

DR 72-8 Amendment to Zoning Ordinance. Off-street parking, Standards and Layout by the City of Wichita Law Department

No action ever taken on this file.
5-25-80 JLD

8/22/72

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.141 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PROVIDING FOR THE SETTING OF STANDARDS FOR OFF-STREET PARKING WHICH ADOPTS THE "TYPICAL OFF-STREET PARKING STANDARDS", WHICH ARE PUBLISHED BY THE PUBLIC WORKS DEPARTMENT, TRAFFIC ENGINEERING DIVISION, CITY OF WICHITA, KANSAS, JUNE, 1970, AND REPEALING SAID ORIGINAL SECTION OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

Section 28.04.141 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Off-street parking lots -- Number and size of spaces. 1. For any area used as off-street parking (except parking for single-family dwellings), a parking plan shall be submitted to the superintendent of central inspection. Prior to the issuance of any building, use or occupancy permit, the superintendent of central inspection shall submit the parking plan to the traffic engineer for his review and approval. The approval of the parking plan and layout shall be based on the 'Typical Off-Street Parking Standards', published by the Public Works Department, Traffic Engineering Division, City of Wichita, June, 1970, which is by reference incorporated in and by this publication made a part of this title and chapter as though set out at length herein and is hereby adopted as part of the Zoning Code of the City of Wichita, Kansas; and, where required or necessary, it shall be based on the location and height of required screening and the location of protective bumper guards. Where the required screening walls and landscaped areas conflict with Chapter 11.22 of the Code of the City of Wichita, Kansas, Visibility at Intersections, the parking lot shall be redesigned and the required screening relocated so as not to interfere with

"intersection visibility. The approval of off-street parking areas shall be in accord with the provisions of Chapter 10.16 of the Code of the City of Wichita, Kansas, (driveways and curb cut requirements).

"2. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential uses.

"3. There shall be provided at the time of erection or enlargement of any main building or structure, or change or revision of use of building or land, the minimum number or amount of off-street parking spaces or spaces with adequate provisions for ingress and egress by standard-size automobiles. This requirement shall apply in all zoning except the 'D' central business district where only structures for residential uses shall be required to provide off-street parking spaces. The number of spaces or area of parking space for off-street parking shall be as follows:

"3.1 Dwelling (e.g., one-family, two-family, three-family, four-family, and multi-family) shall provide one space for each housekeeping unit, plus one space for each lodger or boarder.

"3.2 Hotel, apartment building, apartment hotel, club, motel shall provide one space for each housekeeping unit, suite of rooms or motel unit, plus one space for each two hundred fifty square feet of floor area or fraction thereof used for retail purposes; restaurant, professional and service facilities, offices, meeting rooms, recreational spaces, and salesman display room facilities, except that space designated for storage closet or utility use need not be included in such computation.

"3.3 Auditoriums, theaters, stadiums, and other similar places of public assembly, except churches shall provide one space for each five seats based on maximum seating capacity. For the

"purpose of this type of use, parking space already provided to meet off-street parking requirements for stores, office buildings and industrial establishments lying within six hundred sixty feet (as measured along lines of public access) of the place of public assembly, that are not in use between the hours of six p. m. and midnight, and are made available for other parking, may be used to meet not more than fifty percent of the total requirements, providing written consent of the owner or agent of the existing parking lot is obtained and, provided approval is made binding on the owners of such land and such approval is filed with the register of deeds after having first been approved by the department of law.

"3.4 Churches shall provide the same as auditoriums, etc., except six a. m. and ten p. m. on Sundays substituted for six p. m. and midnight.

"3.5 Doctor's office, clinic shall provide one space for each doctor, nurse, technician and employee, plus one space for each five hundred square feet of floor area.

"3.6 Hospitals, philanthropic and eleemosynary institutions shall provide one space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period.

"3.7 Schools (private and public)

"Elementary shall provide one space for each teacher and employee, at capacity.

"Intermediate shall provide one space for each teacher and employee, at capacity.

"High shall provide one space for each teacher and employee, plus one space for each ten students at capacity.

"3.8 Fraternity and sorority houses shall provide one space for each two hundred fifty square feet of floor area.

"3.9 Office and commercial buildings, including governmental, public utility and other similar buildings shall provide one space for each two hundred fifty square feet of floor area or one space for every three employees in the largest working shift in a twenty-four hour period, whichever is the greater.

"3.10 Industrial buildings shall provide one space for every three employees in the largest working shift in a twenty-four hour period.

"3.11 Mortuaries and funeral homes shall provide one space for each three seats based on maximum seating capacity.

"3.12 New and used car lots, trailer sales lots, trailer, vehicle and equipment rental lots shall provide one space for each three thousand square feet of lot area.

"3.13 Mobile home parks shall provide two spaces for each mobile home, and trailer camps shall provide one space for each house trailer or camping space. Off-street parking for other uses permitted in the 'G' mobile home district shall be provided in accordance with the applicable provisions as otherwise outlined in this chapter.

"3.14 Dormitories shall provide at least one parking space for each two occupants based on the designed capacity of the building."

The original of Section 28.04.141 of the Code of the City of Wichita, Kansas, is hereby repealed.

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

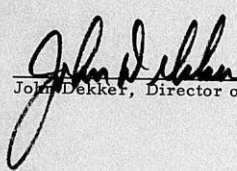
ADOPTED at Wichita, Kansas, this ____ day of _____, 1972.

MAYOR

ATTEST:

City Clerk

Approved as to form:



John Dekker, Director of Law

8/22/72

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.141 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PROVIDING FOR THE SETTING OF STANDARDS FOR OFF-STREET PARKING WHICH ADOPTS THE "TYPICAL OFF-STREET PARKING STANDARDS", WHICH ARE PUBLISHED BY THE PUBLIC WORKS DEPARTMENT, TRAFFIC ENGINEERING DIVISION, CITY OF WICHITA, KANSAS, JUNE, 1970, AND REPEALING SAID ORIGINAL SECTION OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

Section 28.04.141 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Off-street parking lots — Number and size of spaces. 1. For any area used as off-street parking (except parking for single-family dwellings), a parking plan shall be submitted to the superintendent of central inspection. Prior to the issuance of any building, use or occupancy permit, the superintendent of central inspection shall submit the parking plan to the traffic engineer for his review and approval. The approval of the parking plan and layout shall be based on the 'Typical Off-Street Parking Standards', published by the Public Works Department, Traffic Engineering Division, City of Wichita, June, 1970, which is by reference incorporated in and by this publication made a part of this title and chapter as though set out at length herein and is hereby adopted as part of the Zoning Code of the City of Wichita, Kansas; and, where required or necessary, it shall be based on the location and height of required screening and the location of protective bumper guards. Where the required screening walls and landscaped areas conflict with Chapter 11.22 of the Code of the City of Wichita, Kansas, Visibility at Intersections, the parking lot shall be redesigned and the required screening relocated so as not to interfere with

"intersection visibility. The approval of off-street parking areas shall be in accord with the provisions of Chapter 10.16 of the Code of the City of Wichita, Kansas, (driveways and curb cut requirements).

"2. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential uses.

"3. There shall be provided at the time of erection or enlargement of any main building or structure, or change or revision of use of building or land, the minimum number or amount of off-street parking spaces or spaces with adequate provisions for ingress and egress by standard-size automobiles. This requirement shall apply in all zoning except the 'D' central business district where only structures for residential uses shall be required to provide off-street parking spaces. The number of spaces or area of parking space for off-street parking shall be as follows:

"3.1 Dwelling (e.g., one-family, two-family, three-family, four-family, and multi-family) shall provide one space for each housekeeping unit, plus one space for each lodger or boarder.

"3.2 Hotel, apartment building, apartment hotel, club, motel shall provide one space for each housekeeping unit, suite of rooms or motel unit, plus one space for each two hundred fifty square feet of floor area or fraction thereof used for retail purposes; restaurant, professional and service facilities, offices, meeting rooms, recreational spaces, and salesman display room facilities, except that space designated for storage closet or utility use need not be included in such computation.

"3.3 Auditoriums, theaters, stadiums, and other similar places of public assembly, except churches shall provide one space for each five seats based on maximum seating capacity. For the

"purpose of this type of use, parking space already provided to meet off-street parking requirements for stores, office buildings and industrial establishments lying within six hundred sixty feet (as measured along lines of public access) of the place of public assembly, that are not in use between the hours of six p.m. and midnight, and are made available for other parking, may be used to meet not more than fifty percent of the total requirements, providing written consent of the owner or agent of the existing parking lot is obtained and, provided approval is made binding on the owners of such land and such approval is filed with the register of deeds after having first been approved by the department of law.

"3.4 Churches shall provide the same as auditoriums, etc., except six a.m. and ten p.m. on Sundays substituted for six p.m. and midnight.

"3.5 Doctor's office, clinic shall provide one space for each doctor, nurse, technician and employee, plus one space for each five hundred square feet of floor area.

"3.6 Hospitals, philanthropic and eleemosynary institutions shall provide one space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period.

"3.7 Schools (private and public)

"Elementary shall provide one space for each teacher and employee, at capacity.

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"High shall provide one space for each teacher and employee, plus one space for each ten students at capacity.

"3.8 Fraternity and sorority houses shall provide one space for each two hundred fifty square feet of floor area.

"3.9 Office and commercial buildings, including governmental, public utility and other similar buildings shall provide one space for each two hundred fifty square feet of floor area or one space for every three employees in the largest working shift in a twenty-four hour period, whichever is the greater.

"3.10 Industrial buildings shall provide one space for every three employees in the largest working shift in a twenty-four hour period.

"3.11 Mortuaries and funeral homes shall provide one space for each three seats based on maximum seating capacity.

"3.12 New and used car lots, trailer sales lots, trailer, vehicle and equipment rental lots shall provide one space for each three thousand square feet of lot area.

"3.13 Mobile home parks shall provide two spaces for each mobile home, and trailer camps shall provide one space for each house trailer or camping space. Off-street parking for other uses permitted in the 'G' mobile home district shall be provided in accordance with the applicable provisions as otherwise outlined in this chapter.

"3.14 Dormitories shall provide at least one parking space for each two occupants based on the designed capacity of the building."

The original of Section 28.04.141 of the Code of the City of Wichita, Kansas, is hereby repealed.

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

ADOPTED at Wichita, Kansas, this ____ day of _____, 1972.

MAYOR

ATTEST:

City Clerk

Approved as to form:

John Dekker

John Dekker, Director of Law

ORDINANCE NO. _____

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"bumper guards. Where the required screening walls and landscaped areas conflict with Chapter 11.22 of the Code of the City of Wichita, Kansas, Visibility at Intersections, the parking lot shall be redesigned and the required screening relocated so as not to interfere with intersection visibility. ~~The total net area of parking spaces required, not including aisles, turn-arounds, and internal circulation, ingress and egress drives, shall be the total number of spaces required multiplied by two hundred square feet.~~ The approval of off-street parking areas shall be in accord with the provisions of Chapter 10.16 of the Code of the City of Wichita, Kansas, (driveways and curb cut requirements).

"2. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential uses.

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"3.14 Dormitories shall provide at least one parking space for each two occupants based on the designed capacity of the building."

The original of Section 18.04.141 of the Code of the City of Wichita, Kansas, is hereby repealed.

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

ADOPTED at Wichita, Kansas, this ____ day of _____, 1972.

MAYOR

ATTEST:

City Clerk

Approved as to form:

John Dekker, Director of Law

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE February 2, 1973



**ON SAFETY
PHASE II**

TO Robert A. Lakin, Director of Planning

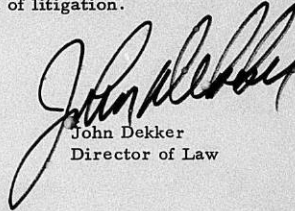
FROM John Dekker, Director of Law

SUBJECT

DR 72-8
(Ordinances Regarding Off-Street
Parking Controls and Self-Service
Filling Stations DR 72-7)

My files reflect that I prepared and forwarded to you an ordinance for off-street parking controls and self-service gas stations. You replied with suggestions which I determined would not legally be proper.

As I initially stated, the present manner of determining and imposing conditions and requirements has no basis in law, and we will not have any controls if we are contested on present procedures. If this is not a very significant matter, I suppose we should do nothing; however, I know that I started into this because of a threat of litigation.



John Dekker
Director of Law

JD:cr

cc: R. W. Bruggeman, Director of Public Works
Paul Graves, Traffic Engineer





ON SAFETY
PHASE II

THE CITY OF WICHITA

OFFICE OF

CITY TRAFFIC ENGINEER

DATE

January 22, 1973

TO

John Dekker, Director of Law

FROM

Paul B. Graves, City Traffic Engineer

SUBJECT (^{DR 72-8} Ordinances Regarding Off-Street
Parking Controls) and (Self-service
Filling Stations ^{DR 72-7}) ✓

I have been reviewing our Division's file on the above subject matter and it appears that somewhere a "blockage" has occurred. Upon reviewing Mr. Lakin's memo of September 20, 1972, the last paragraph indicates that he is of the opinion that errors in judgement have been used in preparation of the ordinances and he has asked the Law Department to re-evaluate its position.

It is requested that this matter be reopened for a "positive action" program and that the ordinances, if necessary, will be reviewed, revised, and forwarded to the City Commission for their approval.


Paul B. Graves
City Traffic Engineer

FBG:cg

cc: R. W. Bruggeman, Director of Public Works
Robert Lakin, Director of Planning ✓



THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE October 2, 1972



TO Robert A. Lakin, Director of Planning

FROM John Dekker, Director of Law

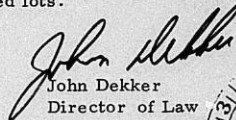
SUBJECT ✓ DR 72-7 and DR 72-8 - Amendment
to the Zoning Ordinance - Off
Street Parking

The need for the extension of the zoning ordinance relating to self-service filling stations is so that at least a minimum requirement is established. At the present time, if the zoning is proper and if driveways are located in accordance with the present curb-cut regulations, we have no way of regulating the self-service filling station operation. We have been doing this by allowing the Traffic Engineer to set standards on each case. However, this cannot be followed, and actually the change comes about because of a challenge by attorneys of this procedure in specific cases and my advice that the standards as established are not sufficient to stand up in court.

The reason for singling out the self-service filling stations, I think, is apparently that they were the ones which were causing problems, and any other use which might cause that particular type of problem should also be singled out and included.

The statement in your letter relating to odd configuration lots is not appropriate if we use the standards as being minimum standards. As previously stated, the present standards which you set out and enumerated in your memo are not, in my opinion, sufficient to uphold the legality of the ordinance. I am not sure I understand what you mean by filing the standards with the MAPC and using them administratively by the Engineer. Unless there is some method of binding standards, it would not be effective.

I think probably the best answer is that if we desire to use the minimum standards presently being used by the Traffic Commission, we should incorporate the same into an ordinance. Otherwise, we will be contested on every refusal and particularly on small and odd-shaped lots.


John Dekker
Director of Law

JD:cr

cc: Paul Graves, Traffic Engineer



THE CITY OF WICHITA

OFFICE OF CITY TRAFFIC ENGINEER

DATE September 21, 1972

JB



**ON SAFETY
PHASE II**

TO Robert Lakin, Director of Planning
FROM Paul B. Graves, City Traffic Engineer

SUBJECT DR 72-7 and DR 72-8 - Amendment to
the Zoning Ordinance - Off Street
Parking

I have reviewed your memo of September 20, 1972 regarding the above subject, and I am sorry that you were "surprised".

Our initiation of the document that we sent to you was upon the recommendation of the Director of Law and I would, therefore, assume that the determination as to procedure must be determined by his office. This office will "stand by" until the decision has been made by Mr. Dekker.

Paul

Paul B. Graves
City Traffic Engineer

PBG:cg

cc: R. W. Bruggeman, Director of Public Works
Jack Galbraith, Senior Planner
John Dekker, Director of Law
Tom Powell, Assistant City Attorney



September 20, 1972

Paul Graves, City Traffic Engineer

Robert A. Lakin, Director of Planning

DR 72-7 and DR 72-8 - Amendment to the
Zoning Ordinance - Off Street Parking

I have the two ordinances and am holding them in abeyance until I hear from Tom Powell. As indicated, I was a little surprised when I received these ordinances from what I might say "out of the blue". I am still not quite sure what precipitated the development of these ordinances and am not at all convinced that they are needed.

I have discussed the matter with Mr. Powell and asked him to confer back with the Director of Law concerning my questions and comments. Basically, the thrust of my questions are two in nature. One, why do we single out the self-service filling station for a particular set of standards and design criteria upon which you are to base your decisions in approving off-street parking layouts? It would seem to me that if we adopt such an ordinance then this recognizes that they are not standards for any other type of development and thus makes it subject to attack on practically all other types of uses. It would seem to me that our vulnerability as to litigation is even greater than it currently might be. My second objection is to the adoption of the set of standards which, as good as they are, are not sufficient in and to themselves to handle every type of situation that is presented to you. If we adopt such a set of standards by reference, then I do not see that you have any latitude in approving the unusual situation or an odd configuration type lot which doesn't fit the neat rectangular standards or the application thereto. In addition to reducing the flexibility that you have, it would seem to me that we are then going to be forever and a day amending this section of the ordinance every time somebody wants to make a new modification into the standards. There have been several such modifications and I believe almost yearly since you first put the general off-street parking layout criteria in publication form. I don't care to go through that type of amendment procedure unless completely necessary to do so.

It would seem to me that the criteria contained within the ordinance now as to the purposes for your review of the off-street parking, such as the layout and arrangement of the parking spaces, location and dimensions of spaces, adequate aisle space and markings for channelization, adequate turnarounds (if needed) etc., are sufficient standards to uphold the legality of the ordinance.

Page 2 - Paul Graves
September 20, 1972

I see no reason why you cannot have these standards available in the office and utilize them as you have in the past. If such standards are made necessary, then I have suggested that the ordinances be written in such a fashion that such standards may be filed with the Metropolitan Area Planning Commission and thus utilized administratively by you. This would eliminate our having to amend the ordinance every time there was a change and, further, would speed up the time process from like two to four weeks instead of 90 to 120 days.

In short, I think that there have been errors in judgment in the preparation of these ordinances. I have asked the Law Department to re-evaluate their position. If this also then involves your judgments as to how this should be accomplished, I would suggest that you contact Mr. Powell. In the present form, I cannot take these ordinances to the Planning Commission and recommend their adoption.

RAL:ber

cc: Ray Bruggeman, Director of Public Works
Jack Galbraith, Senior Planner
Tom Powell, Assistant City Attorney

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE August 29, 1972



TO Robert A. Lakin, Director of Planning
FROM Thomas R. Powell, Assistant City Attorney
SUBJECT Ordinance for Off-Street
Parking

Attached are the original and one copy and a delineated copy of the ordinance amending Section 28.04.141 of the Code of the City of Wichita, Kansas, providing for the setting of standards for off-street parking.

Please review this ordinance. If it meets with your approval, please forward the original and the copy and the delineated copy to the City Manager's Office to be placed on the agenda. There must be a public hearing for this ordinance before it can be presented to the City Commission.

If you have any questions, please let us know.

Thomas R. Powell
Assistant City Attorney

TRP:gl
Attachments
cc: Paul Graves, Traffic Engineer