

ACTION

DATE

COMMITTEE _____

M.A.P.C. *Mississippi State College 11-21-63*
Opposition 1-2-64
App. Am. B. Lee
B.C.C./B.C.C. ~~CO~~ *First Reading 3-24-64*

James -
James kept amendment

DR 63-32 - Initiated by MAPC, review of side yard requirements for accessory structures

ACTION

DATE

COMMITTEE

M.A.P.C. *Must stop to adv. 11-21-63*
Applying
Appt. Office
 1-2-64
 B.C.C./B-60 *City first reading* 3-24-64

James
top of amendment

() (Published in the Wichita Beacon on _____, 1964.)

ORDINANCE NO. _____

AN ORDINANCE RELATING TO SIDE YARD REQUIREMENTS FOR ACCESSORY STRUCTURES, AMENDING SECTION 4 OF ORDINANCE NO. 27-551 OF THE CITY OF WICHITA, KANSAS, AND AMENDING SECTION 28.04.040, SECTION 28.04.050, SECTION 28.04.060, SECTION 28.04.070 AND SECTION 28.04.080, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND REPEALING SAID ORIGINAL SECTION 4 OF ORDINANCE NO. 27-551 OF THE CITY OF WICHITA, KANSAS, AND REPEALING SAID ORIGINAL SECTION 28.04.040, SECTION 28.04.050, SECTION 28.04.060, SECTION 28.04.070 AND SECTION 28.04.080, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. That Section 28.04.040, Title 28 of the Code of the City of Wichita, Kansas, be amended to read as follows:

28.04.040 "AA" one-family dwelling district regulations. In the "AA" one-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, and all buildings erected, enlarged, converted or altered in the "AA" one-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. One-family dwellings.
2. Parks, playgrounds and community buildings owned or operated by the city or the board of park commissioners of the city.
3. Public libraries.
4. Public schools, elementary schools and high schools, and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or public high school, but not including private kindergartens, nursery schools or pre-school group day-care centers accommodating ten or more students.
5. Golf courses, except miniature golf courses and driving tees operated for commercial purposes and open to anyone who applies.
6. Nurseries, farming and truck gardening, but not including greenhouses in which plants are raised for sale.
7. Churches and their auxilliary buildings.
8. Home occupations.

9. Accessory structure provided they are located in the side or rear yard and not located any nearer to the front lot line than the main use or structure. Whenever located on a corner lot, the rear of which abuts upon the side of another lot, said accessory structure shall not project beyond the front yard setback line required on the lot in rear of such corner lot. No accessory structure may utilize more than one-half of the area of any side yard or rear yard, provided that the area of one shall not include the other. No accessory structure shall exceed 60 percent of the allowable height requirements of the district. Accessory structures, unless directly attached to the main use or structure, shall be located at least 3 feet from the main structure. No accessory structure shall eliminate or reduce the amount of off-street loading or parking as required by this chapter.

EXCEPTION: The board of zoning appeals may grant exceptions to the height, area, setback and location provisions for accessory structures by the method provided in section 2.12.560 of this code provided that:

adequate access to the land is maintained for fire and police protection

adequate access is maintained for the service of utilities.

Appropriate conditions or requirements may be made by the board to preserve the general character of the neighborhood, area or development and to provide for the public safety, health, convenience and general welfare.

Any accessory structure constructed or erected under any building or construction permit issued by any authorized agent of the City of Wichita; or under the provisions of the zoning ordinance or any of its provisions in effect prior to April 14, 1962, may continue to exist and be maintained for a period of 25 years from that date; and at which time such accessory structure shall be removed or shall be made to conform to all provisions of the then existing ordinance or code governing accessory structures.

10. Church or public building bulletin boards not exceeding twenty square feet in area and temporary signs not exceeding eight square feet in area, appertaining to the lease, hire or sale of a building or premises; provided, that only one sign may be placed adjacent to each street line.

B. HEIGHT REGULATIONS.

No building shall exceed three stories or thirty-five feet in height.

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 line and the building setback line shown on the plat.
- 1.2 In all other locations in the "AA" one-family dwelling district, the minimum front yard setback shall be twenty-five 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 twenty 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:

$$\frac{25' + X}{2}$$

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-five feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty-five feet, shall be considered as having setbacks of thirty-five feet, and this figure of thirty-five feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of 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 six feet in width; provided, however, that on a lot of record at the time of 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.
- 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, community houses and other public and semi-public buildings used, constructed or enlarged in the "AA" one-family dwelling 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 (3) feet from an interior side lot line when all parts of the accessory structure are located more than one-half (1/2) 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 twenty feet.
- 3.2 Accessory structures shall not be less than 5 feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

The lot area for a one-family dwelling and accessory buildings shall be not less than six thousand square feet; provided, that this regulation shall not prohibit the erection of a building on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), held under a distinct ownership from adjoining lots.

SECTION 2. That Section 28.04.050, Title 28 of the Code of the City of Wichita, Kansas, be amended to read as follows:

28.04.050 "A" two-family dwelling district regulations. In the "A" two-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, and all buildings erected, enlarged, converted or altered in the "A" two-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "AA" one-family dwelling district.
2. Two-family dwellings.
3. Nursing and convalescent homes or homes for the aged for not more than five patients.

B. HEIGHT REGULATIONS.

No building shall exceed thirty-five feet or three stories in height.

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 or setback line shown on the plat.
- 1.2 In all other locations in the "A" two-family dwelling district, the minimum front yard setback shall be twenty-five 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 twenty feet.

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

$$\frac{25' + X}{2}$$

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-five feet; and provided further, existing buildings located wholly or partly on the front half of lots, having setbacks in excess of thirty-five feet, shall be considered as having setbacks of thirty-five feet, and this figure of thirty-five 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 six 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.
- 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, community houses and other public or semi-public buildings used, constructed or enlarged in the "A" two-family dwelling 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 (3) feet from an interior side lot line when all parts of the accessory structure are located more than one-half (1/2) 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 twenty feet; except, if more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.
- 3.2 Accessory structures shall not be less than 5 feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

There shall be a minimum lot area of three thousand five hundred square feet for a one-family dwelling; provided, that a lot of record at the time of the passage of this chapter, having less than three thousand five hundred square feet may be used for a one-family dwelling. There shall be a minimum of six thousand square feet of lot area for each two-family dwelling.

SECTION 3. That Section 4 of Ordinance No. 27-551 of the City of Wichita, Kansas, and Section 28.04.060, Title 28 of the Code of the City of Wichita, Kansas be amended to read as follows:

28.04.060 "RB" four-family dwelling district regulations. In the "RB" four-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, and all buildings erected, enlarged, converted or altered in the "RB" four-family dwelling district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "A" two-family dwelling district.
2. Detached multiple-family dwellings, having accommodations for not more than four families.

B. HEIGHT REGULATIONS.

No building shall exceed three stories or thirty-five feet in height.

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 or setback line shown on the plat.
- 1.2 In all other locations in the "RB" four-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 lots shall not be considered.

2. Side Yard:

2.1 In all locations where building lines or side yard lines or 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 six feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; and provided further, that three or four-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 the portion of the side of the building where such entrances are located.

2.3 A side yard 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, community houses and other public and semipublic buildings used, constructed or enlarged in the "RB" four-family dwelling 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 (3) feet from an interior side lot line when all parts of the accessory structure are located more than one-half (1/2) 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 5 feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

There shall be a lot area of not less than twenty-five hundred square feet for a one-family dwelling; not less than two thousand square feet per family for a two-family dwelling; and not less than fifteen hundred square feet per family for a three or four-family dwelling.

SECTION 4. That Section 28.04.070, Title 28 of the Code of the City of Wichita, Kansas, be amended to read as follows:

28.04.070 "B" multiple-family dwelling district regulations. In "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, and 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, children's homes and homes for the aged, accommodating ten 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. A directory-type sign or group of signs mounted on or attached to a single base or support, associated with professional offices permitted in 28.04.070 above, provided that it announces only services offered within the building located on the premises whereon the sign is located; and further provided that it shall comply with the following requirements:

- a. Such sign, exclusive of the base on which it is mounted or from which it is suspended; or the total of the signs, exclusive of the single base on which they are mounted or from which they are suspended; shall not exceed an aggregate total area of twelve (12) square feet.
- b. Such sign or signs, mounted on or suspended from a single base, may be situated at any location on the premises.
- c. Such sign may be illuminated; provided that flashing or oscillating lights shall not be permitted; and further provided that all such lighting shall be so situated on the premises that it will not illuminate or reflect onto adjacent properties or opposite properties.

12. A directory-type sign associated with multiple housing or apartment uses permitted in 28.04.070 above; provided that it announces only the name of the multiple housing or apartment development, its street address and the name, address and telephone number of the manager and/or rental agent; and further provided that it shall comply with the following requirements:

- a. Such sign, exclusive of the base on which it is mounted or from which it is suspended, shall not exceed six (6) square feet in area.
- b. Such sign, mounted on or suspended from a single base, may be situated at any location on the premises whereon the multiple housing or apartment development is located.
- c. Such sign may be illuminated; provided that flashing or oscillating lights shall not be permitted; and further provided that all such lighting shall be so situated on the premises that it will not illuminate or reflect onto adjacent properties or opposite properties.

13. Storage garages and parking lots for storage only.

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 "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 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; and 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 semipublic buildings used, constructed or enlarged in the "B" multiple-family dwelling 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 (3) feet from an interior side lot line when all parts of the accessory structure are located more than one-half (1/2) 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 5 feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family:

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 5. That Section 28.04.080, Title 28 of the Code of the City of Wichita, Kansas, 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 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. Clinic - 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 25,000 square feet in area.
 - b. Each living facility shall contain a minimum of one hundred fifty (150) 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 25 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 (6½) feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by such motel or hotel. Such fence shall be located within 3 feet of the side and/or rear property line; provided that such fence shall not be placed on the front 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 proposal first shall have been approved as an exception by the board of zoning appeals; provided, however, that in no event shall said board waive the screening requirement nor shall they permit open-mesh or chain-link type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall such board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. Such permit for such exception shall be obtained through the board of zoning appeals under the provisions of chapter 2.12.560 through 2.12.610 and amendments thereto, of this code.

- e. Recreational uses shall be limited to outdoor non-profit, non-commercial 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. Such use shall be located contiguous to a major street as designated in the Pattern For Thorofares, 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. A directory or trade-mark type sign associated with multiple-family, apartment or office uses permitted in 28.04.080 provided that it announces only the services offered or the uses existing within the building located on the premises whereon the sign is located; and further provided that such sign associated with multiple-family or apartment development announces only the name of the multiple housing or apartment development, its street address, and the name, address and telephone number of the manager and/or rental agent; and further provided that it shall comply with the following requirements:

- a. Such sign, exclusive of the base on which it is mounted or from which it is suspended; or the total of the signs, exclusive of the single base on which they are mounted or from which they are suspended; shall not exceed an aggregate total area of twenty-four (24) square feet.
- b. Such sign, or signs, mounted on or suspended from a single base, may be situated at any location on the premises.
- c. In the event that there are two or more distinct and separate uses conducted within a single building, a sign as described herein shall be permitted for each distinct and separate use.
- d. Such sign may be illuminated; provided that flashing or oscillating lights shall not be permitted; and provided further that all such lighting shall be so situated on the premises that it will not illuminate or reflect onto adjacent residential properties or opposite residential properties.

B. HEIGHT REGULATIONS.

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

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 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.

When 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 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, and provided further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of lots shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.
- 2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries and churches and having auditoriums seating two hundred fifty persons or more, community houses and other public and semipublic 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 (3) feet from an interior side lot line when all parts of the accessory structure are located more than one-half (1/2) 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 5 feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.

4. Lot Area Per Family.

- 4.1 The lot area per family for single-family dwellings shall be no 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, no less than five hundred eighty square feet per family; provided, that the application of this rule shall not reduce the yard requirements, and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.
- 4.2 The maximum building coverage of land area shall not exceed more than one third of the total land area.

SECTION 6. That said original Section 4 of Ordinance No. 27-551 of the City of Wichita, Kansas, and said original Section 28.04.040, Section 28.04.050, Section 28.04.060, Section 28.04.070 and Section 28.04.080, Title 28 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 7. This ordinance shall take effect on its passage and publication once in the official city paper.

PASSED AND APPROVED this _____ day of _____, 1964.

Mayor

ATTEST:

City Clerk

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE
March 24, 1964

METROPOLITAN AREA PLANNING DEPARTMENT

TO Leland R. Edmonds, Director of Planning
FROM Jack H. Galbraith, Senior Planner
SUBJECT Side Yard Requirements for
Accessory Structures

On January 23, 1962, the Board of City Commissioners approved our existing side yard requirements for accessory structures which read as follows:

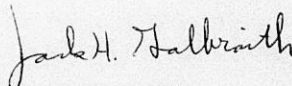
Accessory structures shall be located in compliance with the side yard requirements for main uses or structures of the district in which located. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

Prior to that time, the side yard requirements for accessory structures were as follows:

Accessory buildings shall be not less than three feet from the side lot line.

Also at that time, the definition of accessory building read:

A subordinate building not exceeding twelve (12) feet in height located in and occupying not more than thirty percent (30%) of the rear yard of the main building, and located at least three (3) feet therefrom, with no definite attachment thereto, and its use incidental to that of the main building.



Jack H. Galbraith
Senior Planner

JHG:mm

March 17, 1964

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 63-32 - Amendment of side
yard requirement for accessory
structures

At the regular meeting of the Metropolitan Area Planning Commission on January 2, 1964, a public hearing was held for consideration of a proposed change of the Zoning Ordinance relating to the side yard setback requirements for accessory structures.

Approximately a year and a half ago, the Zoning Ordinance was amended to require side yard setbacks of the same width for accessory structures as were required for main structures. This has presented a problem in enforcement, as well as creating a hardship on those property owners living in the older areas of town. The hardship normally arises from a request to build a garage on property previously developed and normally established on a fifty foot wide lot. Residences of normal width leave only minimal side yards and requiring garages to be set back the same distance makes it nearly impossible for them to be located on the lot in such a manner as to be able to properly utilize them.

The proposed amendment provides that accessory structures shall be located in compliance with the side yard requirements for main uses or structures in the "AA", "A", "RB", "B" and "BB" districts. However, an accessory structure shall not be required to set back more than 3 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.

Board of City Commissioners
March 17, 1964

The proposed amendment has been reviewed with the Superintendent of Central Inspection. He feels that the proposed amendment will tend to alleviate most of the problems which have occurred in the last year and a half.

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

Respectfully submitted,

Leland R. Edmonds
Secretary

LRE:JHG:ber

MEMORANDUM

TO: Planning Commission Members

FROM: Robert A. Lakin, Assistant Planning Director

SUBJECT: DR 63-32 - Side yard requirements for
Accessory Structures

November 15, 1963

Attached is a proposed amendment to the Zoning Ordinance related to side yard setbacks for accessory structures. Approximately a year and a half ago, the Zoning Ordinance was amended to require side yard setbacks of the same width for accessory structures as were required for main structures. This has presented a problem in enforcement, as well as creating hardships on those property owners living in the older areas of town. The hardship normally arises from a request to build a garage on property previously developed and normally established on a 50 foot wide lot. Residences of normal width leave only minimal side yards and requiring garages to be set back the same distance makes it nearly impossible for them to be located on the lot in such a manner as to be able to properly utilize them.

The proposed amendment has been reviewed with the Superintendent of Central Inspection. He feels that this proposed amendment will tend to alleviate most of the problems which have occurred in the last year and a half.

Robert A. Lakin
Assistant Planning Director

RAL:ber
Attachment

RE: DR 63-32 - Side yard requirements for Accessory Structures

PROPOSED AMENDMENT

Amend Section 28.04.040 - 2.4	Page 19
28.04.050 - 2.4	Page 22
28.04.060 - 2.4	Page 26
28.04.070 - 2.4	Page 32
28.04.080 - 2.4	Page 38

to read as follows:

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 (3) feet from an interior side lot line when all parts of the accessory structure are located more than one-half (1/2) 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.

DR
11/21/63
November 12, 1963

Glen Lytle, Superintendent of Central Inspection
Jack H. Galbraith, Senior Planner

Side yard requirements for
Accessory Structures

It has been brought to the attention of this Department that the Office of Central Inspection has been faced with many problems in enforcing the regulations pertaining to side yard requirements for accessory structures.

It is hoped that these recommended amendments to the zoning text will help to lessen the number of hardship cases now brought to the Office of Central Inspection.

These recommended amendments will be brought to the attention of the Planning Commission on November 21, 1963, for their recommendation. Please advise this office as to any suggested changes you may have on the proposed amendment.

Jack H. Galbraith
Senior Planner

JHG:mmm

Attachment

Amend Section 28.04.040 - 2.4 Page 19
28.04.050 - 2.4 Page 22
28.04.060 - 2.4 Page 26
28.04.070 - 2.4 Page 32
28.04.080 - 2.4 Page 38

to read as follows:

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 (3) feet from an interior side lot line when all parts of the accessory structure are located more than one-half (1/2) 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.