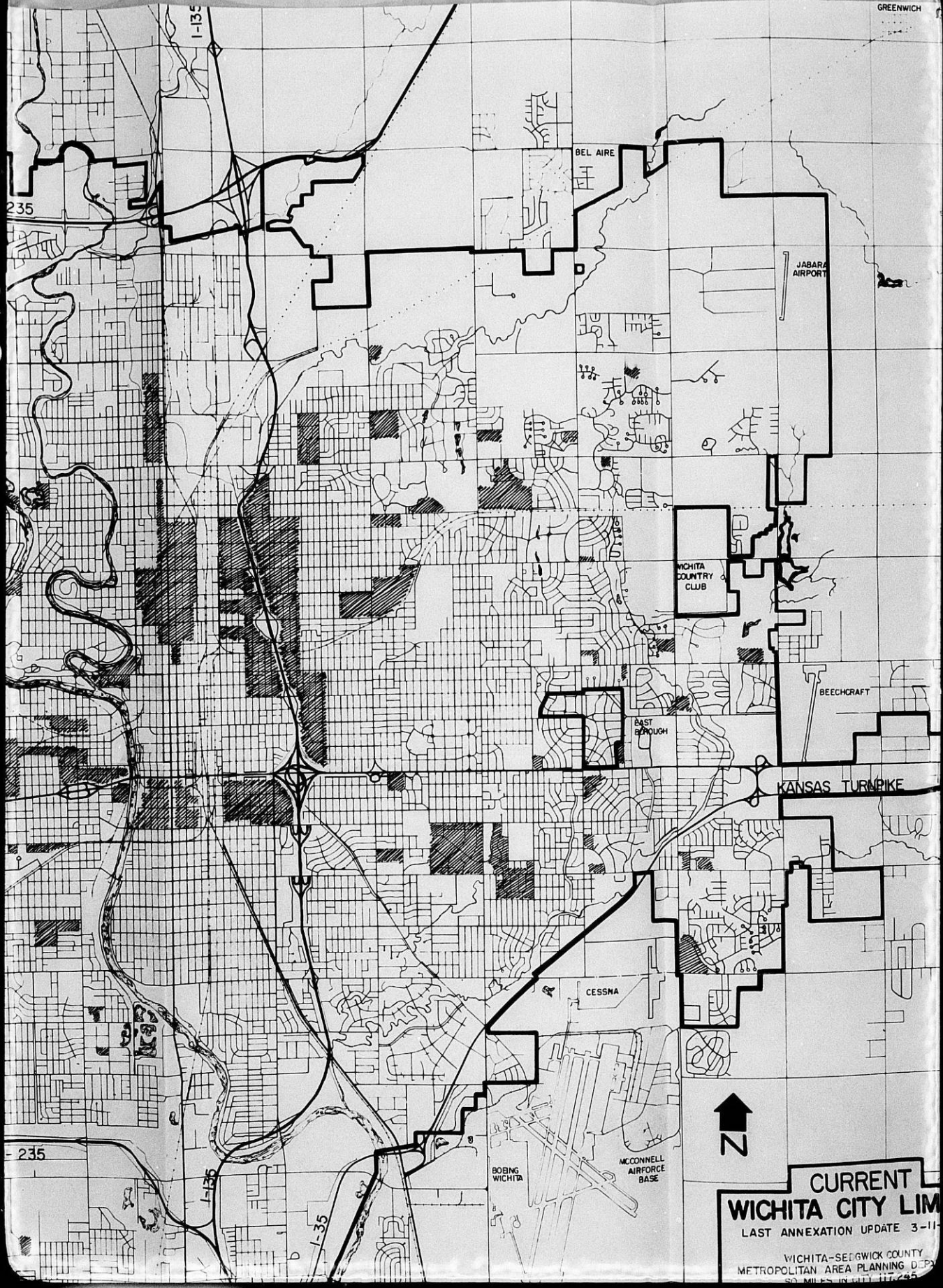
RIDGE RD.

HOOVER ST.

WEST ST.

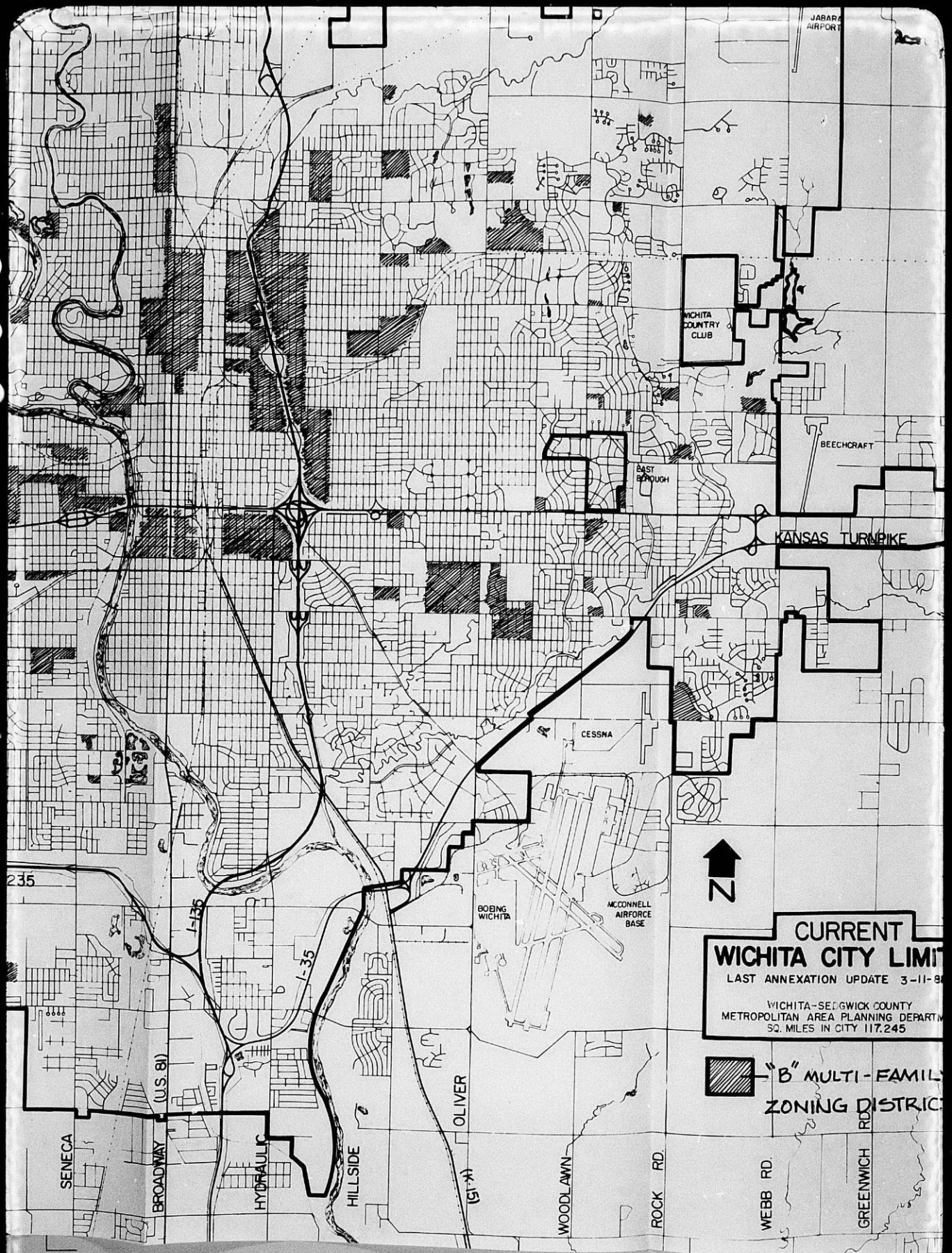
MERIDIAN

SENECA



**CURRENT WICHITA CITY LIMITS**  
 LAST ANNEXATION UPDATE 3-11

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT  
 50 MILES IN CITY 116-285



WICHITA COUNTRY CLUB

BEECHCRAFT

EAST BOROUGH

KANSAS TURNPIKE

CESSNA

BOEING WICHITA


MCCONNELL AIRFORCE BASE



**CURRENT WICHITA CITY LIMITS**

LAST ANNEXATION UPDATE 3-11-90

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT  
SQ. MILES IN CITY 117.245

 "B" MULTI-FAMILY ZONING DISTRICT

235

I-135

I-35

BROADWAY (U.S. 81)

SENECA

HYDRAULIC

HILLSIDE

OLIVER

WOODLAWN

ROCK RD.

WEBB RD.

GREENWICH RD.

00314

GREENWICH

53rd. N.

45th. N.

37th. N.

29th. N.

21st. N.

13th. N.

CENTRAL

KELLOGG U.S.

HARRY

PAWNEE

31st. S.

MacARTHUR RD.

BEL AIRE

JABARA AIRPORT

WICHITA COUNTRY CLUB

CRESTVIEW COUNTRY CLUB

BEECHCRAFT

EAST BOROUGH

KANSAS TURNPIKE

CESSNA

BOBING WICHITA

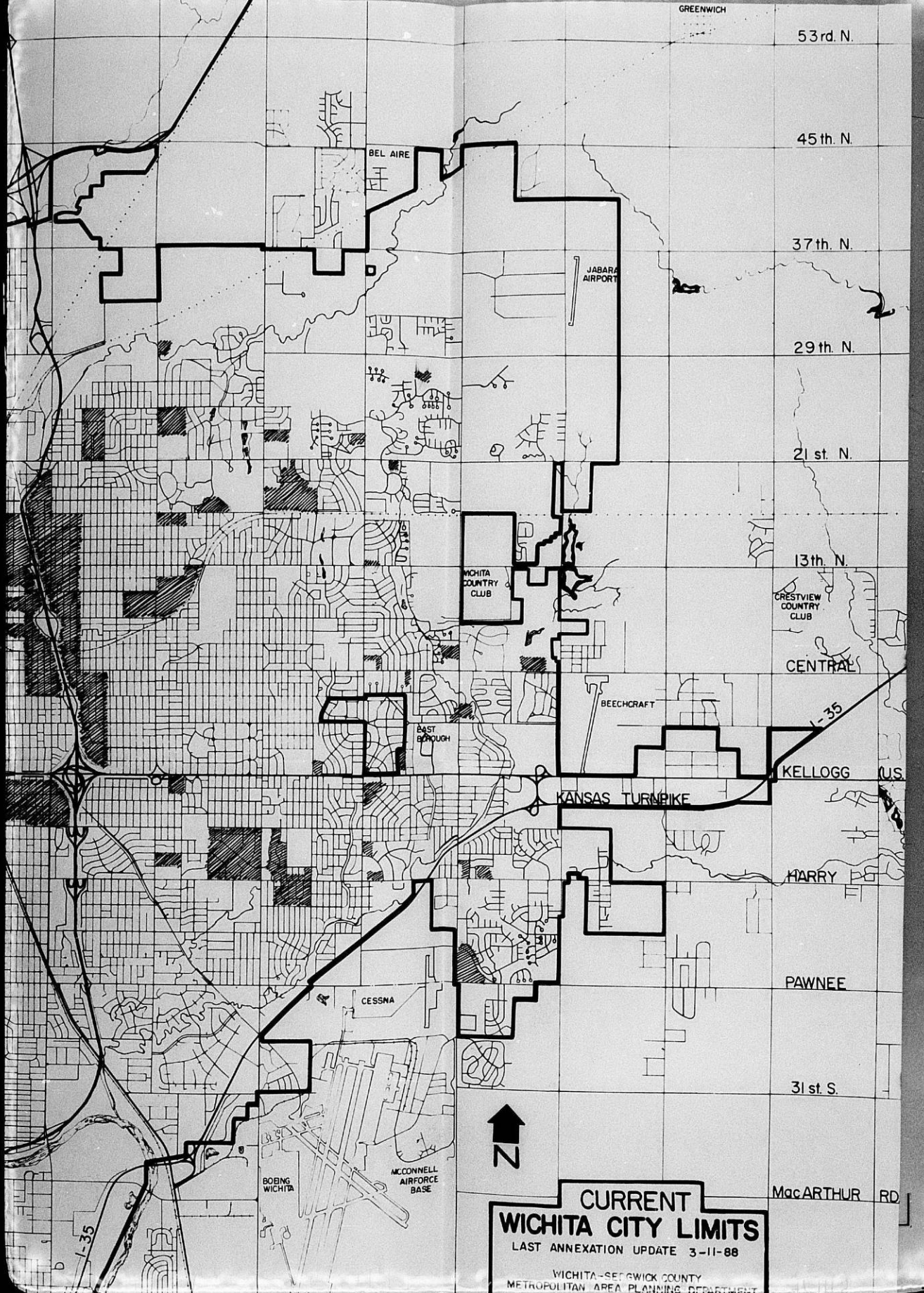
MCCONNELL AIRFORCE BASE

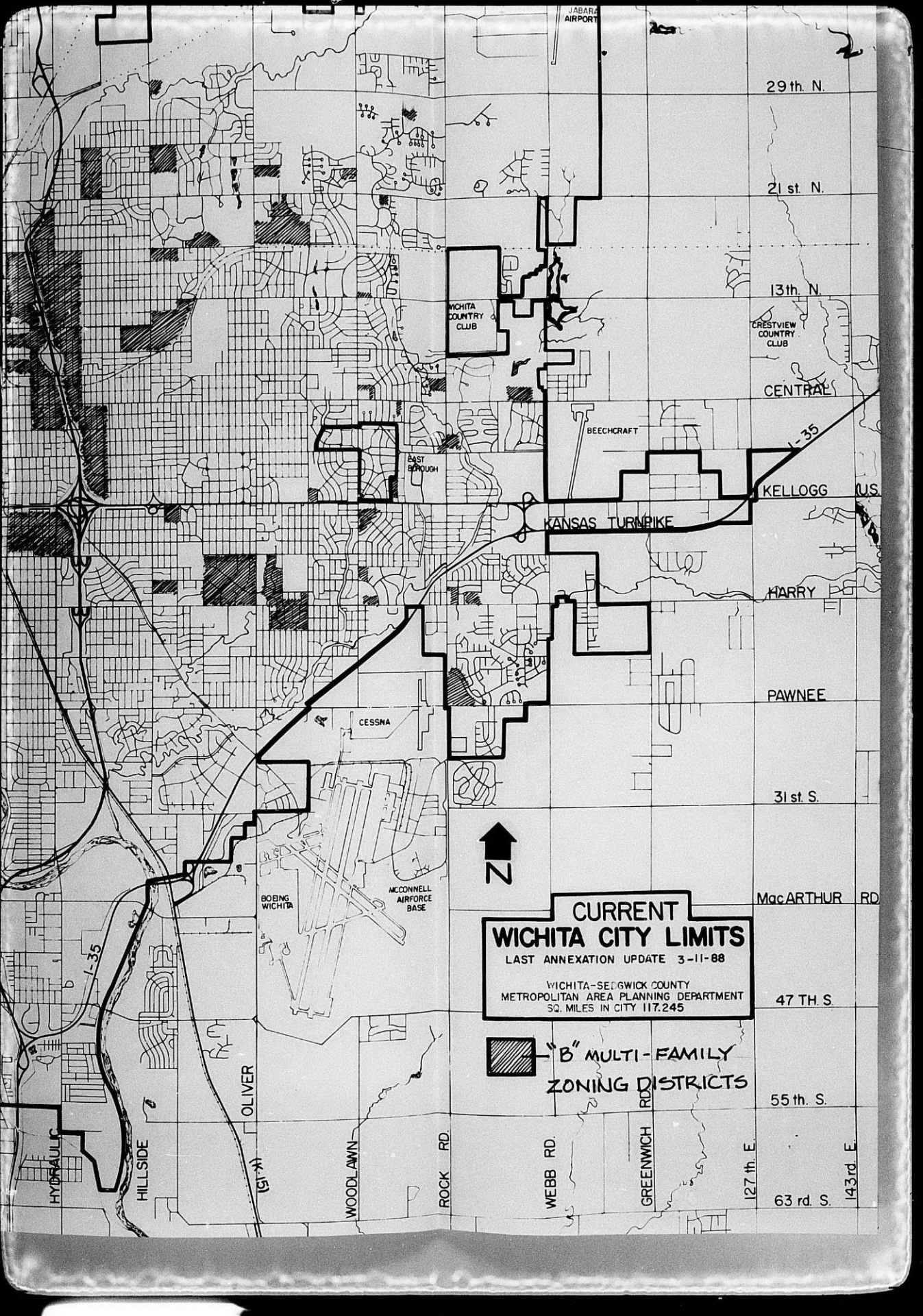


# CURRENT WICHITA CITY LIMITS

LAST ANNEXATION UPDATE 3-11-88

WICHITA-SENGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT





29th. N.

21 st. N.

13th. N.

WICHITA COUNTRY CLUB  
CRESTVIEW COUNTRY CLUB

CENTRAL

BEECHCRAFT

KELLOGG U.S.

KANSAS TURNPIKE

HARRY

PAWNEE


31 st. S.



MacARTHUR RD

**CURRENT WICHITA CITY LIMITS**  
LAST ANNEXATION UPDATE 3-11-88  
WICHITA-SENGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT  
SQ. MILES IN CITY 117.245

47 TH. S.

 "B" MULTI-FAMILY ZONING DISTRICTS

55th. S.

HYDRAULIC

HILLSIDE

OLIVER

WOODLAWN

ROCK RD

WEBB RD.

GREENWICH

127th E.

63 rd. S.

143rd. E.