

DR64-15 - Planning Dept. initiates amendment to City Zoning Ordinance to amend Section "D" Central Bus. Dist.

ACTION

COMMITTEE	DATE
M.A.P.C.	7-19-64 9-17-64
MMPC	Approved 2-28-65
B.C.C.T.	Approved 4-20-65
See Approved Ord. read	4-27-65

Closed 4-27-65

James -
Darius Tokk
Oswaldment

ORDINANCE NO. 28-170

AN ORDINANCE AMENDING SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO USES PERMITTED IN THE "D" CENTRAL BUSINESS DISTRICT, AND RE-ESTABLISHING AND CREATING A NEW SECTION OF THE ZONING ORDINANCE RELATED TO USES PERMITTED AND REPEALING SAID SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND AMENDING SECTION 28.04.120 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO USES PERMITTED IN THE "E" LIGHT INDUSTRIAL DISTRICT, AND RE-ESTABLISHING AND CREATING A NEW SECTION OF THE ZONING ORDINANCE RELATED TO USES PERMITTED AND REPEALING SAID SECTION 28.04.120 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 28.04.110, Title 28, Code of the City of Wichita, Kansas, be amended to read as follows:

28.04.110 "D" central business district regulations.

A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

B. USE REGULATIONS.

Uses Not Permitted:

1. Acetylene gas manufacture or wholesale storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture, refining and paving mixture plants.
7. Blast furnace.
8. Bag cleaning.
9. Boilerworks.
10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.
11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.

12. Central mixing plant for cement, mortar, plaster or concrete.
13. Disinfectant manufacture.
14. Dyestuff manufacture.
15. Explosive or fireworks manufacture or storage.
16. Exterminator and insect poison manufacture.
17. Fat rendering.
18. Fertilizer manufacture.
19. Forge plant.
20. Garbage, offal or dead animal incineration, reduction or dumping.
21. Gas manufacture or storage.
22. Glue, size or gelatine manufacture.
23. Grain storage.
24. Iron, steel, brass or copper mills engaged in the production of these metals or any of their alloys from ores or junk material.
25. Junk, used material, auto wrecking, salvage, paper, scrap, bottles or rags, baling or storage of such materials, except where such activities are conducted entirely within an enclosed building.
26. Mills, feed or flour.
27. Oilcloth or linoleum manufacture.
28. Preparation or treatment of oiled rubber or leather goods in their raw state.
29. Ore reduction.
30. Paint, oil, shellac, turpentine or varnish manufacture, but not excluding the mixing of manufactured materials into paints.
31. Paper and pulp manufacture.
32. Petroleum or its products, including refining or wholesale storage.
33. Rubber or gutta-percha manufacture or treatment.
34. Shoe polish manufacture.
35. Smelting of tin, copper, zinc or iron ores.

36. Soap manufacture other than liquid soap.
37. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
38. Stockyards.
39. Stove polish manufacture.
40. Tallow, grease or lard manufacture or refining, including the processing of animal fat.
41. Tanning, curing or storage of raw hides or skins.
42. Tar distillation or manufacture.
43. Tar roofing or waterproofing manufacture.
44. Vinegar manufacture.
45. Wool pulling or scouring.
46. Yeast plant.
47. Those uses which may be and as ordinarily operated generally are obnoxious or offensive by reason of emission into the air of odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.
48. Mobile home parks.

C. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

D. AREA REGULATIONS.

1. Front Yard:

No front yard is required for any building for any use.

2. Side Yard:

2.1 No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.

2.2 In all other cases no side yard is required, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet. If a side yard is provided for a commercial or industrial building, it shall be not less than five feet.

3. Rear Yard:

No rear yard is required for any building or for any use except that, if any rear yard is provided, it shall not be less than ten feet.

4. Lot Area Per Family:

Buildings which are erected, enlarged, converted or altered for residential purposes shall have a lot area of not less than two hundred fifty (250) square feet of lot area for each family EXCEPT that for each five percent (5%) of the lot area left as open space, twelve and one-half (12½) square feet of lot area may be deducted from the original requirement of 250 square feet per family; provided, however, that in no instance shall the lot area per family be reduced below one hundred twenty-five (125) square feet per family.

SECTION 2. That Section 28.04.120, Title 28, Code of the City of Wichita, Kansas, be amended to read as follows:

28.04.120 "E" light industrial district regulations.

A. In the "E" light industrial district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "E" light industrial district shall conform to the following area and height regulations:

B. USE REGULATIONS.

The use regulations are identical with those in the "D" central business district, except:

1. The following uses shall also be permitted:
 - a) Agriculture.
 - b) Bag cleaning.
 - c) Bakery employing more than fifty (50) persons on the premises.
 - d) Blacksmithing or horseshoeing shop.
 - e) Boiler and tank works where no riveting is done.
 - f) Bottling works employing more than fifty (50) persons on the premises.
 - g) Building material storage yard.
 - h) Carting, express, hauling or storage yard.
 - i) Central mixing plant for asphalt, mortar, plaster or concrete.
 - j) Cleaning and dyeing works employing more than fifty (50) persons on the premises.
 - k) Coal or coke yard of more than fifty (50) tons* capacity.

- 1) Contractor's plant or storage yard employing more than five (5) persons on the premises; except during construction of any building except within three hundred (300) feet thereof.
- m) Cooperage works.
- n) Foundry.
- o) Grain storage.
- p) Ice plant or storage house of more than ten (10) tons' capacity.
- q) Laundry employing more than fifty (50) persons on the premises.
- r) Livery stable.
- s) Machine shop employing more than ten (10) persons on the premises.
- t) Mills, feed or flour.
- u) Monument works.
- v) Petroleum or its products, including wholesale storage.
- w) Poultry killing establishment.

2. Under no circumstances shall the following uses be permitted even though allowed in the "D" district:

- a) One-family dwellings, except that a single one-family dwelling shall be permitted as a residence for a watchman, caretaker or guard; provided that such one-family dwelling is located on a tract used for an industrial purpose and properly located under the terms of this article; and further provided that such one-family dwelling shall be occupied only by the watchman, caretaker or guard employed by the individual, firm or corporation which owns, rents, leases or operates the industrial use located on said tract, together with members of the family of the watchman, caretaker or guard.
- b) Those uses first permitted in the "AA", "A", "RB", "B" or "C" zoning districts.

C. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five (25) stories.

D. AREA REGULATIONS.

1. Front Yard:

No front yard shall be required.

2. Side Yard:

2.1 The side yard regulations for buildings erected, enlarged, converted or altered for dwelling purposes shall be the same as the requirements of dwellings in the "B" multiple-family dwelling district.

2.2 In all other cases, no side yard is required. If a side yard is provided for a commercial or industrial building, it shall be not less than five (5) feet.

3. Rear Yard:

The rear yard requirements for buildings erected, enlarged, converted or altered for dwelling purposes shall be the same as in the "B" multiple-family dwelling district. No rear yard is required for a commercial or industrial building.

4. Lot Area Per Family:

The regulations for lot area per family shall be the same as those in the "B" multiple-family dwelling district.

SECTION 3. That Sections 28.04.110 and 28.04.120 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. This Ordinance shall take effect on its passage and publication once in the official city paper.

PASSED AND APPROVED THIS _____ day of _____, 19____.

Mayor

ATTEST:

City Clerk

(SEAL)

April 13, 1965

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 64-15 - Amendment to the
Zoning Ordinance to clarify the
uses permitted in the "D" and
"E" Districts

At the regular meeting of the Planning Commission on February 18, 1965, a public hearing was held for reviewing a proposed amendment to the Zoning Ordinance to clarify the uses permitted in the "D" Central Business District and to permit uses in the "E" Light Industrial District which are prohibited in the "C" General Commercial District.

At the request of Mr. Ferd E. Evans, Jr., of Morris, Laing, Evans and Brock, the Planning Department was directed by the Planning Commission to prepare the proposed amendment which would permit in the "E" Light Industrial District the uses which are specifically prohibited by the "C" General Commercial District; and to clarify the uses permitted in the "D" Central Business District.

This requested change to the Zoning Ordinance was made by Mr. Evans inasmuch as he represents an out of town corporation, who declined to purchase a building for the use of a laundry employing more than 50 persons on the premises in an "E" District. The office of Central Inspection, as well as the Department of Law, interpreted the ordinance to permit the proposed use. However, counsel in New Jersey, who represents the corporation, read the text and advised the corporation management that the law is too unclear and uncertain to justify investment of a large sum of money in reliance upon administrative interpretation of what appears to be ambiguous language.

Board of City Commissioners
April 13, 1965

The Planning Commission feels that this amendment clarifies the uses permitted in both the "D" and "E" Districts, and recommends that the Ordinance be amended.

An Ordinance effectuating the 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,

C. Bickley Foster
Secretary

CBF:JHG:ber

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO USES PERMITTED IN THE "D" CENTRAL BUSINESS DISTRICT, AND RE-ESTABLISHING AND CREATING A NEW SECTION OF THE ZONING ORDINANCE RELATED TO USES PERMITTED AND REPEALING SAID SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND AMENDING SECTION 28.04.120 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO USES PERMITTED IN THE "E" LIGHT INDUSTRIAL DISTRICT, AND RE-ESTABLISHING AND CREATING A NEW SECTION OF THE ZONING ORDINANCE RELATED TO USES PERMITTED AND REPEALING SAID SECTION 28.04.120 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 28.04.110, Title 28, Code of the City of Wichita, Kansas, be amended to read as follows:

28.04.110 "D" central business district regulations.

A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

B. USE REGULATIONS.

Uses Not Permitted:

1. Acetylene gas manufacture or wholesale storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.

5. Arsenal.
6. Asphalt manufacture, refining and paving mixture plants.
7. Blast furnace.
8. Bag cleaning.
9. Boilerworks.
10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.
11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.
12. Central mixing plant for cement, mortar, plaster or concrete.
13. Disinfectant manufacture.
14. Dyestuff manufacture.
15. Explosive or fireworks manufacture or storage.
16. Exterminator and insect poison manufacture.
17. Fat rendering.
18. Fertilizer manufacture.
19. Forge plant.
20. Garbage, offal or dead animal incineration, reduction or dumping.
21. Gas manufacture or storage.
22. Glue, size or gelatine manufacture.
23. Grain storage.
24. Iron, steel, brass or copper mills engaged in the production of these metals or any of their alloys from ores or junk material.

25. Junk, used material, auto wrecking, salvage, paper, scrap, bottles or rags, baling or storage of such materials, except where such activities are conducted entirely within an enclosed building.
26. Mills, feed or flour.
27. Oilcloth or linoleum manufacture.
28. Preparation or treatment of oiled rubber or leather goods in their raw state.
29. Ore reduction.
30. Paint, oil, shellac, turpentine or varnish manufacture, but not excluding the mixing of manufactured materials into paints.
31. Paper and pulp manufacture.
32. Petroleum or its products, including refining or wholesale storage.
33. Rubber or gutta-percha manufacture or treatment.
34. Shoe polish manufacture.
35. Smelting of tin, copper, zinc or iron ores.
36. Soap manufacture other than liquid soap.
37. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
38. Stockyards.
39. Stove polish manufacture.
40. Tallow, grease or lard manufacture or refining, including the processing of animal fat.

41. Tanning, curing or storage of raw hides or skins.
42. Tar distillation or manufacture.
43. Tar roofing or waterproofing manufacture.
44. Vinegar manufacture.
45. Wool pulling or scouring.
46. Yeast plant.
47. Those uses which may be and as ordinarily operated generally are obnoxious or offensive by reason of emission into the air of odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.
48. Mobile home parks.

C. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

D. AREA REGULATIONS.

1. Front Yard:

No front yard is required for any building for any use.

2. Side Yard:

2.1 No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.

2.2 In all other cases no side yard is required, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet. If a side yard is provided for a commercial or

industrial building, it shall be not less than five feet.

3. Rear Yard:

No rear yard is required for any building or for any use except that, if any rear yard is provided, it shall not be less than ten feet.

4. Lot Area Per Family:

Buildings which are erected, enlarged, converted or altered for residential purposes shall have a lot area of not less than two hundred fifty (250) square feet of lot area for each family EXCEPT that for each five percent (5%) of the lot area left as open space, twelve and one-half (12½) square feet of lot area may be deducted from the original requirement of 250 square feet per family; provided, however, that in no instance shall the lot area per family be reduced below one hundred twenty-five (125) square feet per family.

SECTION 2. That Section 28.04.120, Title 28, Code of the City of Wichita, Kansas, be amended to read as follows:

28.04.120 "E" light industrial district regulations.

A. In the "E" light industrial district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "E" light industrial district shall conform to the following area and height regulations:

B. USE REGULATIONS.

1. The following uses shall be permitted:
 - a) Agriculture.
 - b) Bag cleaning.
 - c) Bakery employing more than fifty persons on the premises.
 - d) Blacksmithing or horseshoeing shop.
 - e) Boiler and tank works where no riveting is done.
 - f) Bottling works employing more than fifty persons on the premises.
 - g) Building material storage yard.
 - h) Carting, express, hauling or storage yard.
 - i) Central mixing plant for asphalt, mortar, plaster or concrete.
 - j) Cleaning and dyeing works employing more than fifty persons on the premises.
 - k) Coal or coke yard of more than fifty tons' capacity.
 - l) Contractor's plant or storage yard employing more than five persons on the premises; except during construction of any building except within three hundred feet thereof.
 - m) Cooperage works.
 - n) Foundry.
 - o) Grain storage.
 - p) Ice plant or storage house of more than ten tons' capacity.
 - q) Laundry employing more than fifty persons on the premises.
 - r) Livery stable.
 - s) Machine shop employing more than ten persons on the premises.
 - t) Mills, feed or flour.

- u) Monument works.
- v) Petroleum or its products, including wholesale storage.
- w) Poultry killing establishment.

2. Under no circumstances shall the following uses be permitted even though allowed in the "D" district:

a) One-family dwellings, except that a single one-family dwelling shall be permitted as a residence for a watchman, caretaker or guard; provided that such one-family dwelling is located on a tract used for an industrial purpose and properly located under the terms of this article; and further provided that such one-family dwelling shall be occupied only by the watchman, caretaker or guard employed by the individual, firm or corporation which owns, rents, leases or operates the industrial use located on said tract, together with members of the family of the watchman, caretaker or guard.

b) Those uses first permitted in the "AA", "A", "RB", "B" or "G" zoning districts.

C. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five (25) stories.

D. AREA REGULATIONS.

1. Front Yard:

No front yard shall be required.

2. Side Yard:

2.1 The side yard regulations for buildings erected, enlarged, converted or altered for dwelling purposes shall be the same as the requirements for dwellings in the "B" multiple-family dwelling district.

2.2 In all other cases, no side yard is required if a side yard is provided for a commercial or industrial building, it shall be not less than five (5) feet.

3. Rear Yard:

The rear yard requirements for buildings erected, enlarged, converted or altered for dwelling purposes shall be the same as in the "B" multiple-family dwelling district. No rear yard is required for a commercial or industrial building.

4. Lot Area Per Family:

The regulations for lot area per family shall be the same as those in the "B" multiple-family dwelling district.

SECTION 3. That Sections 28.04.110 and 28.04.120 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. This Ordinance shall take effect on its passage and publication once in the official city paper.

PASSED AND APPROVED THIS _____ day of _____,
19____.

Mayor

ATTEST:

City Clerk

(SEAL)

February 19, 1965

Mr. Ferd E. Evans, Jr.
214 First Federal Savings Bldg.
123 South Market
Wichita, Kansas

Subject: DR64-15 - Amendment to City Zoning Ordinance in the "D" Central Business District and "E" Light Industrial District

Dear Mr. Evans:

At its regular meeting on February 18, 1965, the Metropolitan Area Planning Commission held a public hearing for consideration of an amendment to the Zoning Ordinance to clarify the "D" Central Business District and to amend the uses permitted under the "E" Light Industrial District. The action of the Planning Commission was to recommend that these amendments be approved.

We will notify you when this case will be forwarded to the Board of City Commissioners for their consideration.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Glen Lytle, Superintendent
Central Inspection Division

LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE H. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL

December 17, 1964

AMHERST 4-2841

Mr. Jack H. Galbraith
Senior Planner
Wichita-Sedgwick County Metropolitan
Area Planning Department
104 South Main Street
Wichita, Kansas



RE: Amendment to the City Zoning Ordinance
to permit uses in "E" Light Industrial
which are prohibited in the "C"
Commercial District

Dear Mr. Galbraith:

I have yours of December 14 and its enclosure; and I thank you
for the same.

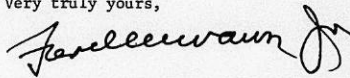
You request my comments; and in response to that request or
invitation, I submit the following:

1. The proposed amendments take care of the problem encountered
by my client and which caused me to start this ball rolling in the first
place.
2. However, I wonder if Mr. Lytle isn't going to have trouble
with the last sentence in the proposed amendment with respect to "D"
central business district. The way the proposed language reads now, it
would seem to me that if a certain use is not prohibited in "C" and is
"prohibited below", then it would still be lawful in the central business
district for the reason that it is a use which is "not prohibited in the
'C' district." Isn't your intention more unequivocally expressed by such
language as: "uses which are neither prohibited in the 'C' district nor
prohibited below are permitted in the 'D' district" or "uses which are
permitted in the 'C' district and which are not prohibited below are
permitted in the 'D' district."
3. I do not understand the meaning of item 1) on page 2 of
your enclosure. The fact that I don't understand it sure doesn't indicate
that it doesn't mean anything; but it does suggest that enactment of the
language might produce future arguments.

Mr. Jack H. Galbraith #2
December 17, 1964

4. My final comment is that my client and I appreciate your attention to this matter. We are of course hopeful that the proposed amendments will soon become law.

Very truly yours,



Ferd E. Evans, Jr. of
MORRIS, LAING, EVANS & BROCK

FEE:lf

December 14, 1964

Mr. Ferd E. Evans, Jr.
214 First Federal Savings Bldg.
123 South Market
Wichita, Kansas 67202

Subject: Amendment to the City Zoning
Ordinance to permit uses in "E" Light
Industrial which are prohibited in the
"C" Commercial District

Dear Mr. Evans:

Attached for your files is a copy of our recommended amendment to the Zoning Ordinance. The proposed amendment clarifies that uses prohibited in the "C" and "D" Districts are identical; whereas the uses first prohibited in the "C" District are permissible in the "E" District, except the wrecking of motor vehicles which is regulated under Section 28.04.184 of the Zoning Ordinance.

We would appreciate your reviewing and commenting on these proposed changes prior to placing this matter on the Planning Commission agenda.

If you have any questions, please feel free to call.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs
Attachment
cc: Glen Lytle, Superintendent
Central Inspection Division

LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE M. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL

December 9, 1964

AMHERST 4-2841

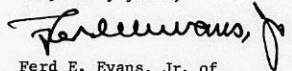
Mr. Jack H. Galbraith
Senior Planner
Wichita-Sedgwick County Metropolitan
Area Planning Commission
City Building Annex
104 South Main Street
Wichita, Kansas 67202

RE: Laundries employing more than
50 people in the Light Industrial Zone

Dear Jack:

It having been some little time since you and I last discussed the referenced matter, and since you indicated that you were sure you could work up a proposed amendment which would solve the problem, I am writing to ask how you are coming along. May I hear from you soon?

Very truly yours,



Ferd E. Evans, Jr. of
MORRIS, LAING, EVANS & BROCK

FEE:lf



28.04.110 "D" central business district regulations.

Amend to read as follows:

A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

28.04.120 "E" light industrial district regulations.

Amend to read as follows:

A. In the "E" light industrial district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "E" light industrial district shall conform to the following area and height regulations:

B. USE REGULATIONS.

The use regulations are identical with those in the "D" central business district, except:

1. The following uses shall be permitted:
 - a) Agriculture.
 - b) Bag cleaning.
 - c) Bakery employing more than fifty persons on the premises.
 - d) Blacksmithing or horseshoeing shop.
 - e) Boiler and tank works where no riveting is done.
 - f) Bottling works employing more than fifty persons on the premises.
 - g) Building material storage yard.

*published
By*

- h) Carting, express, hauling or storage yard.
- i) Central mixing plant for asphalt, mortar, plaster or concrete.
- j) Cleaning and dyeing works employing more than fifty persons on the premises.
- k) Coal or coke yard of more than fifty tons³ capacity.
- l) Contractor's plant or storage yard employing more than five persons on the premises; except during construction of any building except within three hundred feet thereof.
- m) Cooperage works.
- n) Foundry.
- o) Grain storage.
- p) Ice plant or storage house of more than ten tons³ capacity.
- q) Laundry employing more than fifty persons on the premises.
- r) Livery stable.
- s) Machine shop employing more than ten persons on the premises.
- t) Mills, feed or flour.
- u) Monument works.
- v) Petroleum or its products, including wholesale storage.
- w) Poultry killing establishment.

October 9, 1964

Mr. Ferd E. Evans, Jr.
214 First Federal Savings Bldg.
123 South Market
Wichita, Kansas

Subject: DR64-15 - Consideration of
amendment to City Zoning Ordinance

Dear Mr. Evans:

In our letter to you dated September 18, 1964, we advised you that we would advertise your suggested Zoning Ordinance amendment for a public hearing to be held October 15, 1964.

Since that time, I have again become quite concerned about this proposed amendment and the adverse affects I think will result in our "D" and "E" Districts if this amendment is adopted. The Planning Department and Planning Commission are concerned about our antiquated Ordinance and are moving ahead toward a complete revision. However, we feel that just because we now have a piecemeal Ordinance is no reason to make it more so.

The uses not permitted in the "C" District are also not permitted in the "D" District, which in turn, are not permitted in the "E" District. Some of the uses not permitted in the "E" District may be questionable. The following are examples of uses which, in my opinion, should not be permitted in all three districts:

1. Blacksmithing.
2. Building material storage yard.
3. Contractor plant or storage yard.
4. Coal or coke yard.
5. Cooperage works.
6. Foundry.
7. Stone yard or monument works.
8. wrecking motor vehicles.

October 9, 1964

As you can see, I have certain reservations concerning this proposed change. I do not feel that this is the time to permit certain uses, such as those listed above, in the most restrictive industrial district.

We have decided not to advertise this proposed amendment until we are certain of the possible affects this amendment might have. I would appreciate the opportunity to discuss this matter with you at your earliest convenience.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

() (Published in The Wichita Beacon on _____, 1964)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT on the 15th day of October, 1964, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at 2:00 p.m. will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

SECTION 28.04.110 "D" Central Business District Regulations

Amend to read as follows:

- A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses not prohibited below are permitted in the "D" district.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and official seal on this 25th day of September, 1964.

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

(1-T)

September 18, 1964

Mr. Ferd E. Evans, Jr.
214 First Federal Savings Bldg.
123 South Market
Wichita, Kansas

Subject: DR 64-15 - Consideration of
amendment to Zoning Ordinance

Dear Mr. Evans:

At its regular meeting on September 17, 1964, the Metropolitan Area Planning Commission considered the following amendment to the City Zoning Ordinance:

Section 28.04.110 - "D" Central Business District,
amend to read as follows:

- A. In the "D" Central Business District, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" Central Business District shall conform to the following area and height regulations. ~~Uses permitted in the "C" district and uses not prohibited below are permitted in the "D" district.~~ Uses not prohibited below are permitted in the "D" district.

The action of the Planning Commission was to direct the staff to advertise this amendment for public hearing to be held on October 15, 1964.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:JWH:bgs

LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK

214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET

WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE M. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL

August 25, 1964

AMHERST 4-2841

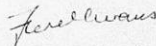
Mr. Robert A. Lakin
Assistant Planning Director
Metropolitan Area Planning Department
City Building Annex
104 South Main Street
Wichita, Kansas

Dear Bob:

I acknowledge receipt of your letter dated August 6 in which you indicate a hopeful intention of accomplishing an amendment to the zoning ordinance for the purpose of clarifying what uses are and what uses are not permitted in "D" Central Business District. I want to emphasize that the tardiness of my acknowledgment has been caused exclusively by the fact that I was out of the office for three weeks prior to yesterday; and I am now only beginning to work myself out from under the pile of mail which accumulated during that time.

I am delighted at the prospect of this amendment, for in my opinion it will produce a clarification which I am confident will be beneficial. You indicate that your office would like to be advised as to exactly what I think should be changed; and for the purpose of communicating my thought on the matter I enclose a copy of a letter which I wrote on the subject to Mr. Vincent L. Bogart under date of May 25, 1964. It goes without saying that if either you or Mr. Galbraith would like any further clarification of what has been "bugging" me or would like in any way to discuss my suggestion in more detail, you have only to let me know and I will write you further or call you on the phone or run over and see you (whichever method of communication you would find more convenient).

Very truly yours,



Ferd E. Evans, Jr. of
MORRIS, LAING, EVANS & BROCK

FEE:lf
enc:

cc: Mr. Vincent L. Bogart
Mr. John Dekker



Jack 2
August 6, 1964

Mr. Ferd E. Evans, Jr., Attorney
123 South Market
Wichita, Kansas

Dear Ferd:

I have discussed your letter on changing the zoning text in the commercial district with John Dekker, and feel that you have a valid point which is subject to misinterpretation and should be changed. Although we have a terrific office load at the moment in trying to complete several reports due by November 4, we will try to get something initiated on this for a "quickie" text change as soon as vacations are over in the Regulations Division.

I am asking Jack Galbraith to contact you to make sure we understand exactly what should be changed. Please feel free to contact Jack or myself on this matter.

Sincerely yours,

Robert A. Lakin
Assistant Planning Director

RAL:ber

cc: Vincent L. Bogart
John Dekker

6 June 1964

Ferd E. Evans, Jr.
Attorney at Law
214 First Federal Savings Building
123 South Market Street
Wichita, Kansas 67202

Dear Ferd:

This will acknowledge your letter of May 25 regarding the uses in "E" Light Industrial District. I would have answered before now but as you know, I have been out of town for almost a month.

In looking over the provision I am in disagreement with some portions of your argument. It seems to me that it would make a pretty strained construction to only permit uses in "E" Light Industrial that are both permitted in "C" zoning not prohibited in "D" zoning. If the language were to read "uses permitted in the "C" District and not prohibited below are permitted in the "D" District" I could readily agree with you, but I think the stating of the word "uses", to my mind at least, clearly expresses the intent to permit uses that fall in either of those categories.

It is apparent, however, that lawyers can arrive at different conclusions particularly where the lawyer is facing the ordinance from another city and may have had bad experiences with the regulations of businesses.

In any event, your suggested amendment would certainly remove the question from anyone's mind and unless there are other ramifications to such an amendment, I cannot see where it would have any damaging effect. The only question I have, Ferd, is as to the costs of the amendment and I will take this up with Mr. Dekker at my first available opportunity.

Very truly yours,

VINCENT L. BOGART, Mayor
City of Wichita, Kansas

VLB/cp

CC: John Dekker, Attorney
303 S. Main
Wichita, Kansas

26 May 1964

Ferd E. Evans, Jr.
Morris, Laing, Evans & Brock
Attorneys at Law
214 First Federal Savings Building
123 South Market Street
Wichita, Kansas 67202

Dear Mr. Evans:

Mr. Bogart is in New York attending the U. S. Conference of Mayors and will return to this city on June 1, 1964, at which time I will draw his attention to your letter of May 25, 1964, regarding a certain zoning ordinance.

Very truly yours,

(Mrs.) Carol M. Palmer
Secretary to
MAYOR VINCENT L. BOGART

6-1/2/6 MAY 26 1964

LAW OFFICES OF
MORRIS LAING EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE M. LAING
FERDIE EVANS, JR.
RALPH E. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL

May 25, 1964

AMHERST 4-2041

Mr. Vincent L. Bogart
300 North Broadway
Wichita, Kansas

Dear Vince:

Wouldn't you be pleased to have some one contact you on City business concerning a matter involving no controversy? You should be glad to get this letter because it contains a suggestion for action by the City Commission regarding a matter which is not controversial.

There is a certain provision of the zoning ordinance which the Central Inspection Department interprets in a certain way, which the public generally regards as meaning what the Central Inspection Department says it means, and which the City Department of Law likewise interprets the same way. But that provision contains phraseology which is ambiguous (on a crucial point); and I am writing to urge that the City Commission amend the ordinance so as to clarify and "nail down" that the ordinance means what the public and the City government says it means. There, shouldn't that be non-controversial?

The reason that this point arises now is that a very large out-of-town corporation declined to purchase (for a large amount of dough) a building for the reason that its house counsel in New Jersey read the text of the ordinance and advised the corporation's management that the law is too unclear and uncertain to justify investment of a large sum of money in reliance upon administrative interpretation of what said counsel deems to be at best ambiguous language.

The question was whether a laundry employing more than fifty persons on the premises is permitted in a building location zoned "E" Light Industrial District. The Central Inspection Department said "yes" and so did the Law Department; but a study of the ordinance leaves a person not so sure. Uses permitted in "E" are those uses (with exceptions not here pertinent) permitted in "D" Central Business District. Code of the City of Wichita, Section 28.04.120. The uses permitted in "D" (which I will examine more in detail in a moment) require a reference to uses permitted in "C" Commercial District; and in this connection it is significant that a laundry employing more than fifty persons on the premises is expressly not permitted in "C". Section 28.04.100 (B)(12). The uses permitted in "D" Central Business District are found in Section 28.04.110 (A), wherein it is stated that "uses permitted in the 'C' district

Mr. Vincent L. Bogart #2
May 25, 1964

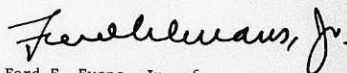
and uses not prohibited below are permitted in the 'D' district." But the use I am talking about is not "permitted in the 'C' district"; and the New Jersey house counsel for this out-of-town laundry corporation says it looks to him (and it does to me too) like such use is thus prohibited in "D" and (by reference) in "E" districts. In other words, the language above quoted is at least susceptible of the interpretation that to be permitted in "D" a use must be both in "C" and "not prohibited below". (The use I am talking about is "not prohibited below" but it is not among the uses "permitted in the 'C' district".)

I have discussed this with John Dekker and he says that the language "permitted in the 'C' district and not prohibited below" found in Section 28.04.110 is intended to mean and should be construed as if it read "uses permitted in the 'C' district plus uses not prohibited below are permitted in the 'D' district". However, I find that the language is at least as susceptible of meaning that to be permitted in "D" a use must be both permitted in "C" and "not prohibited below". John says that if my interpretation be right, the ordinance would mean that there are fewer permitted uses in "D" than in "C"; and I reply that if the language means what he says it does reference to "uses permitted in the 'C' district" is entirely superfluous. Both John's comment and mine are correct; and this just serves to point up the fact that the language very much needs cleaning up.

Apparently no one advocates or favors a situation in which the ordinance shall mean what the house counsel in New Jersey is afraid it might mean. I do not see how any thinking lawyer, after looking at that language for a while, could decline to agree that the language at least needs cleaning up, if not that it needs clarification. So I respectfully suggest and urge for your consideration that the City Commission amend Section 28.04.110 (A) by changing the last sentence in said subsection (A) to read as follows: "Uses not prohibited below are permitted in the 'D' district."

I would be glad to hear from you about this.

Very truly yours,



Ferd E. Evans, Jr. of
MORRIS, LAING, EVANS & BROCK

FEE:lf

cc: Mr. John Dekker
Mr. Carl A. Bell, Jr.

DR64-16 - Amendm
Ordinance - Sect
in zoning class

ACTION

DATE

COMMITTEE

MAPC. Advisory for 10-15-64
public hearing

~~BOC~~

Mapc Approve 11-19-64

BLL Approve 1-5-64

See place on lot reading

Refer 1 week 1-10-64

Adopt Ord. as amended 1-19-65

See Considered Report on 3-23-66
captioned amendment - no
action taken

Handwritten signature

March 22, 1966

Russell E. McClure, City Manager

C. Bickley Foster, Director of Planning

Refiling of Zoning Applications within one year

On January 19, 1965, the Board of City Commissioners adopted a zoning ordinance amendment, Section 28.04.210, which provided that "no application for any change of zoning classification shall be filed within one year following a previous application on the same property."

The ordinance also provided that the Zoning Committee of the Planning Commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date when significant changes have occurred.

As of this date, we have had only one inquiry for refiling a zone application after six months. The person inquiring was advised to submit a statement in detail setting out those changes which he deemed significant and which he felt warranted the refiling of the original application. Upon receipt of such statement, the Director of Planning would take the request to the Zoning Committee for its consideration. We have not received a statement from the inquirer.

We have also checked our zone cases to determine the number of cases being filed immediately after the one year period. No application has been filed twice for the same area since January 19, 1965. We have found five cases, filed a few months prior to the adoption of the ordinance amendment, have now been re-filed after waiting a year.

It is the opinion of the Planning Department that the amendment has not created any hardship or any concern on the part of most applicants. It appears that the provision is still in the best interest of the public, particularly the protestors who annually must appear and speak in opposition to defend their property. We will keep you advised should we find any concern by applicants having to wait a year to refile.

CBF:JHG:ber

cc: Bob Finch
Executive Secretary

January 7, 1965

Robert G. Finch, City Clerk

Robert A. Lakin, Assistant Planning Director

Zoning Ordinance Amendment
(DR 64-16) Amending Section 28.04.210

Last week the City Commission approved and placed on first reading an ordinance relating to changes in zoning classifications and districts, amending Ordinance No. 27-712 and Section 28.04.210 of the Code.

When this ordinance is submitted to the City Commission for its second reading and adoption, we would ask that the Commission amend paragraph C.3 on page 2 to read as follows:

"shall be filed within one (1) year following the filing of a previous applica-"

This change will clarify when the one year and six month periods begin. John Dekker has approved the proposed amendment.

RAL:ber

cc: James Clancy
John Dekker
Grey Dresie, Attorney
Bitting Building

ORDINANCE NO. 27-982

AN ORDINANCE RELATING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS AND PLACING A LIMITATION UPON THE TIME WITHIN WHICH A ZONING APPLICATION MAY BE FILED ON THE SAME PROPERTY, AND RE-ESTABLISHING A NEW SECTION OF THE ZONING ORDINANCE RELATED TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS, AND REPEALING SECTION 2 OF ORDINANCE NO. 27-712 OF THE CITY OF WICHITA, KANSAS, AND SECTION 28.04.210, TITLE 28, CODE OF THE CITY OF WICHITA, KANSAS.

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

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

28.04.210 Changes in zoning classifications or districts.

A. GENERAL PROCEDURE.

1. Changes in the zoning classification or district of any lot, tract or parcel of land located in the city, shall be made by resolution of the board of commissioners of the city, upon recommendation by the planning commission after notice and hearing as by law provided; that every such resolution shall legally describe the particular lot, tract or parcel of land and the change being made in its zoning classification or district, providing one resolution may contain more than one change of zoning.

2. Upon the adoption of the board of commissioners of a resolution effecting a change in the zoning classification or district of any lot, tract or parcel of land in the city, the planning director shall cause the particular sectional zoning map embracing the lot, tract or parcel involved to be changed accordingly so that such sectional zoning map shall at all times reflect the current zoning classification or district of every lot, tract or parcel of land in the city.

B. CHANGES BY THE BOARD OF COMMISSIONERS.

The board of commissioners may from time to time amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this chapter, provided such proposed change first be submitted to the planning commission for its recommendation and report; and provided further, that no less than twenty day's notice of such proposed change shall first be published in the official paper of the city and a hearing by the planning commission be granted to any person interested, at a time and place specified in such notice. If, however, a protest against such amendment, supplement or change be filed in the office of the city clerk within fourteen (14) days after the date of actual hearing, duly signed and acknowledged by the owners of twenty percent (20%) or more of any (all) land located within two hundred (200) feet of the area proposed to be altered, such amendment shall not be passed except by at least four-fifths (4/5) vote of the board of commissioners.

C. CHANGES BY OTHER INDIVIDUALS OR GROUPS.

1. Application for any change in district boundaries or reclassification of any lot, tract or parcel of land shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission, so as to assure the fullest practicable presentation of facts for the permanent record.

2. For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification, as follows:

<u>Classification</u>	<u>Fee</u>
"AA" - one-family dwelling district	\$ 35
"A" - two-family dwelling district	35
"RB" - four-family dwelling district	35
"B" - multiple-family dwelling district	70
"BB" - office district	70
"LC" - light commercial district (6 acres and under)	100
"LC" - light commercial district (over 6 acres)	200
"C" - commercial district (6 acres and under)	100
"C" - commercial district (over 6 acres)	200
"D" - central business district (6 acres and under)	100
"D" - central business district (over 6 acres)	200
"E" - light industrial district (6 acres and under)	100
"E" - light industrial district (over 6 acres)	200
"F" - heavy industrial district (6 acres and under)	100
"F" - heavy industrial district (over 6 acres)	200
"G" - mobile home district	70

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. No fee shall be required when said application is submitted by any department of the city, county, state or federal government.

3. No application for any change of zoning classification shall be filed within one (1) year following a previous application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place

within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application.

SECTION 2. That Section 2 of Ordinance No. 27-712 of the City of Wichita, Kansas, and the existing Section 28.04.210, Title 28 of the Code of the City of Wichita, Kansas, are hereby repealed.

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

PASSED AND APPROVED this 19th day of January, 1965.

Mayor

ATTEST:

City Clerk

(SEAL)

December 29, 1964

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 64-14 - Placing a limitation
upon the number of times a zoning
application may be filed on the
same property

At the regular meeting of the Planning Commission on November 19, 1964, a public hearing was held for reviewing a proposed amendment to the Zoning Ordinance relative to placing a limitation on the number of times a zoning application may be filed on the same property.

Specifically, the proposed amendment provides that no application for any change of zoning shall be filed within one year following a previous application on the same property or portion thereof. However, it is also provided that the Zoning Committee of the Planning Commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when the applicant can submit a statement, in writing, setting out what physical, economic, or land use changes have taken place, or what Zoning Ordinance text change has been adopted which would warrant a refiling of said application. The applicant may also request permission to refile an application whenever the request is for a more restrictive classification than that which was originally requested.

The proposed amendment would help to alleviate the burden which is placed on the adjoining property owners, or other interested parties, who normally want to appear each time an application is considered. Placing a time limitation on the refiling of the same application would also help to alleviate the time-consuming burden placed on the Planning Commission and governing body in hearing and rehearing zoning applications on the same property.

Board of City Commissioners
December 29, 1964

The Planning Commission has recommended that this application be approved and an ordinance effectuating this change has been prepared by the Department of Law. If the Commission agrees with the proposed change, the ordinance should be placed on its first reading.

Respectfully submitted,

C. Bickley Foster
Secretary

CBF:JWH:ber

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

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS AND RE-ESTABLISHING A NEW SECTION OF THE ZONING ORDINANCE RELATED TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS, AND REPEALING SECTION 2 OF ORDINANCE NO. 27-712 OF THE CITY OF WICHITA, KANSAS, AND SECTION 28.04.210, TITLE 28, CODE OF THE CITY OF WICHITA, KANSAS.

** and placed a limitation upon the amount of time to be held
of time to be held
may be filed on the
same property*

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

SECTION 1. That the following section ^Bbe amended in Title 28, Code of the City of Wichita, Kansas *be amended to read as follows:*

28.04.210 Changes in zoning classifications or districts.

A. GENERAL PROCEDURE.

1. Changes in the zoning classification or district of any lot, tract or parcel of land located in the city, shall be made by resolution of the board of commissioners of the city, upon recommendation by the planning commission after notice and hearing as by law provided; that every such resolution shall legally describe the particular lot, tract or parcel of land and the change being made in its zoning classification or district, providing one resolution may contain more than one change of zoning.

Name: KEN MAR

Type: SECONDARY

Runways:	<u>Identification</u>	<u>Surfacing</u>	<u>Length in Feet</u>	<u>Lights</u>
	18-36	Concrete Pavement	2,200	Yes
	4-22	Turf	2,900	None
	8-26	Turf	2,200	None
	12-30	Turf	2,600	None

Activities:

General Aviation
Charter Service
Flight Instruction Service
Aircraft Sales
Ambulance Service

Facilities:

Fuel
Snow Removal
Lighted Wind Indicator
Major Repair Service
Aircraft Storage

Remarks: The approaches to runways 4, 8, 12, 18, 22 and 36 are obstructed as defined by FFA criteria. However, the obstructions can be removed or corrected. The topography of the site and land to the south and southeast permits the improvement of the airport to a runway configuration noted on the photo. This configuration provides a wind coverage of 95 percent with not more than a 10 knot cross wind component. The additional runway length will be required for the future requirements of general aviation as predicted by the Federal Aviation Agency.

Name: PARK RACEWAY

Type: SECONDARY

Runways:	<u>Identification</u>	<u>Surfacing</u>	<u>Length in Feet</u>	<u>Lights</u>
	17-35	Turf	2,200	None

Activities:

General Aviation
Drag Racing

Facilities:

Fuel

Remarks: This airport is presently under construction. Topography to the north and northwest would permit the expansion of the airport in these directions.

2. Upon the adoption of the board of commissioners of a resolution effecting a change in the zoning classification or district of any lot, tract or parcel of land in the city, the planning director shall cause the particular sectional zoning map embracing the lot, tract or parcel involved to be changed accordingly so that such sectional zoning map shall at all times reflect the current zoning classification or district of every lot, tract or parcel of land in the city.

B. CHANGES BY THE BOARD OF COMMISSIONERS.

The board of commissioners may from time to time amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this chapter, provided such proposed change first be submitted to the planning commission for its recommendation and report; and provided further, that no less than twenty day's notice of such proposed change shall first be published in the official paper of the city and a hearing by the planning commission be granted to any person interested, at a time and place specified in such notice. If, however, a protest against such amendment, supplement or change be filed in the office of the city clerk within fourteen (14) days after the date of actual hearing, duly signed and acknowledged by the owners of twenty percent (20%) or more of any (all) land located within two hundred (200) feet of the area proposed to be altered, such amendment shall not be passed except by at least four-fifths (4/5) vote of the board of commissioners.

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General Aviation
Drag Racing

Facilities:

Fuel

Remarks: This airport is presently under construction. Topography to the north and northwest would permit the expansion of the airport in these directions.

C. CHANGES BY OTHER INDIVIDUALS OR GROUPS.

1. Application for any change in district boundaries or reclassification of any lot, tract or parcel of land shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission, so as to assure the fullest practicable presentation of facts for the permanent record.

2. For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification, as follows:

Classification	Fee
"AA" - one-family dwelling district	\$ 35
"A" - two-family dwelling district	\$ 35
"RB" - four-family dwelling district	\$ 35
"B" - multiple-family dwelling district	\$ 70
"BB" - office district	\$ 70
"LC" - light commercial district (6 acres and under)	\$100
"LC" - light commercial district (over 6 acres)	\$200
"C" - commercial district (6 acres and under)	\$100
"C" - commercial district (over 6 acres)	\$200
"D" - central business district (6 acres and under)	\$100
"D" - central business district (over 6 acres)	\$200

Name: KEN MAR
Type: SECONDARY

Runways:	<u>Identification</u>	<u>Surfacing</u>	<u>Length in Feet</u>	<u>Lights</u>
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Activities:

General Aviation
Drag Racing

Facilities:

Fuel

Remarks: This airport is presently under construction. Topography to the north and northwest would permit the expansion of the airport in these directions.

*changes - setting out substantial
The applicant must submit a
statement in detail setting out
what changes have occurred*

"E" - light industrial district (6 acres and under)	\$100
"E" - light industrial district (over 6 acres)	\$200
"F" - heavy industrial district (6 acres and under)	\$100
"F" - heavy industrial district (over 6 acres)	\$200
"G" - mobile home district	\$ 70

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. No fee shall be required ~~for~~ when said application is submitted by any department of the city, county, state or Federal government.

3. No application for any change of zoning classification shall be filed within one(1) year following a previous application on the same property or portion thereof ^{provided} ~~However, the Zoning Committee of the Planning Commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, provided significant physical, economic or land use changes have taken place within the immediate vicinity or a significant Zoning Ordinance text change has been adopted or when the application is for a change of zoning classification ^{when} ~~has taken place which warrants a refiling of said application.~~ ^{than the original request.} The applicant shall submit a statement in detail, setting out ^{what} ~~above changes have occurred to warrant the refiling of said application.~~ ^{these changes} ~~original application.~~~~

SECTION 3. 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)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on November 19, 1964, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at 2:00 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

SECTION 28.04.210 Changes in zoning classification of districts

C. CHANGES BY OTHER INDIVIDUALS OR GROUPS.

Add to read as follows:

3. No application for any change of zoning classification shall be filed within one (1) year following a previous application on the same property or portion thereof. However, the applicant may petition the Zoning Committee of the Planning Commission, presenting evidence that significant physical, economic or land use changes have taken place within the immediate vicinity to permit a refile of said application after six (6) months of the original publication date.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal on this 22nd day of October,
1964.

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

Name: KEN MAR

Type: SECONDARY

Runways:	<u>Identification</u>	<u>Surfacing</u>	<u>Length in Feet</u>	<u>Lights</u>
	18-36	Concrete Pavement	2,200	Yes
	4-22	Turf	2,900	None
	8-26	Turf	2,200	None
	12-30	Turf	2,600	None

Activities:

General Aviation
Charter Service
Flight Instruction Service
Aircraft Sales
Ambulance Service

Facilities:

Fuel
Snow Removal
Lighted Wind Indicator
Major Repair Service
Aircraft Storage

Remarks: The approaches to runways 4, 8, 12, 18, 22 and 36 are obstructed as defined by FFA criteria. However, the obstructions can be removed or corrected. The topography of the site and land to the south and southeast permits the improvement of the airport to a runway configuration noted on the photo. This configuration provides a wind coverage of 95 percent with not more than a 10 knot cross wind component. The additional runway length will be required for the future requirements of general aviation as predicted by the Federal Aviation Agency.

Name: PARK RACEWAY

Type: SECONDARY

Runways:	<u>Identification</u>	<u>Surfacing</u>	<u>Length in Feet</u>	<u>Lights</u>
	17-35	Turf	2,200	None

Activities:

General Aviation
Drag Racing

Facilities:

Fuel

Remarks: This airport is presently under construction. Topography to the north and northwest would permit the expansion of the airport in these directions.

*setting out substantial
charges.
The applicant must submit a
statement in detail setting out
what charges have occurred*

Name: KEN MAR

Type: SECONDARY

Runways:	<u>Identification</u>	<u>Surfacing</u>	<u>Length in Feet</u>	<u>Lights</u>
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Activities:

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10 37, 38, 39, 40