

DR 73-6 Amendment to the City
Zoning Ordinance RE: Planned Unit
Development Diversified

ACTION

DATE

COMMITTEE	_____	_____
M.A.P.C.	Approved	3/8/73
B.C.C./ B.C.C.	Returned to MAPC	3-27-73
MAPC	_____	_____

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WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 21, 1973



REFERENCE: ITEM

AGENDA FOR: MAR 27 1973

TO Board of City Commissioners

FROM Robert A. Lakin, Director of Planning *RAL*

SUBJECT DR 73-6 - Amendment to Zoning Ordinance
Re: Planned Unit Development-Diversified

Return to MAPC

We have recently been requested to consider an amendment to the City of Wichita zoning ordinance which would permit large scale developments to be approved as Planned Unit Developments.

Attached is a copy of a proposed amendment to the zoning ordinance which has been developed in conformance with the provisions of the State statutes. This amendment was considered by the Planning Commission at a public hearing on March 8, 1973, and was recommended for approval.

This proposed amendment will provide for a new zoning district, the PUD-D Planned Unit Development-Diversified. It will be used only for new communities or developments of 575 or more acres that will be providing all of the necessary facilities for residential, recreational, office, commercial and industrial uses within the development. This should be considered a minimum size to accommodate all such uses that would be associated within a community. It is anticipated that the use of this district will generally be used for much larger developments than the minimum size that has been established. The provisions of the existing ordinance regulating residential and commercial CUP's will remain until such time that the new zoning ordinance would replace these districts with appropriate PUD districts of limited uses and on a much smaller scale.

These regulations have been prepared in accordance with the new State legislation enacted in 1971. It will permit the planning and development of land on a large scale basis, as long as it complies with the comprehensive plan, and the developer may do so without the burdensome necessity of complying with the strict lot-by-lot zoning and subdivision regulations. It does, however, require the submission of plans for approval of the MAPC and the Board of Commissioners, and to their satisfaction assure that the development will be in the best interests of the community.

It is anticipated that the use of this district will provide an effective tool for the development of land and provide a more flexible method of obtaining good development. Standards have been included to provide residential density limitations, percentage of land use within the development, open space requirements, parking, sign and landscape controls and the screening of areas that are generally considered unsightly.

Page 2 - Board of City Commissioners
March 21, 1973

Consideration of this amendment is scheduled for your meeting of
March 27, 1973.

RAL:GEL:ber

Attachment

cc: Ralph Wulz, City Manager
John Dekker, Director of Law

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED A PLANNED UNIT DEVELOPMENT DISTRICT; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE, THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH A DISTRICT: AMENDING SECTIONS 28.04.020, 28.04.030, 28.04.160 AND 28.04.210 OF CHAPTER 28.04 OF TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS: ALL IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPP. 12-725 THROUGH 733 INCLUSIVE.

BE IT ORDAINED by the Governing Body of the City of Wichita, Kansas:

Section 28.04.193. That the Governing Body of the City of Wichita, Kansas, by the power invested in it by K.S.A. 1971 Supp. 12-725 through 733, inclusive, does hereby amend Chapter 28.04 of Title 28 of the Code of the City of Wichita, Kansas, by adding a new type of zoning district to be designated a "PUD-D" - Planned Unit Development-Diversified.

A. Purpose and Statement of Objectives:

This zoning ordinance is intended to serve and achieve the following purposes and objectives: To promote the public health, safety, and morals and general welfare of the citizens of the City of Wichita, Kansas, and of the area within a three-mile radius thereof in an era of increasing urbanization and growing demand for housing of all types and designs; to provide for commercial facilities conveniently located to such housing; to

provide for well-located, clean, safe, permanent industrial sites involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and land use of buildings, and for the conservation of adjacent and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, jobs, and industrial plants conveniently located to each other may be extended to all citizens and residents of said area; to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economy may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the incorporation of the best features of modern design in said area, and conserve the value of the land; and, in aid of the foregoing purposes and objectives, to provide procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site and the particular demand for housing and other facilities.

B. Designation of Local Administrative Authority Functions and Duties:

The Wichita-Sedgwick County Metropolitan Area Planning Commission, hereinafter referred to as Planning Commission, is hereby designated as the administrative authority to administer the provisions of this Ordinance and shall have the following functions and duties:

- (a) To prescribe rules and regulations consistent with the provisions of this Ordinance;
- (b) To maintain permanent and accurate records relating to any planned unit development district established hereunder;
- (c) To act as the receiving and approving authority for all applications for approval of the proposed planned

unit development; and when required, to refer and recommend the same to the Governing Body for final action.

(d) To provide application forms to be used by landowners seeking approval of a planned unit development.

C. Definitions:

In the construction of this Ordinance, the following definitions shall prevail:

* (a) "Common Open Space" is a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for the use and enjoyment of residents and owners of the planned unit development. Common open space may contain such complimentary structure and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development.

* (b) "Landowner" shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Ordinance.

* (c) "Plan" shall mean the provisions for development of a planned unit development, including such drawings as shall serve as a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

(d) "Planned Unit Development" is an area of land controlled by a landowner to be developed as a single entity

for a number of dwelling units, office uses, commercial uses, or any combination thereof, if any, the plan for which may not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established in any one or more of the districts of the City of Wichita zoning ordinance.

Section 28.04.194

A. Standards, Conditions and Criteria:

The following standards, conditions and criteria shall govern and control the "PUD-D" - Planned Unit Development-Diversified herein established:

7
(a) Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

(b) Permitted Uses

(1) Housing

(2) Public and Institutional Uses

(3) Transportation facilities, including airports, mass transit, bus stations, trucking terminals

(4) Housing support facilities, including professional and personal services, comparison and convenience shopping

(5) Regional facilities, including office complexes, shopping centers

(6) Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan

(7) Recreational uses

(8) Temporary uses when approved by the Director of Planning

(a) Sand and gravel extraction

(b) Nursery

(c) Asphalt and concrete plants used

in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening

and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Planning Commission at the final plan approval or at such further time and date as the Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

B. Land Use Mix:

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land use shall be adhered to:

(a) Residential development shall not exceed 75 percent of the total area of the PUD. Not over 75 percent of such residential area shall be for single-family detached residences nor shall more than 80 percent of such area be developed for multiple-family residences.

(b) Business and industrial areas shall not exceed 40 percent of the total development area.

(c) Open Space-Recreational (public or private) areas shall be included, having an area equal to at least 20 percent of the non-business and industrial area.

(d) Schools and airports shall not be included in making the computation in items a through c above.

C. Density:

The density of residential development shall not exceed 9 dwelling units per gross acre, based on all land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures, shall be treated as commercial in all intensity controls except off-street parking.

D. Land Intensity Controls:

(a) Ground coverage. Maximum ground coverage per parcel shall not exceed:

- (1) 50 percent for housing, except attached single-family may be 100 percent
- (2) 35 percent for business
- (3) 50 percent for industrial

For purposes of computation, parcels shall not include open space area.

(b) Floor area ratio. The maximum allowable floor area ratio shall be:

- (1) .5 for single and two family detached dwellings
- (2) 3.0 for single-family attached dwelling
- (3) .5 for multiple dwellings
- (4) .5 for business and offices
- (5) 2.5 for industrial.

(c) There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary plan based on the proximity of the development to existing or prospective adjacent development.

E. Off-Street Parking and Loading:

The off-street parking and off-street loading requirements shall be the same as that required for uses in other districts, except that housing for elderly may be reduced to 0.5 spaces per dwelling unit; all single-family dwelling units shall provide two spaces per dwelling unit; and all other dwelling unit areas shall provide 1.5 spaces per dwelling unit.

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5 percent of the parking area utilized for landscaping, which will be distributed throughout the parking area.

F. Lot Size and Splits:

No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the uses proposed and shall include, or provide for, necessary and appropriate

ate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveyancing parcel for the ultimate user(s). Lots may be designed on final plans. Any division, splitting, or relotting of a lot into any number of non-industrial designed tracts of land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designated areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

G. Signs:

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structures and neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage the number and general location are identified thereon. No signs shall project into public right-of-way.

H. Landscape and Screening Plans:

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, a plan shall be approved. Such plan (which shall be prepared by an architect or landscape architect) shall indicate all buffering and/or landscaping and further providing identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

I. Architectural Controls:

To protect the integrity of development areas, both within and without the PUD, consideration may be given to the architectural design of the structures to include roofscape design. This shall include treatment of rooftop projections to make them an integral part of the building design as viewed from the ground or from above. Prior to the issuance of construction permits for any structures with a roof having a slope of less than 1:5, detailed plans showing roofscape design shall be submitted and approval obtained.

J. (Platting Alternate - Improvement Standards)

A final plan may be recorded in lieu of a subdivision, and in such event the provisions of the plan, as approved, shall have the same force and effect as a plat regularly adopted under the subdivision rules and regulations, provided that:

(a) The requirements for land description, easements, design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication; signatures of owners, Metropolitan Area Planning Commission and Governing Bodies, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

(b) Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common areas (which can be guaranteed through common ownership interest organizations similar to homes associations and improvement trusts.

K. Findings of Fact:

Before approving a PUD-D, the Governing Body shall find each of the following conditions to exist:

(a) That the proposal is in general conformity with the provisions of the adopted master plan for the City of Wichita, Kansas, and that the development of the PUD-D will not have a substantially adverse affect on the development of the neighboring area. The area shall be self-sustaining over the planning period involved by production of revenues being at least equal to financial outlays by local and area government in a twenty year period. The area can be served by a full range of urban facilities within the scheduled time for development.

(b) The developer shall have professional staff within his organization, or have contracted with consultants, architects, engineers, realtors and economists capable of carrying out all phases of the project. The developer shall also show evidence of financial capabilities to reasonably assure success and completion of the project. This may be in the form of financial statements, lines of credits and evidence of satisfactorily completed development projects.

I. Supplemental Information

In addition to the other information required by this ordinance, the contents of the application in connection with the submission of the preliminary plan, the applicant shall provide a schedule showing the proposed time and sequence within which the application for final approval of all sections of the planned unit development are intended to be filed. The application for tentative approval of a planned unit development shall include a written statement by the landowner setting forth the reasons why in his opinion a planned unit development would be in the public interest and would be consistent with the statement of objectives by the Governing Body on planned unit developments.

Section 28.04.199. Applications for Approval of a Planned Unit Development, Administration and Procedures:

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Planning Commission) and design of land forms.

A. Preliminary Approval:

(a) A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to identify the nature, character and intensity of use of the development, provisions for parking of vehicles and the location, width and ownership of proposed streets, open space and recreational areas, together with ultimate ownership, public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size.

(b) Documentation shall include a general description of the project and a justification as to the need therefor.

(c) The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall in such cases, specify reasonable periods within which such development shall be commenced. The time schedule established for the commencement of the project, or any section thereof, may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. If development has not begun within 18 months after preliminary approval has been granted, or the time schedule has not been extended by the Planning Commission for good cause, then in that event such preliminary approval shall be null and void.

(d) The Planning Commission may adopt rules concerning the format and number of copies required for submission.

(e) Ownership lists shall be submitted, including all property included in the application and within 1,000 feet radius thereof, which shall become a notification list for the public hearing.

(f) The preliminary plan shall be presented to the

Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by subcommittees prior to the formal public hearing of the Planning Commission.

(g) The Planning Commission shall submit its recommendation to the Governing Body after holding a public hearing.

(h) The Governing Body prior to granting approval shall make such findings of fact as may be required by this Ordinance. If approved, the Planned Unit Development shall become effective upon publication of an ordinance and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Governing Body, legally describing the lands to which it is applicable and stating that a copy is on file in the Office of the City Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

B. Submission of a final plan:

(a) After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development subject to the conditions of approval and the requirements herein.

(b) Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identifications, and platting certificates as may be required to qualify such final plan as a subdivision.

(c) Approval shall be given by the Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Planning

Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the City all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

(1) The design and spatial arrangements are comparable to that in the approved preliminary plan.

(2) The planned residential density or intensity of use shall not be varied by more than 5 percent; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.

(3) There is no more than a 10 percent increase of floor area for non-residential uses.

(4) There is no increase greater than 5 percent of the total ground coverage by buildings by class of land use nor involve a substantial change in the height of buildings.

(d) Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

C. Modification of Plan:

(a) Minor changes in dimensions, descriptions and uses may be approved in writing when the integrity of designs and intent of the plan is maintained.

(b) Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

(1) Modification of the plan by the City of Wichita. All those provisions of the plan authorized to be enforced by the City under 28.04.199-D of this Section may be modified, removed or released by the City through action by the Governing Body, subject to the following conditions:

(a) No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided under 28.04.199-D of this Section.

(b) No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the Governing Body, following a public hearing held in accordance with Section 28.04.199 A (f) and that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(c) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan.

D. Enforcement:

To further the mutual interest of the residents and owners of the planned unit development of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modification, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded

by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(a) Enforcement by the City. The provisions of the plan relating to:

(1) The use of land and the use, bulk and location of buildings and structures

(2) The quality and location of common open space, and

(3) The intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulations otherwise granted the municipality by law.

(b) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

E. Covenants, Trusts, Homes Association

(a) To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement regarding the nature, intent, coverage and expected use of such

devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken, or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the Planning Commission and the Governing Body.

Section 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended by adding the following definition:

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Section 28.04.030 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

"PUD-D" - Planned Unit Development-Diversified District.

Section 28.04.160.A of the Code of the City of Wichita, Kansas, shall be amended by inserting the following paragraph immediately after "be zoned "F" under the terms of this ordinance";

Those territories zoned "PUD-D" under the terms of the Sedgwick County Zoning Resolution shall be zoned "PUD-D" under the terms of this ordinance.

Section 28.04.210 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

Planned Unit Development	\$200.00 + \$10/Acre
New Approval - Preliminary	Maximum - \$10,000.00
Planned Unit Development (Any Category) Final	None
Planned Unit Development (Any Category) Amendment	\$200.00

Severability and Grandfather Clause

Should any section, clause or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid. All zoning classifications of property heretofore established according to law and prior ordinances, are hereby preserved and saved except as the same are changed or amended hereunder. And any zoning ordinance regulations, rules, maps, community unit plans, heretofore adopted or approved by the City of Wichita under its zoning authority shall continue in full force and effect until and unless the same is modified as provided for in this Chapter.

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

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1973.

Glenn J. Shanahan, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED A PLANNED UNIT DEVELOPMENT DISTRICT; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE, THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH A DISTRICT: AMENDING SECTIONS 28.04.020, 28.04.030, 28.04.160 AND 28.04.210 OF CHAPTER 28.04 OF TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS: ALL IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPP. 12-725 THROUGH 733 INCLUSIVE.

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provide for well-located, clean, safe, permanent industrial sites involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and land use of buildings, and for the conservation of adjacent and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, jobs, and industrial plants conveniently located to each other may be extended to all citizens and residents of said area; to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economy may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the incorporation of the best features of modern design in said area, and conserve the value of the land; and, in aid of the foregoing purposes and objectives, to provide procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site and the particular demand for housing and other facilities.

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Section 28.04.194

A. Standards, Conditions and Criteria:

The following standards, conditions and criteria shall govern and control the "PUD-D" - Planned Unit Development-Diversified herein established:

(a) Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

(b) Permitted Uses

(1) Housing

(2) Public and Institutional Uses

(3) Transportation facilities, including airports, mass transit, bus stations, trucking terminals

(4) Housing support facilities, including professional and personal services, comparison and convenience shopping

(5) Regional facilities, including office complexes, shopping centers

(6) Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan

(7) Recreational uses

(8) Temporary uses when approved by the Director of Planning

(a) Sand and gravel extraction

(b) Nursery

(c) Asphalt and concrete plants used

in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening

and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Planning Commission at the final plan approval or at such further time and date as the Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

B. Land Use Mix:

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land use shall be adhered to:

(a) Residential development shall not exceed 75 percent of the total area of the PUD. Not over 75 percent of such residential area shall be for single-family detached residences nor shall more than 80 percent of such area be developed for multiple-family residences.

(b) Business and industrial areas shall not exceed 40 percent of the total development area.

(c) Open Space-Recreational (public or private) areas shall be included, having an area equal to at least 20 percent of the non-business and industrial area.

(d) Schools and airports shall not be included in making the computation in items a through c above.

C. Density:

The density of residential development shall not exceed 9 dwelling units per gross acre, based on all land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures, shall be treated as commercial in all intensity controls except off-street parking.

D. Land Intensity Controls:

(a) Ground coverage. Maximum ground coverage per parcel shall not exceed:

- (1) 50 percent for housing, except attached single-family may be 100 percent
- (2) 35 percent for business
- (3) 50 percent for industrial

For purposes of computation, parcels shall not include open space area.

(b) Floor area ratio. The maximum allowable floor area ratio shall be:

- (1) .5 for single and two family detached dwellings
- (2) 3.0 for single-family attached dwelling
- (3) .5 for multiple dwellings
- (4) .5 for business and offices
- (5) 2.5 for industrial.

(c) There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary plan based on the proximity of the development to existing or prospective adjacent development.

E. Off-Street Parking and Loading:

The off-street parking and off-street loading requirements shall be the same as that required for uses in other districts, except that housing for elderly may be reduced to 0.5 spaces per dwelling unit; all single-family dwelling units shall provide two spaces per dwelling unit; and all other dwelling unit areas shall provide 1.5 spaces per dwelling unit.

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5 percent of the parking area utilized for landscaping, which will be distributed throughout the parking area.

F. Lot Size and Splits:

No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the uses proposed and shall include, or provide for, necessary and appropriate

ate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveyancing parcel for the ultimate user(s). Lots may be designed on final plans. Any division, splitting, or relotting of a lot into any number of non-industrial designed tracts of land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designated areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

G. Signs:

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structures and neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage the number and general location are identified thereon. No signs shall project into public right-of-way.

H. Landscape and Screening Plans:

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, a plan shall be approved. Such plan (which shall be prepared by an architect or landscape architect) shall indicate all buffering and/or landscaping and further providing identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

I. Architectural Controls:

To protect the integrity of development areas, both within and without the PUD, consideration may be given to the architectural design of the structures to include roofscape design. This shall include treatment of rooftop projections to make them an integral part of the building design as viewed from the ground or from above. Prior to the issuance of construction permits for any structures with a roof having a slope of less than 1:5, detailed plans showing roofscape design shall be submitted and approval obtained.

J. (Platting Alternate - Improvement Standards)

A final plan may be recorded in lieu of a subdivision, and in such event the provisions of the plan, as approved, shall have the same force and effect as a plat regularly adopted under the subdivision rules and regulations, provided that:

(a) The requirements for land description, easements, design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication; signatures of owners, Metropolitan Area Planning Commission and Governing Bodies, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

(b) Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common areas (which can be guaranteed through common ownership interest organizations similar to homes associations and improvement trusts.

K. Findings of Fact:

Before approving a PUD-D, the Governing Body shall find each of the following conditions to exist:

(a) That the proposal is in general conformity with the provisions of the adopted master plan for the City of Wichita, Kansas, and that the development of the PUD-D will not have a substantially adverse affect on the development of the neighboring area. The area shall be self-sustaining over the planning period involved by production of revenues being at least equal to financial outlays by local and area government in a twenty year period. The area can be served by a full range of urban facilities within the scheduled time for development.

(b) The developer shall have professional staff within his organization, or have contracted with consultants, architects, engineers, realtors and economists capable of carrying out all phases of the project. The developer shall also show evidence of financial capabilities to reasonably assure success and completion of the project. This may be in the form of financial statements, lines of credits and evidence of satisfactorily completed development projects.

L. Supplemental Information

In addition to the other information required by this ordinance, the contents of the application in connection with the submission of the preliminary plan, the applicant shall provide a schedule showing the proposed time and sequence within which the application for final approval of all sections of the planned unit development are intended to be filed. The application for tentative approval of a planned unit development shall include a written statement by the landowner setting forth the reasons why in his opinion a planned unit development would be in the public interest and would be consistent with the statement of objectives by the Governing Body on planned unit developments.

Section 28.04.199. Applications for Approval of a Planned Unit Development, Administration and Procedures:

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Planning Commission) and design of land forms.

A. Preliminary Approval:

(a) A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to identify the nature, character and intensity of use of the development, provisions for parking of vehicles and the location, width and ownership of proposed streets, open space and recreational areas, together with ultimate ownership, public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size.

(b) Documentation shall include a general description of the project and a justification as to the need therefor.

(c) The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall in such cases, specify reasonable periods within which such development shall be commenced. The time schedule established for the commencement of the project, or any section thereof, may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. If development has not begun within 18 months after preliminary approval has been granted, or the time schedule has not been extended by the Planning Commission for good cause, then in that event such preliminary approval shall be null and void.

(d) The Planning Commission may adopt rules concerning the format and number of copies required for submission.

(e) Ownership lists shall be submitted, including all property included in the application and within 1,000 feet radius thereof, which shall become a notification list for the public hearing.

(f) The preliminary plan shall be presented to the

Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by subcommittees prior to the formal public hearing of the Planning Commission.

(g) The Planning Commission shall submit its recommendation to the Governing Body after holding a public hearing.

(h) The Governing Body prior to granting approval shall make such findings of fact as may be required by this Ordinance. If approved, the Planned Unit Development shall become effective upon publication of an ordinance and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Governing Body, legally describing the lands to which it is applicable and stating that a copy is on file in the Office of the City Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

B. Submission of a final plan:

(a) After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development subject to the conditions of approval and the requirements herein.

(b) Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identifications, and platting certificates as may be required to qualify such final plan as a subdivision.

(c) Approval shall be given by the Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Planning

Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the City all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

(1) The design and spatial arrangements are comparable to that in the approved preliminary plan.

(2) The planned residential density or intensity of use shall not be varied by more than 5 percent; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.

(3) There is no more than a 10 percent increase of floor area for non-residential uses.

(4) There is no increase greater than 5 percent of the total ground coverage by buildings by class of land use nor involve a substantial change in the height of buildings.

(d) Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

C. Modification of Plan:

(a) Minor changes in dimensions, descriptions and uses may be approved in writing when the integrity of designs and intent of the plan is maintained.

(b) Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

(1) Modification of the plan by the City of Wichita. All those provisions of the plan authorized to be enforced by the City under 28.04.199-D of this Section may be modified, removed or released by the City through action by the Governing Body, subject to the following conditions:

(a) No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided under 28.04.199-D of this Section.

(b) No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the Governing Body, following a public hearing held in accordance with Section 28.04.199 A (f) and that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(c) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan.

D. Enforcement:

To further the mutual interest of the residents and owners of the planned unit development of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modification, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded

by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(a) Enforcement by the City. The provisions of the plan relating to:

(1) The use of land and the use, bulk and location of buildings and structures

(2) The quality and location of common open space, and

(3) The intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulations otherwise granted the municipality by law.

(b) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

E. Covenants, Trusts, Homes Association

(a) To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement regarding the nature, intent, coverage and expected use of such

devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken, or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the Planning Commission and the Governing Body.

Section 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended by adding the following definition:

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Section 28.04.030 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

"PUD-D" - Planned Unit Development-Diversified District.

Section 28.04.160.A of the Code of the City of Wichita, Kansas, shall be amended by inserting the following paragraph immediately after "be zoned "F" under the terms of this ordinance";

Those territories zoned "PUD-D" under the terms of the Sedgwick County Zoning Resolution shall be zoned "PUD-D" under the terms of this ordinance.

Section 28.04.210 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

Planned Unit Development New Approval - Preliminary	\$200.00 + \$10/Acre Maximum - \$10,000.00
Planned Unit Development (Any Category) Final	None
Planned Unit Development (Any Category) Amendment	\$200.00

Severability and Grandfather Clause

Should any section, clause or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid. All zoning classifications of property heretofore established according to law and prior ordinances, are hereby preserved and saved except as the same are changed or amended hereunder. And any zoning ordinance regulations, rules, maps, community unit plans, heretofore adopted or approved by the City of Wichita under its zoning authority shall continue in full force and effect until and unless the same is modified as provided for in this Chapter.

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

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1973.

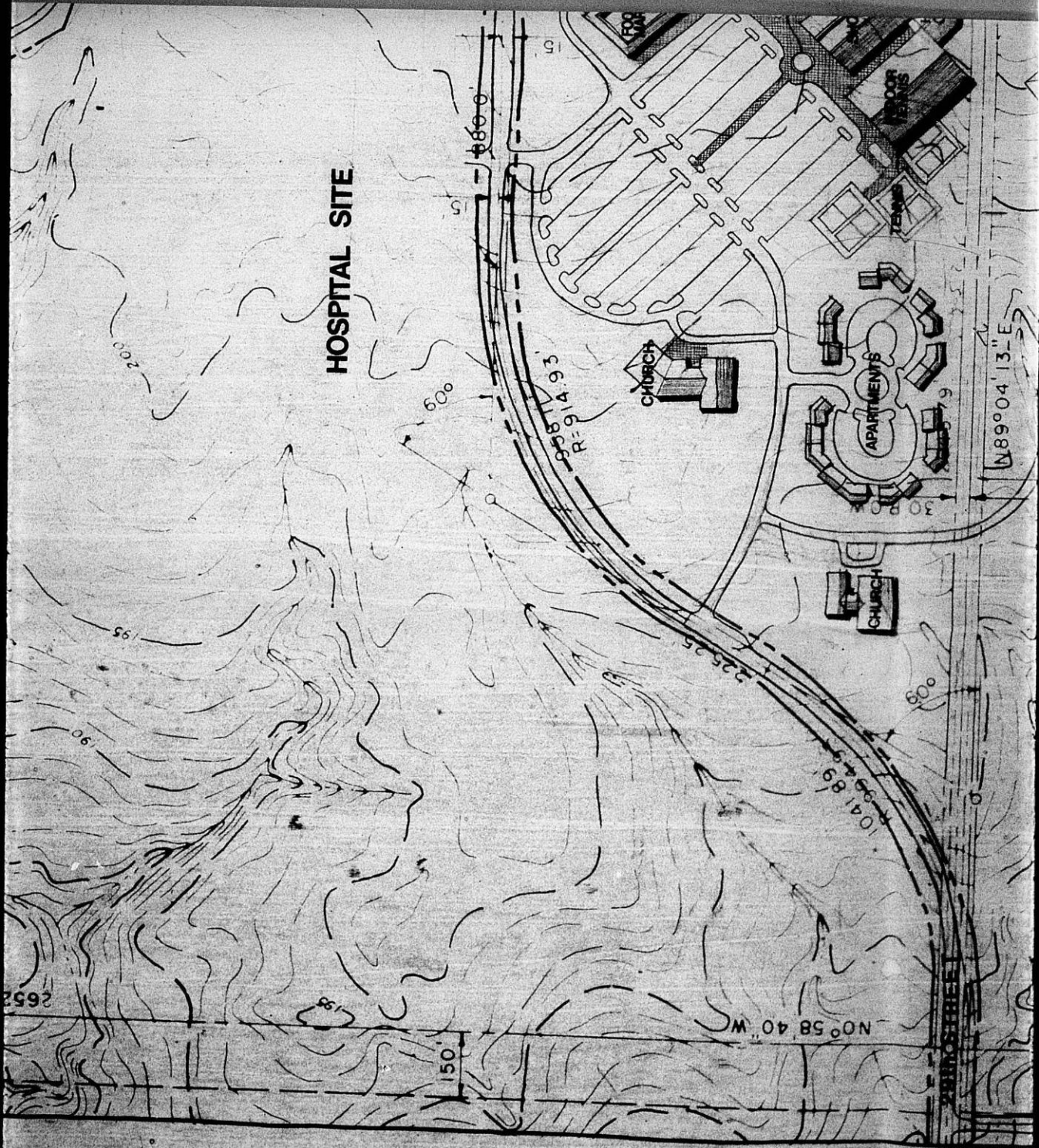
Glenn J. Shanahan, Mayor

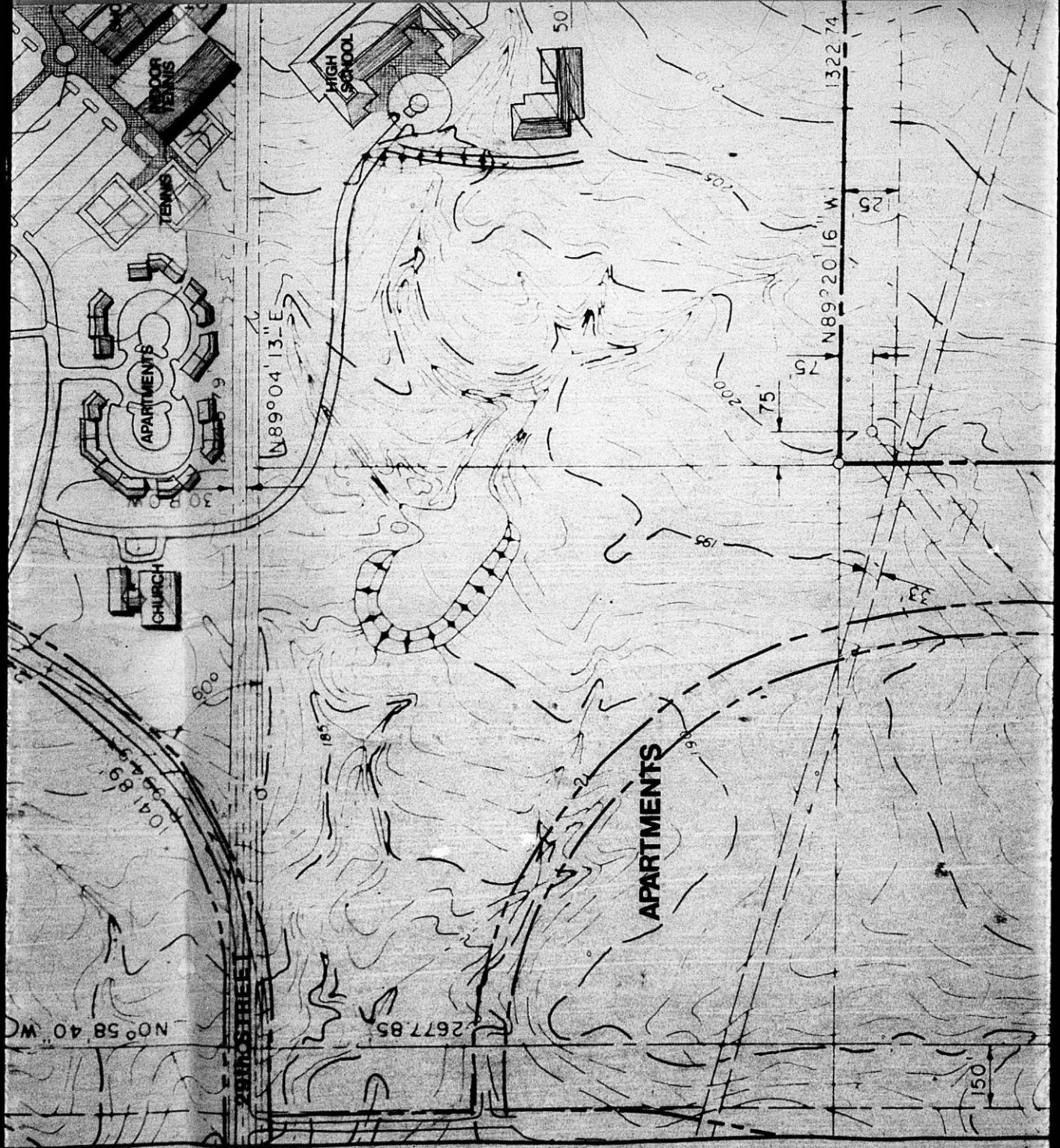
ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

HOSPITAL SITE





INDOOR TENNIS

TENNIS

APARTMENTS

CHURCH

HIGH SCHOOL

APARTMENTS

28TH STREET

1322 74

N89°04'13.5\" E

N89°20'16\" W

N0°58'40\" W

2677 85

150

50

25

75

75

195

200

205

210

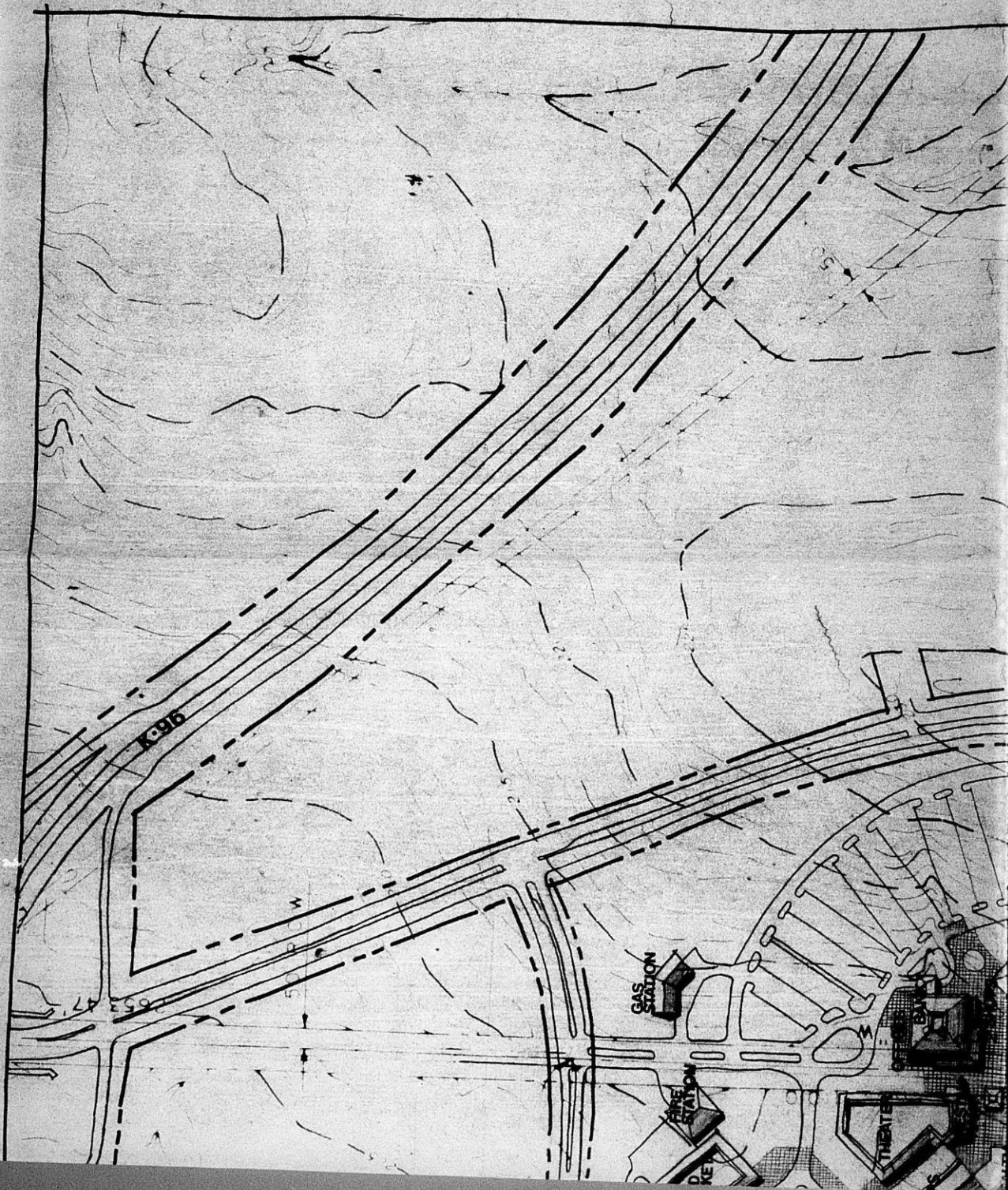
80

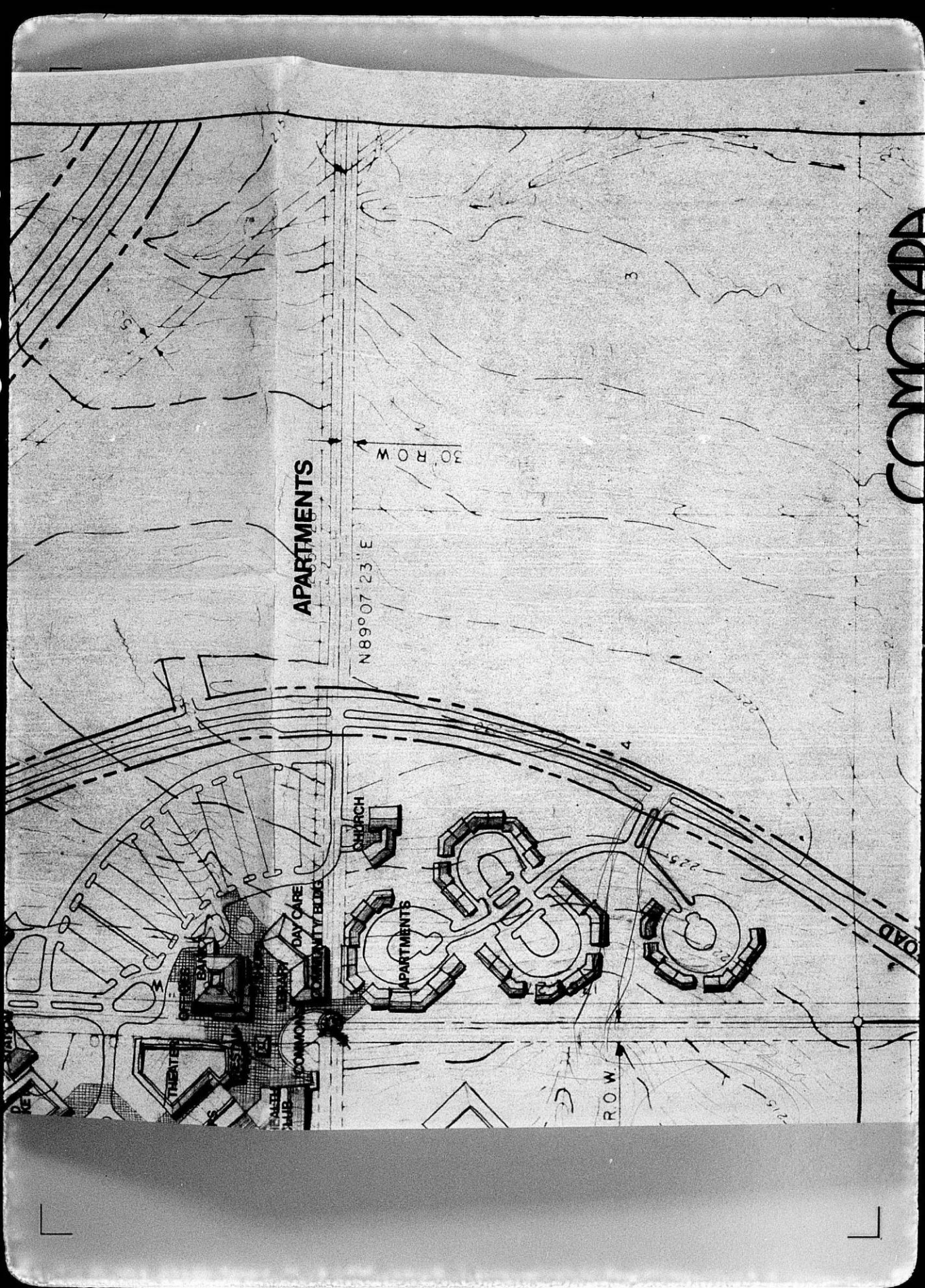
165

22

5

33





APARTMENTS

N 89° 07' 23" E

30' ROW

CHURCH

APARTMENTS

THEATRE

FAMILY CLUB

COMMON ROOM

LIBRARY

DAY CARE

COMMUNITY BLDG

ROAD

COMOTADA

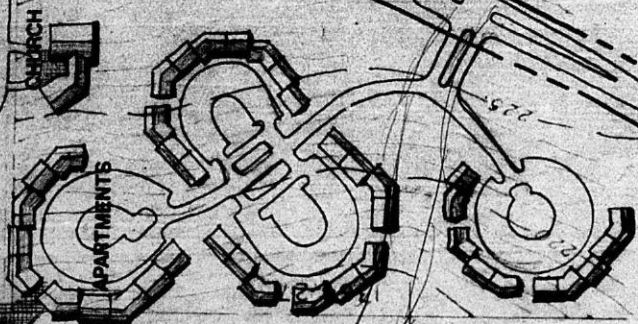
APARTMENTS

N 89° 07' 23" E

30' ROW

COMOTARA CENTER

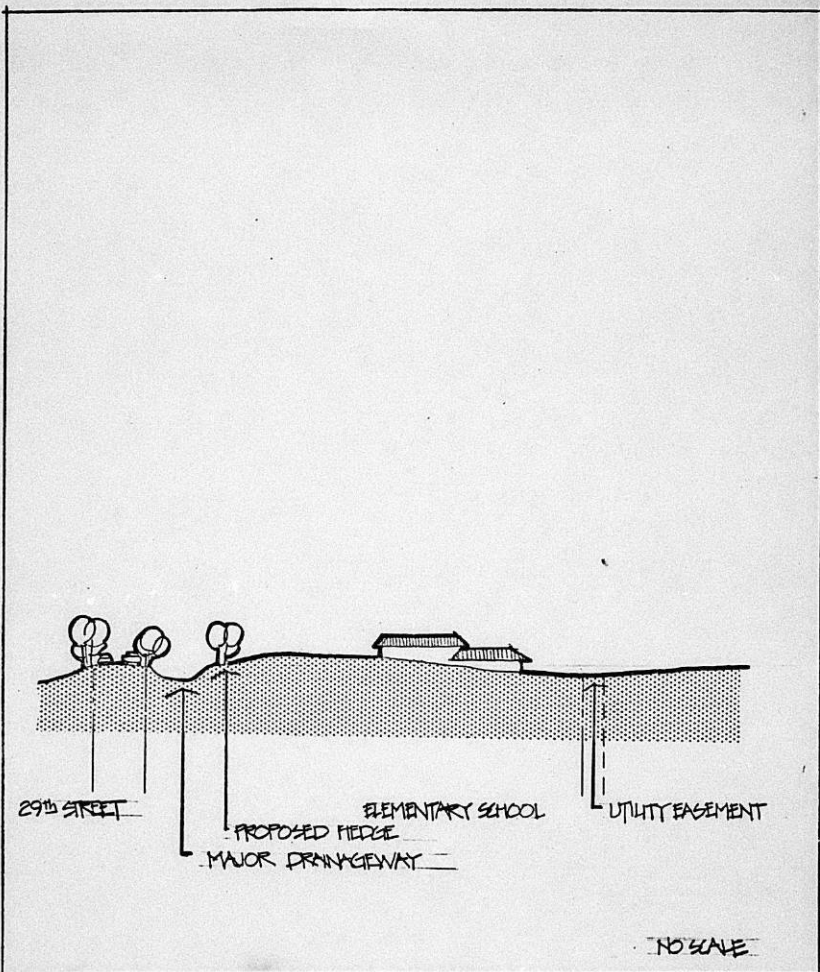
MICHA LAND COMPANY - RSWA
DECEMBER 14 - 2000



ROCK ROAD

S 0° 54' 22" E

ROW



RAHINKAMP SACHS WELLS AND ASSOCIATES INC
 PLANNERS • LAND PLANNERS • LANDSCAPE ARCHITECTS

OFFICE: 1717 SPRING GARDEN ST PHILADELPHIA PA 19130 215 688 7545
 166 E ST ANDREWS DR MOORESTOWN NJ 08057 406 904 3323

DETAIL: typical section
Elementary School
 JOB: **COMOTARA**

SC :
 DA :
 DR :
 INDEX CODE :

3RD DRAFT

AN ORDINANCE AMENDING TITLE 28 OF THE CODE
OF THE CITY OF WICHITA, ESTABLISHING PROCEDURES
AND STANDARDS FOR PLANNED UNIT DEVELOPMENT
DISTRICTS

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE CITY OF WICHITA THAT TITLE 28 OF THE CODE
OF THE CITY OF WICHITA SHALL BE AMENDED TO INCLUDE
THE FOLLOWING:

SECTION 1. That Section 28.04.030 shall be amended
by adding at the end thereof new districts:

"PUD (Planned Unit Development) - D (Diversified)

"PUD () - R (Residential)"

"PUD () - B (Business)"

"PUD () - I (Industrial)"

SECTION 2. PUD District-NC (New Communities)

A. Purpose. In order to provide for a greater variety and
choice of design for urban living, to gain efficiencies through
coordinated design development efforts, to conserve and make

available open space and utilize the new technologies in urban land development and to gain flexibilities over conventional land control regulations, the following Planned Unit Development Districts are hereby created and established:

I. PUD-D - This district is created to provide for diversified development, including new communities or major extensions of the City of Wichita which have those uses and facilities needed to provide housing, recreation, services and employment within the district.

A. Standards and Criteria

1. Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

2. Permitted Uses

a. Housing permitted in the "AA", "A", "R-5", "R-6"

b. Public and Institutional Uses

c. Transportation facilities, including airports, mass transit, bus stations, trucking terminals

- d. Housing support facilities, including professional and personnel services, comparison and convenience shopping
- e. Regional facilities, including office complexes, shopping centers
- f. Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan
- g. Recreational uses
- h. Temporary uses when approved by the Director of Planning
 - 1) Sand and gravel extraction
 - 2) Nursery
 - 3) Asphalt and concrete plants used in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD

and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Metropolitan Area Planning Commission at the final plan approval or at such further time and date as the Metropolitan Area Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

B. Land Use Mix

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land

use shall be adhered to:

1. Residential development shall not exceed 75% of the total area of the PUD. Not over 75% of such residential area shall be for single-family detached residences nor shall more than 80% of such area be developed for multiple-family residences. At least 10% of the residential units shall be for lower and middle income housing as may be certified by HUD.] out.
2. Business and industrial areas shall not exceed 40% of the total development area.
3. Open Space/Recreational (public or private) areas shall be included, having an area equal to at least 20% of the non-business and industrial area.
4. Schools and airports shall not be included in making the computation in items 1 thru 3 above.

C. Density

The density of residential development shall not exceed 9 dwelling units/gross acre, based on all

land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures shall be treated as commercial in all intensity controls except off-street parking.

D. Land Intensity Controls

1. Ground coverage. Maximum ground coverage per parcel shall not exceed:

50% for housing, except attached
single-family may be 100%
35% for business
50% for industrial

For purposes of computation, parcels shall not include open space area.

2. Floor Area Ratio. The maximum allowable FAR shall be:

.5 for single and two family detached dwelling
2.5 for single-family attached dwelling
.5 for multiple dwellings
.5 for business and offices
2.5 for industrial.

3. Heights shall be unlimited unless specified in the plan.

E. Parking - Off Street/Loading

The off-street parking requirements shall be that as required for all other districts, except that housing for elderly may be reduced to 0.5 spaces/DU and all single-family dwelling units shall provide two spaces/DU; and all other family area shall provide 1.5 spaces/DU.

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5% of the parking area utilized for landscaping, which will be distributed throughout the parking area.

F. Lot Size and Splits

No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the

uses proposed and shall include, or provide for, necessary and appropriate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveying parcel for the ultimate user(s). Lots may be designated on final plans. Any division, splitting, or relotting in any number of non-industrial designated land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designated areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

G. Signs

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan

shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structure or neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage, the number and general location are identified thereon. No signs shall project into public right-of-way. The sign plan shall be approved by the Director of Planning and Superintendent of Central Inspection.

H. Landscape and Screening Plans

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, the Planning

Department shall approve a plan (which shall be prepared by an architect or landscape architect) for buffering and/or landscaping which provides identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

I. (Platting Alternate - Improvement Standards)

As a final plan may be recorded in lieu of a subdivision, requirements and standards shall be as follows:

1. The requirements for land description, easements design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication, signatures of owners, Metropolitan Area Planning Commission and governing bodies, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

2. Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common parking areas (which can be guaranteed thru common ownership interest organization similar to homes associations, improvement trusts, etc.).

J. Findings of Fact

Before approving a PUD-D, the Governing body shall find each of the following conditions to exist:

1. That the proposal is compatible with the growth concept and land use plans of the areawide planning organization and will lead to the carrying out and completion of adopted plans.
2. That approval will not adversely affect the environment compared to alternate forms of the

same amount of growth and development.

3. That the developer is capable both organizationally and financially to carry out the project with reasonable expectation for success and completion.
4. That the area be self-sustaining over the planning period involved, i.e., production of revenues compared to financial outlays by local and area government shall be at least equal.
5. That the necessary and full range of urban facilities such as, but not limited to, streets, sewer, water, drainage, street lighting, etc., can be made available within a reasonable time.

K. Supplemental Information

In submitting the preliminary plan, the applicant shall provide a statement assessing the requirements for the

findings of use required in Section J. hereof. (See also Section F, page 24). The applicant shall also provide a suggested sequence for development and alternates therefor in the event the plan is not to be developed at one

(Insert
correct
reference)

time. The development sequence proposals should indicate both time sequence and use sequence, that is, amount of residences compared to industrial development; amount of commercial in relation to new residential development, etc.

Administration, Approval Procedures and Protests

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Metropolitan Area Planning Commission) and design of land forms. The final approval is intended to take the place of both a detail site plan and subdivision.

A. preliminary Approval

1. A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to

*add time
element
between
Prelim & final
approve to meet
final approval.*

identify the nature, character and intensity of use of development (single-family dwelling, detached and attached; garden apartments, offices, convenience shopping and services, etc.), open space and recreational areas together with ultimate ownership (public, private, common owned, etc.), public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size. The submission may be more than one sheet in order to properly show such items.

2. Documentation shall include a general description of the project and a justification as to the need therefor.
- 2a. The MAPC may adopt rules concerning the format and number of copies required for submission.
3. Ownership lists shall be submitted, including all property included in the application and within the following radius thereof:

<u>Tract Size</u>	<u>Notification Radius</u>
20 A or over	1,000 feet
5-10 Acres	750 feet
Less than 5 A	200 feet

4. The preliminary plan shall be presented to the Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by subcommittees prior to the formal public hearing of the MAPC.
5. The Planning Commission shall submit its recommendation to the Governing Body after holding a public hearing.
6. The Governing Body prior to granting approval shall make such findings of fact as may be required by this ordinance. If approved, the PUD shall become effective upon publication of an ordinance and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Governing Body, legally describing the lands to which it is applicable and stating that

a copy is on file in the Office of the City Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

B. Submission of a final plan

1. After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development subject to the conditions of approval and the requirements herein.
2. Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identification, and platting certificates as may be required to qualify such final plan as a subdivision.

3. Approval shall be given by the Metropolitan Area Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Metropolitan Area Planning Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the City all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

- a. The design and spatial arrangements are comparable to that in the approved preliminary plan.
- b. The planned residential density or intensity of use shall not be varied by more than 5%; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.
- c. There is no more than a 10% increase of floor area for non-residential areas.

d. There is no increase greater than 5% of the total ground coverage by buildings by class of land use.

4. Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

C. Modification of Plan

1. Minor changes in dimensions, descriptions, and uses may be approved in writing by the Director of Planning and Director of Public Works when the integrity of designs and intent of the plan is maintained.

2. Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

a. Modification of the plan by the City of Wichita.

All those provisions of the plan authorized to be enforced by the City under _____ of this Section may be modified, removed or released by the City through action by the Governing Body, subject to the following conditions:

- (1) No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided in paragraph _____ of this section.
- (2) No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the City Commission, following a public hearing, that the same is consistent with the efficient development and preservation of

the entire planned unit development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

- (3) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan.

D. Enforcement

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the plan,

as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally improved, whether recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

1. Enforcement by the City. The provisions of the plan relating to:

- a. The use of land and the use, bulk and location of buildings and structures
- b. The quality and location of common open space, and
- c. The intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulations otherwise granted the municipality by law.

2. Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; Provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

E. Applicability and status of plans submitted under the provisions of 28.04.190.

1. All plans approved under the provisions of 28.04.190 may be converted to Planned Unit Developments by:

- a. Filing an application (without fee)
 - b. Filing an updated ownership list
 - c. Sign a letter of agreement with the Director of Planning to jointly work on the re-formatting of the plan.
 - d. Following the hearing and approval procedure for PUD's.
2. All plans not so converted shall remain in full force and effect.

F. Covenants, Trusts, Homes Association

1. To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement

regarding the nature, intent, coverage and expected use of such devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the attorneys for the Planning Department.

SECTION _____ Amend 28.04.220 by adding to the schedule of fees:

Planned Unit Development New approval - Preliminary (Any category)	\$200 + \$10/Acre Maximum - \$10,000
Planned Unit Development (Any category) Final	None
Planned Unit Development (Any category) Amendment	\$200

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 22, 1971

TO Robert A. Lakin, Director of Planning
FROM Jack H. Galbraith, Chief Planner *JHG*
SUBJECT Off Agenda Item Relative to Roof
top Beautification in the CBD

At the end of the Planning Commission meeting this date, Austin Rising raised the question of what is being done relative to roof top beautification in the downtown area. I pointed out that the Urban Renewal Agency had required architectural treatment on several buildings in the downtown urban renewal area.

No formal action was taken by the Planning Commission other than to request the Staff to bring this matter to the attention of the Center City Steering Committee and to report back informally to the Planning Commission recommendations as to the control of future construction in the downtown area.

JHG:ber

cc: Willard Stockwell, Chief Planner
John T. Smith, Principal Planner
Kenneth Kallenbach, Principal Planner

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE March 27, 1973



TO Robert A. Lakin, Director of Planning

FROM Robert G. Finch, Executive Assistant

SUBJECT MAPC Case DR 73-6 (PUD-D)

On March 27, 1973, at your request, the subject report was returned to the MAPC for further consideration.

Considerable input was offered by the City Commissioners as you are aware. Specific remarks are available, of course, from the record.

Copies of the proposed ordinance provided with DR 73-6 are returned for whatever changes are indicated.

RGF:jh
Attachment



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 21, 1973

TO Board of City Commissioners

FROM Robert A. Lakin, Director of Planning *RAL*

SUBJECT DR 73-6 - Amendment to Zoning Ordinance
Re: Planned Unit Development-Diversified

We have recently been requested to consider an amendment to the City of Wichita zoning ordinance which would permit large scale developments to be approved as Planned Unit Developments.

Attached is a copy of a proposed amendment to the zoning ordinance which has been developed in conformance with the provisions of the State statutes. This amendment was considered by the Planning Commission at a public hearing on March 8, 1973, and was recommended for approval.

This proposed amendment will provide for a new zoning district, the PUD-D Planned Unit Development-Diversified. It will be used only for new communities or developments of 575 or more acres that will be providing all of the necessary facilities for residential, recreational, office, commercial and industrial uses within the development. This should be considered a minimum size to accommodate all such uses that would be associated within a community. It is anticipated that the use of this district will generally be used for much larger developments than the minimum size that has been established. The provisions of the existing ordinance regulating residential and commercial CUP's will remain until such time that the new zoning ordinance would replace these districts with appropriate PUD districts of limited uses and on a much smaller scale.

These regulations have been prepared in accordance with the new State legislation enacted in 1971. It will permit the planning and development of land on a large scale basis, as long as it complies with the comprehensive plan, and the developer may do so without the burdensome necessity of complying with the strict lot-by-lot zoning and subdivision regulations. It does, however, require the submission of plans for approval of the MAPC and the Board of Commissioners, and to their satisfaction assure that the development will be in the best interests of the community.

It is anticipated that the use of this district will provide an effective tool for the development of land and provide a more flexible method of obtaining good development. Standards have been included to provide residential density limitations, percentage of land use within the development, open space requirements, parking, sign and landscape controls and the screening of areas that are generally considered unsightly.

Page 2 - Board of City Commissioners
March 21, 1973

Consideration of this amendment is scheduled for your meeting of
March 27, 1973.

RAL:GEL:ber

Attachment

cc: Ralph Wulz, City Manager
John Dekker, Director of Law

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED A PLANNED UNIT DEVELOPMENT DISTRICT; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE, THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH A DISTRICT: AMENDING SECTIONS 28.04.020, 28.04.030, 28.04.160 AND 28.04.210 OF CHAPTER 28.04 OF TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS: ALL IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPP. 12-725 THROUGH 733 INCLUSIVE.

BE IT ORDAINED by the Governing Body of the City of Wichita, Kansas:

Section 28.04.193. That the Governing Body of the City of Wichita, Kansas, by the power invested in it by K.S.A. 1971 Supp. 12-725 through 733, inclusive, does hereby amend Chapter 28.04 of Title 28 of the Code of the City of Wichita, Kansas, by adding a new type of zoning district to be designated a "PUD-D" - Planned Unit Development-Diversified.

A. Purpose and Statement of Objectives:

This zoning ordinance is intended to serve and achieve the following purposes and objectives: To promote the public health, safety, and morals and general welfare of the citizens of the City of Wichita, Kansas, and of the area within a three-mile radius thereof in an era of increasing urbanization and growing demand for housing of all types and designs; to provide for commercial facilities conveniently located to such housing; to

provide for well-located, clean, safe, permanent industrial sites involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and land use of buildings, and for the conservation of adjacent and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, jobs, and industrial plants conveniently located to each other may be extended to all citizens and residents of said area; to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economy may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the incorporation of the best features of modern design in said area, and conserve the value of the land; and, in aid of the foregoing purposes and objectives, to provide procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site and the particular demand for housing and other facilities.

B. Designation of Local Administrative Authority Functions and Duties:

The Wichita-Sedgwick County Metropolitan Area Planning Commission, hereinafter referred to as Planning Commission, is hereby designated as the administrative authority to administer the provisions of this Ordinance and shall have the following functions and duties:

- (a) To prescribe rules and regulations consistent with the provisions of this Ordinance;
- (b) To maintain permanent and accurate records relating to any planned unit development district established hereunder;
- (c) To act as the receiving and approving authority for all applications for approval of the proposed planned

unit development; and when required, to refer and recommend the same to the Governing Body for final action.

(d) To provide application forms to be used by landowners seeking approval of a planned unit development.

C. Definitions:

In the construction of this Ordinance, the following definitions shall prevail:

(a) "Common Open Space" is a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for the use and enjoyment of residents and owners of the planned unit development. Common open space may contain such complimentary structure and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development.

(b) "Landowner" shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Ordinance.

(c) "Plan" shall mean the provisions for development of a planned unit development, including such drawings as shall serve as a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

(d) "Planned Unit Development" is an area of land controlled by a landowner to be developed as a single entity

for a number of dwelling units, office uses, commercial uses, or any combination thereof, if any, the plan for which may not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established in any one or more of the districts of the City of Wichita zoning ordinance.

Section 28.04.194

A. Standards, Conditions and Criteria:

The following standards, conditions and criteria shall govern and control the "PUD-D" - Planned Unit Development-Diversified herein established:

(a) Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

(b) Permitted Uses

(1) Housing

(2) Public and Institutional Uses

(3) Transportation facilities, including airports, mass transit, bus stations, trucking terminals

(4) Housing support facilities, including professional and personal services, comparison and convenience shopping

(5) Regional facilities, including office complexes, shopping centers

(6) Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan

(7) Recreational uses

(8) Temporary uses when approved by the Director of Planning

(a) Sand and gravel extraction

(b) Nursery

(c) Asphalt and concrete plants used in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening

and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Planning Commission at the final plan approval or at such further time and date as the Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

B. Land Use Mix:

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land use shall be adhered to:

(a) Residential development shall not exceed 75 percent of the total area of the PUD. Not over 75 percent of such residential area shall be for single-family detached residences nor shall more than 80 percent of such area be developed for multiple-family residences.

(b) Business and industrial areas shall not exceed 40 percent of the total development area.

(c) Open Space-Recreational (public or private) areas shall be included, having an area equal to at least 20 percent of the non-business and industrial area.

(d) Schools and airports shall not be included in making the computation in items a through c above.

C. Density:

The density of residential development shall not exceed 9 dwelling units per gross acre, based on all land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures, shall be treated as commercial in all intensity controls except off-street parking.

D. Land Intensity Controls:

(a) Ground coverage. Maximum ground coverage per parcel shall not exceed:

- (1) 50 percent for housing, except attached single-family may be 100 percent
- (2) 35 percent for business
- (3) 50 percent for industrial

For purposes of computation, parcels shall not include open space area.

(b) Floor area ratio. The maximum allowable floor area ratio shall be:

- (1) .5 for single and two family detached dwellings
- (2) 3.0 for single-family attached dwelling
- (3) .5 for multiple dwellings
- (4) .5 for business and offices
- (5) 2.5 for industrial.

(c) There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary plan based on the proximity of the development to existing or prospective adjacent development.

E. Off-Street Parking and Loading:

The off-street parking and off-street loading requirements shall be the same as that required for uses in other districts, except that housing for elderly may be reduced to 0.5 spaces per dwelling unit; all single-family dwelling units shall provide two spaces per dwelling unit; and all other dwelling unit areas shall provide 1.5 spaces per dwelling unit.

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5 percent of the parking area utilized for landscaping, which will be distributed throughout the parking area.

F. Lot Size and Splits:

No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the uses proposed and shall include, or provide for, necessary and appropriate

ate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveyancing parcel for the ultimate user(s). Lots may be designed on final plans. Any division, splitting, or relotting of a lot into any number of non-industrial designed tracts of land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designated areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

G. Signs:

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structures and neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage the number and general location are identified thereon. No signs shall project into public right-of-way.

H. Landscape and Screening Plans:

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, a plan shall be approved. Such plan (which shall be prepared by an architect or landscape architect) shall indicate all buffering and/or landscaping and further providing identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

I. Architectural Controls:

To protect the integrity of development areas, both within and without the PUD, consideration may be given to the architectural design of the structures to include roofscape design. This shall include treatment of rooftop projections to make them an integral part of the building design as viewed from the ground or from above. Prior to the issuance of construction permits for any structures with a roof having a slope of less than 1:5, detailed plans showing roofscape design shall be submitted and approval obtained.

J. (Platting Alternate - Improvement Standards)

A final plan may be recorded in lieu of a subdivision, and in such event the provisions of the plan, as approved, shall have the same force and effect as a plat regularly adopted under the subdivision rules and regulations, provided that:

(a) The requirements for land description, easements, design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication; signatures of owners, Metropolitan Area Planning Commission and Governing Bodies, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

(b) Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common areas (which can be guaranteed through common ownership interest organizations similar to homes associations and improvement trusts.

K. Findings of Fact:

Before approving a PUD-D, the Governing Body shall find each of the following conditions to exist:

(a) That the proposal is in general conformity with the provisions of the adopted master plan for the City of Wichita, Kansas, and that the development of the PUD-D will not have a substantially adverse affect on the development of the neighboring area. The area shall be self-sustaining over the planning period involved by production of revenues being at least equal to financial outlays by local and area government in a twenty year period. The area can be served by a full range of urban facilities within the scheduled time for development.

(b) The developer shall have professional staff within his organization, or have contracted with consultants, architects, engineers, realtors and economists capable of carrying out all phases of the project. The developer shall also show evidence of financial capabilities to reasonably assure success and completion of the project. This may be in the form of financial statements, lines of credits and evidence of satisfactorily completed development projects.

L. Supplemental Information

In addition to the other information required by this ordinance, the contents of the application in connection with the submission of the preliminary plan, the applicant shall provide a schedule showing the proposed time and sequence within which the application for final approval of all sections of the planned unit development are intended to be filed. The application for tentative approval of a planned unit development shall include a written statement by the landowner setting forth the reasons why in his opinion a planned unit development would be in the public interest and would be consistent with the statement of objectives by the Governing Body on planned unit developments.

Section 28.04.199. Applications for Approval of a Planned Unit Development, Administration and Procedures:

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Planning Commission) and design of land forms.

A. Preliminary Approval:

(a) A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to identify the nature, character and intensity of use of the development, provisions for parking of vehicles and the location, width and ownership of proposed streets, open space and recreational areas, together with ultimate ownership, public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size.

(b) Documentation shall include a general description of the project and a justification as to the need therefor.

(c) The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall in such cases, specify reasonable periods within which such development shall be commenced. The time schedule established for the commencement of the project, or any section thereof, may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. If development has not begun within 18 months after preliminary approval has been granted, or the time schedule has not been extended by the Planning Commission for good cause, then in that event such preliminary approval shall be null and void.

(d) The Planning Commission may adopt rules concerning the format and number of copies required for submission.

(e) Ownership lists shall be submitted, including all property included in the application and within 1,000 feet radius thereof, which shall become a notification list for the public hearing.

(f) The preliminary plan shall be presented to the

Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by subcommittees prior to the formal public hearing of the Planning Commission.

(g) The Planning Commission shall submit its recommendation to the Governing Body after holding a public hearing.

(h) The Governing Body prior to granting approval shall make such findings of fact as may be required by this Ordinance. If approved, the Planned Unit Development shall become effective upon publication of an ordinance and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Governing Body, legally describing the lands to which it is applicable and stating that a copy is on file in the Office of the City Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

B. Submission of a final plan:

(a) After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development subject to the conditions of approval and the requirements herein.

(b) Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identifications, and platting certificates as may be required to qualify such final plan as a subdivision.

(c) Approval shall be given by the Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Planning

Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the City all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

(1) The design and spatial arrangements are comparable to that in the approved preliminary plan.

(2) The planned residential density or intensity of use shall not be varied by more than 5 percent; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.

(3) There is no more than a 10 percent increase of floor area for non-residential uses.

(4) There is no increase greater than 5 percent of the total ground coverage by buildings by class of land use nor involve a substantial change in the height of buildings.

(d) Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

C. Modification of Plan:

(a) Minor changes in dimensions, descriptions and uses may be approved in writing when the integrity of designs and intent of the plan is maintained.

(b) Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

(1) Modification of the plan by the City of Wichita. All those provisions of the plan authorized to be enforced by the City under 28.04.199-D of this Section may be modified, removed or released by the City through action by the Governing Body, subject to the following conditions:

(a) No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided under 28.04.199-D of this Section.

(b) No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the Governing Body, following a public hearing held in accordance with Section 28.04.199 A (f) and that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(c) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan.

D. Enforcement:

To further the mutual interest of the residents and owners of the planned unit development of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modification, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded

by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(a) Enforcement by the City. The provisions of the plan relating to:

(1) The use of land and the use, bulk and location of buildings and structures

(2) The quality and location of common open space, and

(3) The intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulations otherwise granted the municipality by law.

(b) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

E. Covenants, Trusts, Homes Association

(a) To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement regarding the nature, intent, coverage and expected use of such

devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken, or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the Planning Commission and the Governing Body.

Section 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended by adding the following definition:

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Section 28.04.030 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

"PUD-D" - Planned Unit Development-Diversified District.

Section 28.04.160.A of the Code of the City of Wichita, Kansas, shall be amended by inserting the following paragraph immediately after "be zoned "F" under the terms of this ordinance";

Those territories zoned "PUD-D" under the terms of the Sedgwick County Zoning Resolution shall be zoned "PUD-D" under the terms of this ordinance.

Section 28.04.210 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

Planned Unit Development New Approval - Preliminary	\$200.00 + \$10/Acre Maximum - \$10,000.00
Planned Unit Development (Any Category) Final	None
Planned Unit Development (Any Category) Amendment	\$200.00

Severability and Grandfather Clause

Should any section, clause or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid. All zoning classifications of property heretofore established according to law and prior ordinances, are hereby preserved and saved except as the same are changed or amended hereunder. And any zoning ordinance regulations, rules, maps, community unit plans, heretofore adopted or approved by the City of Wichita under its zoning authority shall continue in full force and effect until and unless the same is modified as provided for in this Chapter.

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

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1973.

Glenn J. Shanahan, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

February 14, 1973

Subject: Proposed Amendment to
City Zoning Ordinance and Sedgwick
County Zoning Resolution.
Re: Planned Unit Development

Gentlemen:

Enclosed herewith is a copy of a proposed amendment to the City of Wichita, Kansas zoning ordinance which has been advertised to be considered by the Wichita-Sedgwick County Planning Commission at their regular meeting on March 8, 1973 at 1:30 p.m. This meeting will be held in Room 401, City Building Annex, 104 South Main Street, Wichita, Kansas.

The Planning Commission will concurrently consider a similar amendment to the Sedgwick County Zoning Resolution at this meeting. Copies of this resolution are also available at this office.

This amendment is to create a new zoning district to be called a "PUD-D" Planned Unit Development-Diversified and intended to accommodate large diversified developments. This district will not replace any of the districts in the existing ordinance but will supplement the regulations by providing for development under provisions of K.S.A. 1971 Supplement 12-725 through 12-733 inclusive.

If you have any questions or wish additional copies of the ordinance, please give us a call.

Sincerely,

Robert A. Lakin by J.H.S.
Robert A. Lakin
Director of Planning

RAL GEL:rme

Enclosure

Letters sent to:

Grey Dressie, Attorney
Union National Building
67202

Robert H. Nelson, Attorney
200 West Douglas
67202

Vincent L. Bogart, Attorney
120 South Market, Suite 501
67202

William McAdoo
Jack P. DeBoer Associates
240 Rock Road
67206

Warren Oblinger
Oblinger & Smith Corporation
First National Bank Building
67202

Mr. John Gist
Oblinger & Smith Corporation
First National Bank Building
67202

C. Bickley Foster
2818 North Edwards
67204

Jerald R. Jones
Crestview Development
13 Via Roma
67230

R. S. Delamater & Associates
Century Plaza Building
67202

Wichita Association of Home Builders
730 North Main
67203

Wichita Board of Realtors
230 South Market
67202

Gene Miles, Developer
10711 West Kellogg
67209

Michael C. Weigand
J. P. Weigand & Sons
110 North Main
67202

Reiss & Goodness, Engineers
2160 East Douglas
67214

K. O. Taylor, Consulting
Engineer
1542 South St. Francis
67211

Professional Engineering
Consultants
1440 East English
67211

Campbell & Castle, Engineers
P. O. Box 1835
67201

Don C. Moehring, Engineer
314 Brown Building
67202

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

262-0611 — AREA CODE 316
CITY BUILDING ANNEX
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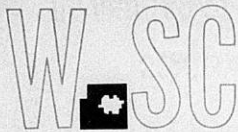
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Robert A. Lakin by *J.H.S.*
Robert A. Lakin
Director of Planning

RAI:GEL:rme

Enclosure

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

252-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

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County Zoning Resolution.
Re: Planned Unit Development

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Robert A. Lakin
Director of Planning

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Enclosure

WICHITA — SEDGWICK COUNTY



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DEPARTMENT

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Sincerely,

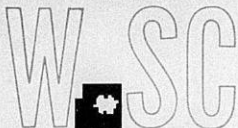
Robert A. Lakin by *R.A.L.*

Robert A. Lakin
Director of Planning

RAL:GEL:rne

Enclosure

WICHITA — SEDGWICK COUNTY



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Robert A. Lakin
Director of Planning

RAL:GEL:rme

Enclosure

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The proposed amendments 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, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 9th day of February, 1973.

(SEAL)

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

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(SEAL)

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

BOARD OF CITY COMMISSIONERS
CITY OF WICHITA
KANSAS

City Commission Meeting
March 27, 1973

Invocation by Reverend Lyle Albright, First Church of the Bretheren

Approve the minutes of the previous meeting

CITY MANAGER'S AGENDA

ORDER OF BUSINESS - CITY MANAGER'S AGENDA

Section I - Items 1 and 2

Items in this Section are matters deferred from the City Manager's Agenda at previous meetings. Hearing on these items will commence shortly after 9:00 A. M.

Section II - Items 3 to 9

Items in this Section are planning cases referred to the Commission by the Metropolitan Area Planning Commission. Hearing on these items will not begin prior to 9:10 A. M.

NOTICE: Public hearing on planning items is conducted by the Metropolitan Area Planning Commission under provisions of state law. Adopted City Commission policy is that additional hearing on zoning applications will not be conducted by the City Commission unless a statement (1) alleging unfair hearing before the MAPC or (2) alleging new facts or evidence has been filed with the City Clerk by 5:00 P. M., on the Wednesday preceding this meeting. The Commission will determine from the written statement whether or not to return the matter to MAPC for rehearing.

In the event protest petitions, signed by 20% or more of the owners of property within 200 feet of the property to be rezoned, have been filed with the MAPC, a four-fifths vote of the City Commission will be required to approve requested zoning.

Section III - Items 10 to 18

Items in this Section concern petitions and other matters on which individuals or spokesmen of concerned groups are expected to appear. Hearing on these items will not begin prior to 9:45 A. M.

Section IV - Items 19 to 24

Items in this Section are those on which it is anticipated that members of the public will not be present to be heard. These items will be heard at the discretion of the City Commission.

SECTION I

1. CONTINUATION OF PUBLIC HEARING ON CONDEMNATION OF STRUCTURE AT 1907 PIATT.

Continued from time to time from the meeting of November 28, 1972.

The attorney for the heirs on this property has advised the Central Inspection Division that a purchase contract on this property is progressing and should be completed in the immediate future.

Director of Public Works recommends that the hearing be continued for an additional four weeks until April 24, 1973. City Manager concurs.

ACTION: Continue the hearing until April 24, 1973.

2. WHEELCHAIR RAMPS IN THE DOWNTOWN AREA.

Deferred from the meeting of February 27, 1973.

At the meeting of February 27, 1973, the City Commission received a report from the Kansas Paralysis Chapter on recommendations for locations of wheelchair ramps in the downtown area. The Commission deferred the matter for four weeks for study by the City Engineer and a recommendation for a 3-year program for the proposed ramping.

The City Engineer reports that he has met with the Civitan Club Architectural Barrier Survey Committee and they have requested the opportunity to present additional information on ramping priorities. Additional time is required in order to adequately complete the report and to meet again with the Civitan Club Committee.

The Director of Public Works recommends that this matter be deferred to the meeting of April 17, 1973. City Manager concurs.

ACTION: Defer this matter until April 17, 1973.

SECTION II

City Manager's Agenda

Item 3

Page 3

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING

CASE NO. Z-1497 CONSIDERED BY MAPC: 3-8-73

REQUEST FOR: "AA" to "A"

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

In order to construct duplexes.

GENERAL LOCATION: West side of Florence between
Newell and St. Louis

LEGAL DESCRIPTION:

Lot 5, Block 7, in Parkwilde Addition to Wichita.

APPLICANT: Alton D. and Betty Jo Powell
c/o 619 West Douglas 67213

COUNSEL FOR APPLICANT: Christopher J. Redmond, Attorney
619 West Douglas 67213

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north, south and west
is "AA"; east is "A"

LAND USE: Subject property is undeveloped; north, east,
south and west is single-family

PLANNING COMMISSION RECOMMENDATION:

That this application be approved, subject to replatting the property within one year from the date of approval by the City Commission, dedicating appropriate right-of-way; or the application be considered denied and closed. Burnett moved, Rising seconded and it carried unanimously.

*list name
or number.*

- 30*
-
- ACTION 1. Approve the recommendation of the Metropolitan Area Planning Commission, subject to the conditions of platting, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
2. Return the application to the Metropolitan Area Planning Commission for reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 8, 1973:

22. Case No. Z-1497 - Alton D. and Betty Jo Powell request change from "AA" to "A" for Lot 5, Block 7, in Park-wilde Addition. Generally located on the west side of Florence between Newell and St. Louis.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. The applicant is requesting a change in zoning from the "AA" Single Family classification to the "A" Two Family classification in order to construct duplexes on subject property.
2. The applicant has indicated that he intends to replat subject property into four separate lots, each having approximately 8,100 square feet, and dedicate right-of-way for a future street adjacent to the west property line.
3. In the event the Planning Commission recommends approval of this request, it should be subject to replatting within one year from the date of approval by the City Commission and dedicating appropriate right-of-way; or the application be considered denied and closed.

GALBRAITH said the applicants are in the process of replatting subject property. He recommended approval subject to completion and recording of the replat in one year.

CHRISTOPHER REDMOND, attorney for the applicants, spoke in support of this request. No one appeared in opposition.

MOTION: That the Planning Commission recommend to the City Commission that this application be approved, subject to replatting the property within one year from the date of approval by the City Commission, dedicating appropriate right-of-way; or the application be considered denied and closed. Burnett moved, Rising seconded and it carried unanimously.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING

CASE NO. Z-1498

CONSIDERED BY MAPC: 3-8-73

REQUEST FOR: "AA" to "LC"

REASON FOR REQUEST (AS PROVIDED BY APPLICANT): "We plan to build new buildings for offices and light commercial shops, these buildings will be built on both this lot and the next lot west which is zoned LC. Both lots are 100 foot lots. We own both lots. It is presently planned to plat these two lots in conjunction with other LC lots immediately west of this property during "this year."

GENERAL LOCATION: South side of 13th between St. Paul and Custer

LEGAL DESCRIPTION:

Lot 2, in Sroade Gardens, Sedgwick County, Kansas.

APPLICANT: Wilbur F. and Mary T. Kruse 1641 Womer Drive 67203

COUNSEL FOR APPLICANT: None

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north is "LC"; east is "LC", "BB" and "B"; south and west is "AA"

LAND USE: Subject property and that to the south and west is single-family; north is general commercial; east is office building.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to replatting the property within one year from date of approval by the City Commission, dedicating appropriate setbacks, right-of-way and access control; or the application be considered denied and closed. Kamen moved, Burnett seconded and it carried by a vote of 6 in favor (Kamen, Burnett, Taylor, Rising, Jackson and Blakey) and 1 opposed (Hennessy).

Part on page 4
St Paul to west
MAPC - LC?

MC 5-0

- ACTION 1. Approve the recommendation of the Metropolitan Area Planning Commission, subject to the conditions of platting, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
2. Return the application to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 8, 1973:

23. Case No. Z-1498 - Wilbur F. and Mary T. Kruse request change from "AA" to "LC" for Lot 2, in Sroade Gardens. Generally located on the south side of 13th Street between St. Paul and Custer.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. The applicant owns both the subject property and the lot which is adjacent to the west. It is the applicant's intention to replat these two lots in conjunction with the three lots to the west (under a separate ownership).
2. In November of 1972 the "LC" classification was approved for the four lots immediately adjacent to the west (Z-1450).
3. Subject property is located on a major street, 13th, and provides only 40 feet of half-street right-of-way whereas 50 feet is required.
4. In the event the Planning Commission recommends approval of this request, it should be subject to replatting within one year from the date of approval by the City Commission, dedicating appropriate setbacks, right-of-way and access control; or the application be considered denied and closed.

GALBRAITH said the staff would recommend approval subject to replatting.

No one appeared to speak either in support of or in opposition to this application.

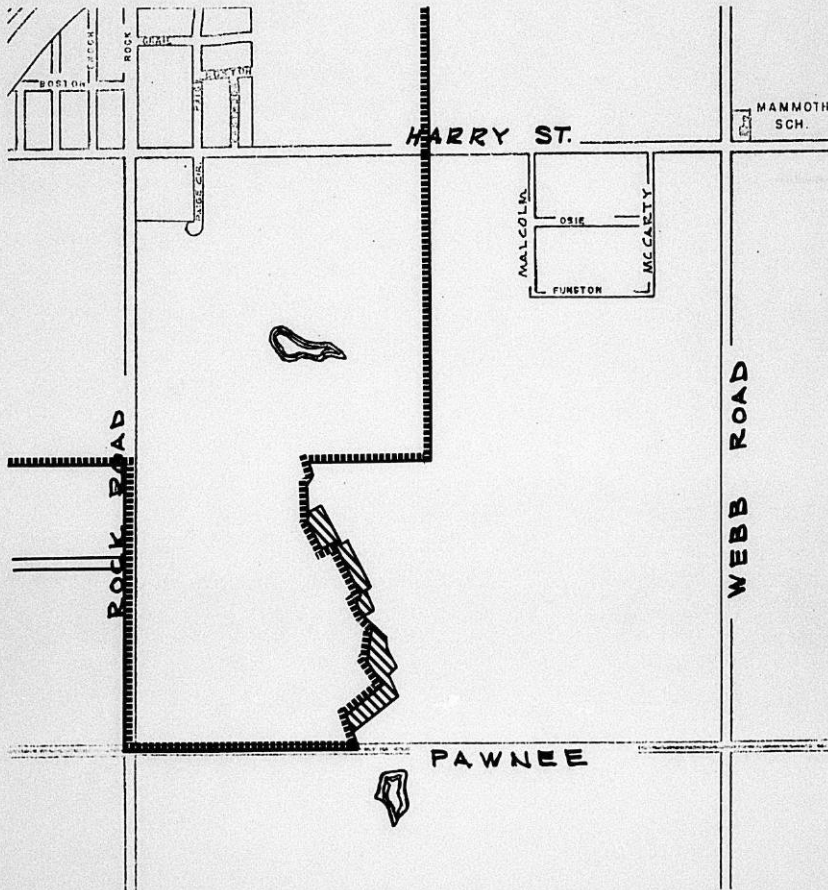
MOTION: That the Planning Commission recommend to the City Commission that this application be approved subject to replatting the property within one year from date of approval by the City Commission, dedicating appropriate setbacks, right-of-way and access control; or the application be considered denied and closed. Kamen moved, Burnett seconded and it carried by a vote of 6 in favor (Kamen, Burnett, Taylor, Rising, Jackson and Blakey) and 1 opposed (Hennessy).

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

General Location: East of Rock Road and north of Pawnee

<u>6.4</u>	Area in Acres	Reason(s) for Annexation
<u>0</u>	Population (Est.)	<input checked="" type="checkbox"/> Petition <u>100</u> %
<u>0</u>	Dwelling Units	<input type="checkbox"/> Needed for benefit district
<u>0</u>	Business Units	<input type="checkbox"/> Other _____

"R-1" Suburban Residential _____ County Zoning



City Limits
 Area to be Annexed 1st Rd. Ord.
 Area to be Annexed 2nd Rd. Ord.

The City Manager recommends that the ordinance be adopted.

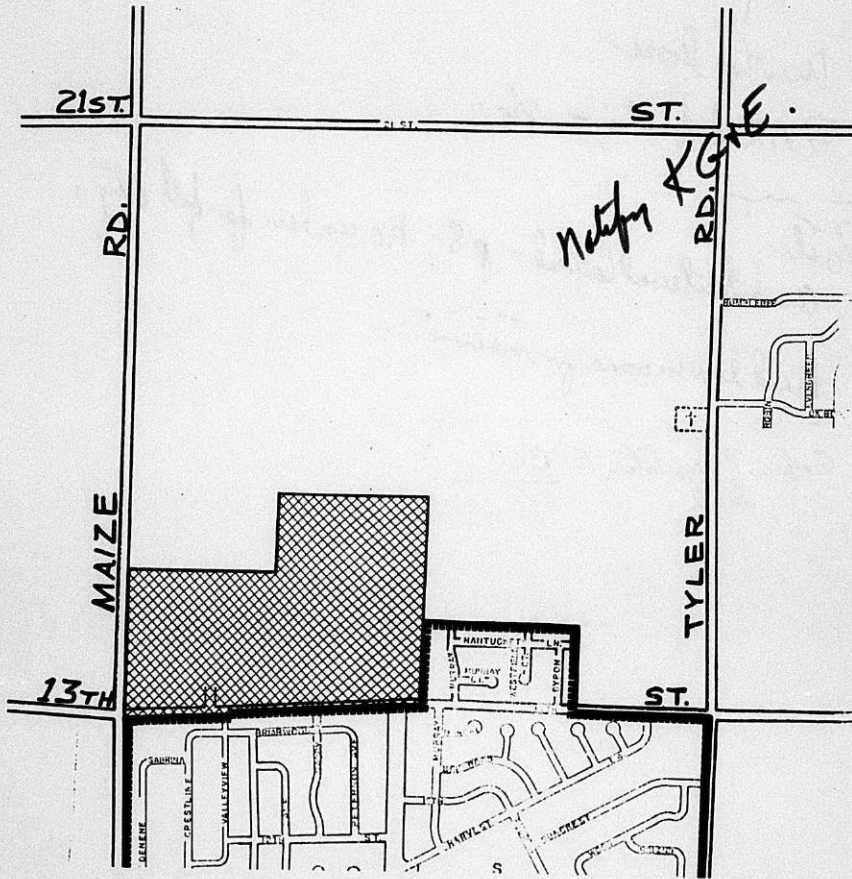
ACTION: place the ordinance on its passage and adopt.

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

General Location: Northeast corner of 13th Street and Maize Road

<u>93.3</u>	Area in Acres	Reason(s) for Annexation
<u>0</u>	Population (Est.)	<input checked="" type="checkbox"/> Petition <u>100</u> %
<u>0</u>	Dwelling Units	<input type="checkbox"/> Needed for benefit district
<u>0</u>	Business Units	<input type="checkbox"/> Other _____

"R-1" Suburban Residential and "LC" Light Commercial _____ County Zoning



City Limits
 Area to be Annexed 1st Rd. Ord.
 Area to be Annexed 2nd Rd. Ord.

The City Manager recommends that the ordinance be placed on first reading.

ACTION: Place the ordinance on first reading.

Shanahan -

① Notice on plan amendment - Major or minor?
as originally provided w/ 1000'

② Question as to admin - (B) an - d

Re MAPC as authority -

a) - Rules + Regs to be provided ~~F~~

b -

c -

d -

Definition - Plan + PUD -

Use two loose -

FAR definition - pl.

Poster

Architectural Control - p 8 - no unless for full city.

Need low income provisions -

Copies of legislation to BCC.

8. MAPC CASE DR 73-6 - AN ORDINANCE AMENDING THE ZONING ORDINANCE TO PROVIDE FOR A PLANNED UNIT DEVELOPMENT-DIVERSIFIED (PUD-D).

The proposed ordinance has been prepared by the Planning Department based on a request to consider an amendment to the zoning ordinance which would permit large scale developments to be approved as Planned Unit Developments.

The proposed amendment will provide for a new zoning district, the PUD-D, Planned Unit Development-Diversified. It will be used only for new communities or developments of 575 acres or more that will be providing all of the necessary facilities for residential, recreational, office, commercial and industrial uses within the development.

The 575 acres should be considered as a minimum size to accommodate all such uses that would be associated within a community. It is anticipated that the use of this district will generally be used for much larger developments than the minimum size that has been established.

The provisions of the existing ordinance regulating residential and commercial Planned Unit Developments would remain until such time that a new zoning ordinance would replace these districts with appropriate PUD districts of limited uses and on a much smaller scale.

These regulations have been prepared in accordance with the new State legislation enacted in 1971. They will permit the planning and development of land on a large scale basis, as long as it complies with the comprehensive plan, and the developer may do so without the burdensome necessity of complying with the strict lot-by-lot zoning and subdivision regulations. It does, however, require the submission of plans for approval of the MAPC and the City Commission and to their satisfaction assure that the development will be in the best interests of the community.

Director of Planning recommends approval. City Manager concurs.

ACTION: Place the ordinance on first reading.

9. MAPC CASE NO. DR 37-7 NOTICE OF AMENDMENT TO THE COMPREHENSIVE TRANSPORTATION PLAN.

This amendment would provide for the following changes in the Comprehensive Transportation Plan:

- gone ahead*
- (1) Reclassify First and Second Streets as "residential" instead of "arterial".
 - (2) Deleting the Second Street Bridge over the Arkansas River from "arterial" classification.
 - (3) Deleting a four mile section of roadway one mile east of Goddard Road south of MacArthur Road from "arterial" classification.
- 45546*

Item 9 Continued

- (4) Designation of McLean Boulevard from MacArthur Road to 47th Street South as an "arterial".
- (5) Designation of Ridge Road from MacArthur Road north one mile to K-42 Highway as an "arterial".
- (6) Designation of the relocated Second Street Bridge from the intersection of Waco and First Street east of the Arkansas River thence directly west to a point on Second Street west of the river as an "arterial".
- (7) Designation of Maize Road from MacArthur Road south eight miles to the Clearwater Road as an "arterial".
- (8) Designation of Goddard Road south of MacArthur Road to K-42 as an "arterial".
- (9) Amending the development program for existing airports to provide that the western portion of the Municipal Airport should be developed to fully serve commercial air carrier operations.

Certified copies of the approved MAPC resolution dated March 8, 1973, have been submitted to interested legislative and administrative agencies for review, comments and recommendations. The law provides that these agencies shall have 60 days after receipt of the approved resolution to consider the amendment and submit their comments and recommendations to the MAPC.

City Manager recommends that the proposed amendment be received and filed.

ACTION: Receive and file.

mc-5-0

SECTION III

10. LEASE AND AGREEMENT AND BOND ORDINANCE FOR INDUSTRIAL REVENUE BONDS FOR KANSAS COLD STORAGE, INC.

On January 30, 1973, the City Commission issued a letter of intent for industrial revenue bonds in the amount of \$1,000,000 for Kansas Cold Storage, Inc. The letter of intent was issued subject to satisfactory negotiation of a lease and agreement and bond ordinance and the successful arrangement for underwriting the bonds. Both conditions have been satisfied.

The lease and agreement and bond ordinance have been reviewed by the Department of Administration and the Department of Law. Included in the lease and agreement is a section referring to conformance with the adopted City of Wichita affirmative action policies by the tenant.

The lease and agreement and bond ordinance appear to be satisfactory and drafted in the public interest.

Director of Administration recommends approval. City Manager concurs.

ACTION: Approve the lease and agreement and authorize the Mayor to execute on behalf of the City and place the ordinance on first reading.

11. LEASE AND AGREEMENT AND BOND ORDINANCE FOR INDUSTRIAL REVENUE BONDS FOR MIRO-FLEX COMPANY, INC.

On September 5, 1972, the City Commission issued a letter of intent for industrial revenue bonds in the amount of \$350,000 for Miro-Flex Company, Inc. The letter of intent was issued subject to satisfactory negotiation of the lease and agreement and bond ordinance, successful arrangement for underwriting the bond issue and the submission of a satisfactory certified audit. All of these conditions have been satisfied.

The lease and agreement and bond ordinance have been reviewed by the Department of Administration and the Department of Law. Included in the lease and agreement is a section referring to the conformance with adopted City of Wichita affirmative action policies by the tenant.

The lease and agreement and bond ordinance appear to be satisfactory and drafted in the public interest.

Director of Administration recommends approval. City Manager concurs.

ACTION: Approve the lease and agreement and authorize the Mayor to execute on behalf of the City and place the ordinance on first reading.

12. A RESOLUTION PROVIDING FOR IMPROVEMENT OF HILLSIDE AVENUE FROM 120 FEET NORTH OF THE NL OF CHATFIELD PLACE TO THE CL OF THE FRISCO RAILROAD RIGHT-OF-WAY NEAR NINTH STREET.

This project consists of removing existing pavement from 200 feet south of Central to the Frisco Railroad and construction a 4-lane reinforced concrete pavement with channelization and turn lanes; widening and channelization to be constructed south of 200 feet south of Central. The existing pavement north of Central Avenue was constructed in 1910.

Estimated cost of this project is \$360,000 to be paid \$120,000 by special assessment and \$240,000 by the City at large. The cost includes \$10,000 for bridges and culverts and \$350,000 for paving, grading and construction. The project is included in the 1973 Capital Improvements Program.

Residents of the proposed benefit district have been notified of consideration of this matter on this date.

Director of Public Works recommends approval. City Manager concurs.

ACTION: Approve the project and adopt the resolution

13. RESOLUTIONS PROVIDING FOR THE IMPROVEMENT AND REIMPROVEMENT OF THE PAWNEE AND SENECA INTERSECTION.

These resolutions provide for improvement of Pawnee from 140 feet west of the WL of Elizabeth Avenue to the EL of Osage Avenue and Seneca Street from 150 feet south of the SL of Crawford Avenue to 210 feet north of the NL of Haskell Street. The project includes widening, turn lanes and mountable medians as previously approved by the City Commission.

Estimated cost of the project is \$740,000 to be paid 50% by Federal TOPICS funds (\$370,000) and 50% by the City at large (\$370,000). The project includes \$40,000 for acquisition of right-of-way and \$700,000 for construction. The project is included in the 1973 Capital Improvement Program budget.

Although no special assessments are involved in this project, owners of property abutting the project have been notified of consideration of this matter on this date, also several hearings have been held previously on this project.

Director of Public Works recommends approval. City Manager concurs.

ACTION: Approve the project and adopt the resolution.

14. PETITION FOR PAVING.

For Boyd Avenue from the NL of Central Avenue to the CL of Elm Street. A 61% petition. Estimated cost of this project is \$21,800 to be paid \$18,800 by special assessment and \$3,000 by the City at large.

Residents of the proposed benefit district have been notified of public hearing on this matter on this date.

Director of Public Works recommends approval. City Manager concurs.

ACTION: Grant the petition and instruct the City Attorney to prepare the necessary resolution.

15. PETITION FOR PAVING.

For Young Street from the NL of Central Avenue to the SL of 9th Street. A 59.2% petition. Estimated cost of this project is \$86,250 to be paid \$78,750 by special assessment and \$7,500 by the City at large. Right-of-way is required for completion of the project.

Residents of the proposed benefit district have been notified of public hearing on this matter on this date.

Director of Public Works recommends approval. City Manager concurs.

ACTION: Grant the petition and instruct the City Attorney to prepare the necessary resolution.

16. PETITION FOR PAVING.

For Hendryx from the EL of Tyler Road to the EL of Lot 15, Block 3, Floyd Bailey Fourth Addition. A 100% petition. Estimated cost of this project is \$16,600 to be paid \$14,600 by special assessment and \$2,000 by the City at large.

This petition replaces a previous petition identified as project DAKS568020, Tourmaline, now Hendryx, EL of Tyler to the WL of Turquoise Lane. Project charges from the previous project are to be transferred to the new project.

Director of Public Works recommends approval. City Manager concurs.

ACTION: Abandon project DAKS568020, grant the petition and instruct the City Attorney to prepare the necessary resolution.

17. CLAIM FOR DAMAGES OF JULIAN J. GARCIA IN THE AMOUNT OF \$2,673.30.

The captioned claim was filed against the City on March 6, 1973, for alleged injuries and vehicle damage sustained when the claimant's vehicle "skidded on ice on the City street and hit guard barrier at Laura and Kellogg" on January 11, 1973.

The claimant has been notified of public hearing on this matter on this date.

In accordance with the City Commission policy, the recommendation of the Director of Law and the City Manager will be presented at the time this matter is considered.

ACTION: Take such action as the Commission deems to be in the best interest of the public.

18. NDP REVISED WORK PLAN AND WAIVER APPLICATIONS FOR CERTAIN URBAN RENEWAL PROJECTS.

A recent memorandum from Mr. Floyd Hyde, Undersecretary of the U. S. Department of Housing and Urban Development, places certain restrictions on Urban Renewal programs including restricting new project starts and a requirement that a developer be determined so that any land acquired would be sold within one year. Waiver provisions are included in the memorandum.

The authorization requested at this time would permit the Mayor to sign applications for waivers in connection with certain tracts in the following project areas: Administrative Center, Park Plaza "C", Industrial Corridor and Bridgeport. Under terms of the waivers the City would be required to purchase any parcels purchased by Urban Renewal at the end of the one year period if not sold to a private developer prior to that date.

Certain revisions are also necessary to the NDP 4th Action Year Work Program. The revised work was reviewed jointly by the City Commission and URA on March 20, 1973.

The Urban Renewal Executive Director recommends that the revised work plan be approved and that the Mayor be authorized to sign the waiver requested. City Manager concurs.

ACTION: Approve the review work program and authorize the Mayor to sign the requests for waivers.

SECTION I V

19. A RESOLUTION PROVIDING FOR CONSTRUCTION OF AN INTERCEPTOR SEWER AT WICHITA STATE UNIVERSITY.

The proposed sewer will supplement five existing 8-inch sewers which now serve the Wichita State University Campus. The existing sewers are susceptible to overloading. Construction of this interceptor will eliminate the overloading both on and off the campus and provide service for new buildings now under construction and planned for the future. This project is recommended in the short range sewer plan.

Item 19 (Continued)

Estimated cost of this project is \$260,000 to be paid \$195,000 from federal funds and \$65,000 by the City at large.

Director of Public Works recommends that the City Commission approve the project, adopt a resolution initiating the project and a resolution authorizing the filing of a grant application. City Manager concurs.

ACTION: Approve the project and adopt the resolutions.

20. A RESOLUTION PROVIDING FOR CONSTRUCTION OF A RELIEF LINE FOR LIFT STATION NO. 4, SANITARY SEWER NO. 22.

The existing receiving line that handles the discharge from Pump Station No. 4, Sanitary Sewer No. 22, will not handle the flow pumped into it at maximum pumping capacity. A relief line should be constructed to allow the lift station to perform at its peak capacity.

Estimated cost of this project is \$120,000 to be paid \$90,000 from federal funds and \$30,000 by the City at large. A preliminary grant application has been filed with and approved by the State Board of Health. The project is included in the 1973 Capital Improvement Program.

Director of Public Works recommends that the Commission approve the project, adopt the initiating resolution and adopt a resolution authorizing the filing of a grant application. City Manager concurs.

ACTION: Approve the project and adopt the resolutions.

21. STATEMENT OF DANGEROUS OR UNSAFE STRUCTURE.

By letter of March 19, 1973, the Superintendent of Central Inspection reports that the buildings located at the following addresses are in dangerous or unsafe condition and within the provisions of City ordinance fall into categories which are just cause for the Board of City Commissioners to declare the buildings to be public nuisances and ordered to be repaired or demolished:

1743 North Grove	1336 South Vine
1536 North Green	431 North Dodge
1542 North Green	2311 South Mead
928 North Wichita	2349 Hadden
3047 Park Place	801 East 8th Street
722 North St. Paul	803 East 8th Street
1433 North Market	816 North Mead
533 Lulu	1107 East Murdock
1205-07 East English	2706 East Mossman
3349-53 East Roseberry	1026 Lulu

The Director of Public Works recommends that resolutions be adopted fixing a time and place and providing for notice of hearing before the Governing Body on the 15th day of May, 1973, at 10:00 A.M. City Manager concurs.

ACTION: Adopt the resolutions

22. MINUTES OF THE LIBRARY BOARD MEETING OF MARCH 8, 1973.

ACTION: Receive and file.

23. PETITION FOR SIDEWALK.

For the south side of Southerland Drive from 450 feet west of Oak Street to the WL of Lot 11, Heath Heights. A 100% petition. Estimated cost of this project is \$200 to be paid by special assessment.

This sidewalk is a requirement of a lot split which has been approved by the Planning Department.

Director of Public Works recommends approval. City Manager concurs.

ACTION: Grant the petition and instruct the City Attorney to prepare the necessary resolution, cost of publication of which and cost of filing the lot split drawing with the Register of Deeds to be billed to the applicant.

24. REQUEST FOR SIGNS.

From Gary Dunn for a projecting sign at Merle Yost Ford, 301 South Topeka. The height of the sign will be 38.5 feet and it will project 6 feet over public property.

From Knapp Outdoor Advertising Corporation for a billboard at 2625 North Hydraulic. This is a conforming sign with a 400 square foot face area.

Director of Public Works recommends approval. City Manager concurs

Action: Approve the applications.

CITY CLERK'S AGENDA

The next order of business is the City Clerk's Agenda. It is published as a separate document.

CITY COMMISSION AGENDA

1. APPOINTMENT IS IN ORDER TO THE POLICEMEN'S AND FIREMEN'S RETIREMENT BOARD OF TRUSTEES.

One unexpired term to December 31, 1974.

This vacancy was created by the resignation of Mr. William Worford.

ACTION: The Mayor will make the appointment and move that it be approved.

2. DISTINGUISHED SERVICE CITATIONS PRESENTED IN RECOGNITION OF DEDICATED AND FAITHFUL SERVICE TO THE COMMUNITY AND TO THE CITY OF WICHITA.

O. K. Brandon - Mr. Brandon was appointed February 22, 1943, and began his retirement March 24, 1973. He has served as a Utility Man, Electrical Repairman, General Foreman, Water Supply Supervisor and Water Production and Purification Superintendent during his 30 years, 1 month of service with the City of Wichita.

Eldon D. Phillips - Mr. Phillips was appointed August 25, 1942, and began his retirement March 24, 1973. He has served as Chemist Operator, Filter Plan Operator, Pipeline Construction Inspector and Water Pipeline Construction Inspector during his 30 years, 7 months of service with the City of Wichita.

ACTION: Authorize the presentation of the citations at the next regularly scheduled Commission press conference.

3. REQUEST FOR PROCLAMATIONS.

From Mrs. Jim Edwards, Executive Director, South Central Kansas Chapter of National Multiple Sclerosis Society, asking that May 13 through June 17, 1973, be proclaimed as "Conquer Multiple Sclerosis Month" in Wichita.

From Mr. Earl E. Rush, Chairman, Board of Sedgwick County Commissioners, on behalf of the Sedgwick County Zoological Society, asking that the week of May 13-20, 1973, be proclaimed as "Sedgwick County Zoo Week" in Wichita.

ACTION: Authorize the issuance of the proclamations at the next regularly scheduled Commission press conference.

PUBLIC AGENDA

This portion of the City Commission meeting is limited to a period of 30 minutes and subject to the limitation of five minutes for each presentation unless extended by a vote of a majority of the members of the Commission.

Members of the public desiring to present matters to the Commission on the Public Agenda must submit a request in writing to the office of the City Manager prior to 12:00 noon on the Thursday preceding the Commission meeting. The request should state the name of the individual desiring to be heard and the matter to be presented.

Matters pertaining to litigation and violations of laws and ordinances are excluded from this agenda. Rules of decorum as provided in the City Code will be observed.

1. STATUS REPORT ON THE WICHITA AREA COMMUNITY ACTION PROGRAM, INC.

Requested by Mrs. Bernice Hutcherson, Chairman of the WACAPI Board. Mr. Clarence Wesley of the WACAPI Board will present the report.

ACTION: Take such action as the Commission deems to be in the best interest of the public.

2. DISCUSSION OF RESCINDING OF A PETITION FOR PAVING OF BENJAMIN DRIVE.

Requested by Mr. G. A. Wiles, 2859 Benjamin Drive. The petition for paving for this street was granted on July 26, 1966, and the project was held for development.

ACTION: Take such action as the Commission deems to be in the best interest of the public.

March 21, 1973

Board of City Commissioners

Robert A. Lakin, Director of Planning

DR 73-6 - Amendment to Zoning Ordinance
Re: Planned Unit Development-Diversified

We have recently been requested to consider an amendment to the City of Wichita zoning ordinance which would permit large scale developments to be approved as Planned Unit Developments.

Attached is a copy of a proposed amendment to the zoning ordinance which has been developed in conformance with the provisions of the State statutes. This amendment was considered by the Planning Commission at a public hearing on March 8, 1973, and was recommended for approval.

This proposed amendment will provide for a new zoning district, the PUD-D Planned Unit Development-Diversified. It will be used only for new communities or developments of 575 or more acres that will be providing all of the necessary facilities for residential, recreational, office, commercial and industrial uses within the development. This should be considered a minimum size to accommodate all such uses that would be associated within a community. It is anticipated that the use of this district will generally be used for much larger developments than the minimum size that has been established. The provisions of the existing ordinance regulating residential and commercial CUP's will remain until such time that the new zoning ordinance would replace these districts with appropriate PUD districts of limited uses and on a much smaller scale.

These regulations have been prepared in accordance with the new State legislation enacted in 1971. It will permit the planning and development of land on a large scale basis, as long as it complies with the comprehensive plan, and the developer may do so without the burdensome necessity of complying with the strict lot-by-lot zoning and subdivision regulations. It does, however, require the submission of plans for approval of the MAPC and the Board of Commissioners, and to their satisfaction assure that the development will be in the best interests of the community.

It is anticipated that the use of this district will provide an effective tool for the development of land and provide a more flexible method of obtaining good development. Standards have been included to provide residential density limitations, percentage of land use within the development, open space requirements, parking, sign and landscape controls and the screening of areas that are generally considered unsightly.

Page 2 - Board of City Commissioners
March 21, 1973

Consideration of this amendment is scheduled for your meeting of
March 27, 1973.

RAL:GEL:ber

Attachment

cc: Ralph Wulz, City Manager
John Dekker, Director of Law

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED A PLANNED UNIT DEVELOPMENT DISTRICT; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE, THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH A DISTRICT: AMENDING SECTIONS 28.04.020, 28.04.030, 28.04.160 AND 28.04.210 OF CHAPTER 28.04 OF TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS: ALL IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPP. 12-725 THROUGH 733 INCLUSIVE.

BE IT ORDAINED by the Governing Body of the City of Wichita, Kansas:

Section 28.04.193. That the Governing Body of the City of Wichita, Kansas, by the power invested in it by K.S.A. 1971 Supp. 12-725 through 733, inclusive, does hereby amend Chapter 28.04 of Title 28 of the Code of the City of Wichita, Kansas, by adding a new type of zoning district to be designated a "PUD-D" - Planned Unit Development-Diversified.

A. Purpose and Statement of Objectives:

This zoning ordinance is intended to serve and achieve the following purposes and objectives: To promote the public health, safety, and morals and general welfare of the citizens of the City of Wichita, Kansas, and of the area within a three-mile radius thereof in an era of increasing urbanization and growing demand for housing of all types and designs; to provide for commercial facilities conveniently located to such housing; to

provide for well-located, clean, safe, permanent industrial sites involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and land use of buildings, and for the conservation of adjacent and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, jobs, and industrial plants conveniently located to each other may be extended to all citizens and residents of said area; to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economy may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the incorporation of the best features of modern design in said area, and conserve the value of the land; and, in aid of the foregoing purposes and objectives, to provide procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site and the particular demand for housing and other facilities.

B. Designation of Local Administrative Authority Functions and Duties:

The Wichita-Sedgwick County Metropolitan Area Planning Commission, hereinafter referred to as Planning Commission, is hereby designated as the administrative authority to administer the provisions of this Ordinance and shall have the following functions and duties:

(a) To prescribe rules and regulations consistent with the provisions of this Ordinance;

✓ (b) To maintain permanent and accurate records relating to any planned unit development district established hereunder;

(c) To act as the receiving and approving authority for all applications for approval of the proposed planned

unit development; and when required, to refer and recommend the same to the Governing Body for final action.

(d) To provide application forms to be used by landowners seeking approval of a planned unit development.

C. Definitions:

In the construction of this Ordinance, the following definitions shall prevail:

(a) "Common Open Space" is a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for the use and enjoyment of residents and owners of the planned unit development. Common open space may contain such complimentary structure and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development.

(b) "Landowner" shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Ordinance.

(c) "Plan" shall mean the provisions for development of a planned unit development, including such drawings as shall serve as a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

(d) "Planned Unit Development" is an area of land controlled by a landowner to be developed as a single entity

for a number of dwelling units, office uses, commercial uses, or any combination thereof, if any, the plan for which may not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established in any one or more of the districts of the City of Wichita zoning ordinance.

Section 28.04.194

A. Standards, Conditions and Criteria:

The following standards, conditions and criteria shall govern and control the "PUD-D" - Planned Unit Development-Diversified herein established:

(a) Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

(b) Permitted Uses

(1) Housing

(2) Public and Institutional Uses

(3) Transportation facilities, including airports, mass transit, bus stations, trucking terminals

(4) Housing support facilities, including professional and personal services, comparison and convenience shopping

(5) Regional facilities, including office complexes, shopping centers

(6) Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan

(7) Recreational uses

(8) Temporary uses when approved by the Director of Planning

(a) Sand and gravel extraction

(b) Nursery

(c) Asphalt and concrete plants used

in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening

and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Planning Commission at the final plan approval or at such further time and date as the Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

BCC
+ PK
General
in

B. Land Use Mix:

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land use shall be adhered to:

(a) Residential development shall not exceed 75 percent of the total area of the PUD. Not over 75 percent of such residential area shall be for single-family detached residences nor shall more than 80 percent of such area be developed for multiple-family residences.

(b) Business and industrial areas shall not exceed 40 percent of the total development area.

(c) Open Space-Recreational (public or private) areas shall be included, having an area equal to at least 20 percent of the non-business and industrial area.

(d) Schools and airports shall not be included in making the computation in items a through c above.

C. Density:

The density of residential development shall not exceed 9 dwelling units per gross acre, based on all land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures, shall be treated as commercial in all intensity controls except off-street parking.

D. Land Intensity Controls:

(a) Ground coverage. Maximum ground coverage per parcel shall not exceed:

- (1) 50 percent for housing, except attached single-family [✓] may be 100 percent
- (2) 35 percent for business
- (3) 50 percent for industrial

For purposes of computation, parcels shall not include open space area.

(b) Floor area ratio. The maximum allowable floor area ratio shall be:

- (1) .5 for single and two family detached dwellings
- (2) 3.0 for single-family attached dwelling
- (3) .5 for multiple dwellings
- (4) .5 for business and offices
- (5) 2.5 for industrial.

(c) There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary plan based on the proximity of the development to existing or prospective adjacent development.

E. Off-Street Parking and Loading:

The off-street parking and off-street loading requirements shall be the same as that required for uses in other districts, except that housing for elderly may be reduced to 0.5 spaces per dwelling unit; all single-family dwelling units shall provide two spaces per dwelling unit; and all other dwelling unit areas shall provide 1.5 spaces per dwelling unit.

too low

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5 percent of the parking area utilized for landscaping, which will be distributed throughout the parking area.

F. Lot Size and Splits: *us*

[✓] No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the uses proposed and shall include, or provide for, necessary and appropri-

ate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveyancing parcel for the ultimate user(s). Lots may be designed on final plans. Any division, splitting, or relotting of a lot into any number of non-industrial designed tracts of land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designated areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

G. Signs:

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structures and neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage the number and general location are identified thereon. No signs shall project into public right-of-way.

More restrictions into location

H. Landscape and Screening Plans:

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, a plan shall be approved. Such plan (which shall be prepared by an architect or landscape architect) shall indicate all buffering and/or landscaping and further providing identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

I. Architectural Controls:

To protect the integrity of development areas, both within and without the PUD, consideration may be given to the architectural design of the structures to include roofscape design. This shall include treatment of rooftop projections to make them an integral part of the building design as viewed from the ground or from above. Prior to the issuance of construction permits for any structures with a roof having a slope of less than 1:5, detailed plans showing roofscape design shall be submitted and approval obtained.

Spain reduced

J. (Platting Alternate - Improvement Standards)

A final plan may be recorded in lieu of a subdivision, and in such event the provisions of the plan, as approved, shall have the same force and effect as a plat regularly adopted under the subdivision rules and regulations, provided that:

means what

(a) The requirements for land description, easements, design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication; signatures of owners, Metropolitan Area Planning Commission and Governing Bodies, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

(b) Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common areas (which can be guaranteed through common ownership interest organizations similar to homes associations and improvement trusts.

K. Findings of Fact:

Before approving a PUD-D, the Governing Body shall find each of the following conditions to exist:

(a) That the proposal is in general conformity with

the provisions of the adopted master plan for the City of Wichita, Kansas, and that the development of the PUD-D will not have a substantially adverse affect on the development of the neighboring area. The area shall be self-sustaining over the planning period involved by production of revenues being at least equal to financial outlays by local and area government in a twenty year period. The area can be served by a full range of urban facilities within the scheduled time for development.

*have to approve?
if not found?*

(b) The developer shall have professional staff within his organization, or have contracted with consultants, architects, engineers, realtors and economists capable of carrying out all phases of the project. The developer shall also show evidence of financial capabilities to reasonably assure success and completion of the project. This may be in the form of financial statements, lines of credits and evidence of satisfactorily completed development projects.

*no independent
or minority
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or make*

L. Supplemental Information

In addition to the other information required by this ordinance, the contents of the application in connection with the submission of the preliminary plan, the applicant shall provide a schedule showing the proposed time and sequence within which the application for final approval of all sections of the planned unit development are intended to be filed. The application for tentative approval of a planned unit development shall include a written statement by the landowner setting forth the reasons why in his opinion a planned unit development would be in the public interest and would be consistent with the statement of objectives by the Governing Body on planned unit developments.

Section 28.04.199. Applications for Approval of a Planned Unit Development, Administration and Procedures:

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Planning Commission) and design of land forms.

A. Preliminary Approval:

(a) A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to identify the nature, character and intensity of use of the development, provisions for parking of vehicles and the location, width and ownership of proposed streets, open space and recreational areas, together with ultimate ownership, public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size.

(b) Documentation shall include a general description of the project and a justification as to the need therefor.

(c) The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall in such cases, specify reasonable periods within which such development shall be commenced. The time schedule established for the commencement of the project, or any section thereof, may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. If development has not begun within 18 months after preliminary approval has been granted, or the time schedule has not been extended by the Planning Commission for good cause, then in that event such preliminary approval shall be null and void.

(d) The Planning Commission may adopt rules concerning the format and number of copies required for submission.

(e) Ownership lists shall be submitted, including all property included in the application and within 1,000 feet radius thereof, which shall become a notification list for the public hearing.

(f) The preliminary plan shall be presented to the

Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by subcommittees prior to the formal public hearing of the Planning Commission.

(g) The Planning Commission shall submit its recommendation to the Governing Body after holding a public hearing.

Terminate [(h) The Governing Body prior to granting approval shall make such findings of fact as may be required by this Ordinance. If approved, the Planned Unit Development shall become effective upon publication of an ordinance and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Governing Body, legally describing the lands to which it is applicable and stating that a copy is on file in the Office of the City Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

B. Submission of a final plan:

(a) After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development subject to the conditions of approval and the requirements herein.

(b) Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identifications, and platting certificates as may be required to qualify such final plan as a subdivision.

(c) Approval shall be given by the Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Planning

Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the City all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

(1) The design and spatial arrangements are comparable to that in the approved preliminary plan.

(2) The planned residential density or intensity of use shall not be varied by more than 5 percent; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.

(3) There is no more than a 10 percent increase of floor area for non-residential uses.

(4) There is no increase greater than 5 percent of the total ground coverage by buildings by class of land use nor involve a substantial change in the height of buildings.

(d) Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

C. Modification of Plan:

(a) Minor changes in dimensions, descriptions and uses may be approved in writing when the integrity of designs and intent of the plan is maintained.

(b) Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

(1) Modification of the plan by the City of Wichita. All those provisions of the plan authorized to be enforced by the City under 28.04.199-D of this Section may be modified, removed or released by the City through action by the Governing Body, subject to the following conditions:

(a) No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided under 28.04.199-D of this Section.

(b) No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the Governing Body, following a public hearing held in accordance with Section 28.04.199 A (f) and that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

Distance

(c) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan.

D. Enforcement:

To further the mutual interest of the residents and owners of the planned unit development of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modification, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded

by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(a) Enforcement by the City. The provisions of the plan relating to:

(1) The use of land and the use, bulk and location of buildings and structures

(2) The quality and location of common open space, and

(3) The intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulations otherwise granted the municipality by law.

(b) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

E. Covenants, Trusts, Homes Association

(a) To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement regarding the nature, intent, coverage and expected use of such

devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken, or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the Planning Commission and the Governing Body.

Section 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended by adding the following definition:

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Section 28.04.030 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

"PUD-D" - Planned Unit Development-Diversified District.

Section 28.04.160.A of the Code of the City of Wichita, Kansas, shall be amended by inserting the following paragraph immediately after "be zoned "F" under the terms of this ordinance";

Those territories zoned "PUD-D" under the terms of the Sedgwick County Zoning Resolution shall be zoned "PUD-D" under the terms of this ordinance.

Section 28.04.210 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

Planned Unit Development New Approval - Preliminary	\$200.00 + \$10/Acre Maximum - \$10,000.00
Planned Unit Development (Any Category) Final	None
Planned Unit Development (Any Category) Amendment	\$200.00

Severability and Grandfather Clause

Should any section, clause or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid. All zoning classifications of property heretofore established according to law and prior ordinances, are hereby preserved and saved except as the same are changed or amended hereunder. And any zoning ordinance regulations, rules, maps, community unit plans, heretofore adopted or approved by the City of Wichita under its zoning authority shall continue in full force and effect until and unless the same is modified as provided for in this Chapter.

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

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1973.

Glenn J. Shanahan, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

March 1, 1973

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

DR 73-5 and DR 73-6 - Amendments to text of
the City Zoning Ordinance and County Zoning
Resolution. Re: Planned Unit Developments

Attached hereto are copies of the proposed amendments to the City of Wichita Zoning Ordinance and the Sedgwick County Zoning Resolution which have been advertised for public hearing at the Planning Commission meeting of March 8, 1973. These have been put into proper legal form from the third rough draft that was discussed with the Planning Commission at the noon luncheon on December 14, 1972.

This new zoning district, PUD-D Planned Unit Development Diversified, is to be used only for new communities or areas exceeding 575 acres that will be providing residential, recreational, office, commercial and industrial uses within the development. This is considered to be a minimum size to accommodate all such uses that would be associated within a community. It is anticipated that the use of this district will generally be used for much larger developments than the minimum size that has been established. The existing provisions for residential and commercial CUP's presently in the City Zoning Ordinance will remain until such time that the new zoning ordinance would replace these districts with PUD's of limited uses and areas.

These regulations have been drawn in accordance with new State legislation that was enacted in 1971. It will permit the development of land on a large scale basis, as long as it complies with the comprehensive plan, and the developer may do so without the necessity of complying with strict lot-by-lot zoning and subdivision regulations. It does, however, require the submission of plans for approval of the MAPC and the governing bodies and to their satisfaction assure that the development will be in the best interests of the community. Standards have been included to provide residential density limitations, percentages of land use within the development, open space requirements, parking, sign and landscape controls and screening of areas that would generally be considered unsightly.

It is anticipated that the use of this zoning district will provide an effective tool for the development of land and provide a more flexible method of attaining good development.

RAL:GEL:ber
Attachments

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED A PLANNED UNIT DEVELOPMENT DISTRICT; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE, THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH A DISTRICT: AMENDING SECTIONS 28.04.020, 28.04.030, 28.04.160 AND 28.04.210 OF CHAPTER 28.04 OF TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS: ALL IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPP. 12-725 THROUGH 733 INCLUSIVE.

BE IT ORDAINED by the Governing Body of the City of Wichita, Kansas:

Section 28.04.193. That the Governing Body of the City of Wichita, Kansas, by the power invested in it by K.S.A. 1971 Supp. 12-725 through 733, inclusive, does hereby amend Chapter 28.04 of Title 28 of the Code of the City of Wichita, Kansas, by adding a new type of zoning district to be designated a "PUD-D" - Planned Unit Development-Diversified.

A. Purpose and Statement of Objectives:

This zoning ordinance is intended to serve and achieve the following purposes and objectives: To promote the public health, safety, and morals and general welfare of the citizens of the City of Wichita, Kansas, and of the area within a three-mile radius thereof in an era of increasing urbanization and growing demand for housing of all types and designs; to provide for commercial facilities conveniently located to such housing; to

provide for well-located, clean, safe, permanent industrial sites involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and land use of buildings, and for the conservation of adjacent and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, jobs, and industrial plants conveniently located to each other may be extended to all citizens and residents of said area; to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economy may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the incorporation of the best features of modern design in said area, and conserve the value of the land; and, in aid of the foregoing purposes and objectives, to provide procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site and the particular demand for housing and other facilities.

B. Designation of Local Administrative Authority Functions and Duties:

The Wichita-Sedgwick County Metropolitan Area Planning Commission, hereinafter referred to as Planning Commission, is hereby designated as the administrative authority to administer the provisions of this Ordinance and shall have the following functions and duties:

- (a) To prescribe rules and regulations consistent with the provisions of this Ordinance;
- (b) To maintain permanent and accurate records relating to any planned unit development district established hereunder;
- (c) To act as the receiving and approving authority for all applications for approval of the proposed planned

unit development; and when required, to refer and recommend the same to the Governing Body for final action.

(d) To provide application forms to be used by landowners seeking approval of a planned unit development.

C. Definitions:

In the construction of this Ordinance, the following definitions shall prevail:

(a) "Common Open Space" is a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for the use and enjoyment of residents and owners of the planned unit development. Common open space may contain such complimentary structure and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development.

(b) "Landowner" shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Ordinance.

(c) "Plan" shall mean the provisions for development of a planned unit development, including such drawings as shall serve as a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

(d) "Planned Unit Development" is an area of land controlled by a landowner to be developed as a single entity

for a number of dwelling units, office uses, commercial uses, or any combination thereof, if any, the plan for which may not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established in any one or more of the districts of the City of Wichita zoning ordinance.

Section 28.04.194

A. Standards, Conditions and Criteria:

The following standards, conditions and criteria shall govern and control the "PUD-D" - Planned Unit Development-Diversified herein established:

(a) Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

(b) Permitted Uses

- (1) Housing
- (2) Public and Institutional Uses
- (3) Transportation facilities, including airports, mass transit, bus stations, trucking terminals
- (4) Housing support facilities, including professional and personal services, comparison and convenience shopping
- (5) Regional facilities, including office complexes, shopping centers
- (6) Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan
- (7) Recreational uses
- (8) Temporary uses when approved by the Director of Planning
 - (a) Sand and gravel extraction
 - (b) Nursery
 - (c) Asphalt and concrete plants used in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening

and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Planning Commission at the final plan approval or at such further time and date as the Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

B. Land Use Mix:

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land use shall be adhered to:

(a) Residential development shall not exceed 75 percent of the total area of the PUD. Not over 75 percent of such residential area shall be for single-family detached residences nor shall more than 80 percent of such area be developed for multiple-family residences.

(b) Business and industrial areas shall not exceed 40 percent of the total development area.

(c) Open Space-Recreational (public or private) areas shall be included, having an area equal to at least 20 percent of the non-business and industrial area.

(d) Schools and airports shall not be included in making the computation in items a through c above.

C. Density:

The density of residential development shall not exceed 9 dwelling units per gross acre, based on all land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures, shall be treated as commercial in all intensity controls except off-street parking.

D. Land Intensity Controls:

(a) Ground coverage. Maximum ground coverage per parcel shall not exceed:

- (1) 50 percent for housing, except attached single-family may be 100 percent
- (2) 35 percent for business
- (3) 50 percent for industrial

For purposes of computation, parcels shall not include open space area.

(b) Floor area ratio. The maximum allowable floor area ratio shall be:

- (1) .5 for single and two family detached dwellings
- (2) 2.5 for single-family attached dwelling
- (3) .5 for multiple dwellings
- (4) .5 for business and offices
- (5) 2.5 for industrial.

(c) There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary plan based on the proximity of the development to existing or prospective adjacent development.

E. Off-Street Parking and Loading:

The off-street parking and off-street loading requirements shall be the same as that required for uses in other districts, except that housing for elderly may be reduced to 0.5 spaces per dwelling unit; all single-family dwelling units shall provide two spaces per dwelling unit; and all other dwelling unit areas shall provide 1.5 spaces per dwelling unit.

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5 percent of the parking area utilized for landscaping, which will be distributed throughout the parking area.

F. Lot Size and Splits:

No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the uses proposed and shall include, or provide for, necessary and appropri-

ate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveyancing parcel for the ultimate user(s). Lots may be designed on final plans. Any division, splitting, or relotting of a lot into any number of non-industrial designed tracts of land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designated areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

G. Signs:

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structures and neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage, the number and general location are identified thereon. No signs shall project into public right-of-way.

H. Landscape and Screening Plans:

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, a plan shall be approved by the Planning Department. Such plan (which shall be prepared by an architect or landscape architect) shall indicate all buffering and/or landscaping and further providing identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

I. Architectural Controls:

To protect the integrity of development areas, both within and without the PUD, consideration may be given to the architectural design of the structures to include roofscape design. This shall include treatment of rooftop projections to make them an integral part of the building design as viewed from the ground or from above. Prior to the issuance of construction permits for any structures with a roof having a slope of less than 1:5, detailed plans showing roofscape design shall be submitted and approval obtained.

J. (Platting Alternate - Improvement Standards)

A final plan may be recorded in lieu of a subdivision, and in such event the provisions of the plan, as approved, shall have the same force and effect as a plat regularly adopted under the subdivision rules and regulations, provided that:

(a) The requirements for land description, easements, design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication; signatures of owners, Metropolitan Area Planning Commission and Governing Bodies, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

(b) Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common areas (which can be guaranteed through common ownership interest organizations similar to homes associations and improvement trusts.

K. Findings of Fact:

Before approving a PUD-D, the approving authority shall find each of the following conditions to exist:

(a) That the proposal is in general conformity with the provisions of the adopted master plan for the City of Wichita, Kansas, and that the development of the PUD-D will not have a substantially adverse affect on the development of the neighboring area. The area shall be self-sustaining over the planning period involved by production of revenues being at least equal to financial outlays by local and area government. The area can be served by a full range of urban facilities within a reasonable time.

(b) That the developer is capable both organizationally and financially to carry out the project with reasonable expectation for success and completion.

L. Supplemental Information

In addition to the other information required by this ordinance, the contents of the application in connection with the submission of the preliminary plan, the applicant shall provide a schedule showing the proposed time and sequence within which the application for final approval of all sections of the planned unit development are intended to be filed. The application for tentative approval of a planned unit development shall include a written statement by the landowner setting forth the reasons why in his opinion a planned unit development would be in the public interest and would be consistent with the statement of objectives by the Governing Body on planned unit developments.

Section 28.04.199. Applications for Approval of a Planned Unit Development, Administration and Procedures:

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Planning Commission) and design of land forms.

A. Preliminary Approval:

(a) A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to identify the nature, character and intensity of use of the development, provisions for parking of vehicles and the location, width and ownership of proposed streets, open space and recreational areas, together with ultimate ownership, public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size.

(b) Documentation shall include a general description of the project and a justification as to the need therefor.

(c) The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall in such cases, specify reasonable periods within which such development shall be commenced. The time schedule established for the commencement of the project, or any section thereof, may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. If development has not begun within 18 months after preliminary approval has been granted, or the time schedule has not been extended by the Planning Commission for good cause, then in that event such preliminary approval shall be null and void.

(d) The Planning Commission may adopt rules concerning the format and number of copies required for submission.

(e) Ownership lists shall be submitted, including all property included in the application and within 1,000 feet radius thereof, which shall become a notification list for the public hearing.

(f) The preliminary plan shall be presented to the

Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by subcommittees prior to the formal public hearing of the Planning Commission.

(g) The Planning Commission shall submit its recommendation to the Governing Body after holding a public hearing.

(h) The Governing Body prior to granting approval shall make such findings of fact as may be required by this Ordinance. If approved, the Planned Unit Development shall become effective upon publication of an ordinance and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Governing Body, legally describing the lands to which it is applicable and stating that a copy is on file in the Office of the City Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

B. Submission of a final plan:

(a) After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development subject to the conditions of approval and the requirements herein.

(b) Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identifications, and platting certificates as may be required to qualify such final plan as a subdivision.

(c) Approval shall be given by the Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Planning

Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the City all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

(1) The design and spatial arrangements are comparable to that in the approved preliminary plan.

(2) The planned residential density or intensity of use shall not be varied by more than 5 percent; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.

(3) There is no more than a 10 percent increase of floor area for non-residential uses.

(4) There is no increase greater than 5 percent of the total ground coverage by buildings by class of land use nor involve a substantial change in the height of buildings.

(d) Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

C. Modification of Plan:

(a) Minor changes in dimensions, descriptions and uses may be approved in writing when the integrity of designs and intent of the plan is maintained.

(b) Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

(1) Modification of the plan by the City of Wichita. All those provisions of the plan authorized to be enforced by the City under 28.04.199-D of this Section may be modified, removed or released by the City through action by the Governing Body, subject to the following conditions:

(a) No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided under 28.04.199-D of this Section.

(b) No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the Governing Body, following a public hearing held in accordance with Section 28.04.199 A (f) and that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(c) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan.

D. Enforcement:

To further the mutual interest of the residents and owners of the planned unit development of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modification, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded

by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(a) Enforcement by the City. The provisions of the plan relating to:

(1) The use of land and the use, bulk and location of buildings and structures

(2) The quality and location of common open space, and

(3) The intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulations otherwise granted the municipality by law.

(b) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

E. Covenants, Trusts, Homes Association

(a) To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement regarding the nature, intent, coverage and expected use of such

devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken, or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the Planning Commission and the Governing Body.

Section 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended by adding the following definition:

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Section 28.04.030 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

"PUD-D" - Planned Unit Development-Diversified District.

Section 28.04.160.A of the Code of the City of Wichita, Kansas, shall be amended by inserting the following paragraph immediately after "be zoned "F" under the terms of this ordinance";

Those territories zoned "PUD-D" under the terms of the Sedgwick County Zoning Resolution shall be zoned "PUD-D" under the terms of this ordinance.

Section 28.04.210 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

Planned Unit Development New Approval - Preliminary	\$200.00 + \$10/Acre Maximum - \$10,000.00
Planned Unit Development (Any Category) Final	None
Planned Unit Development (Any Category) Amendment	\$200.00

Severability and Grandfather Clause

Should any section, clause or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid. All zoning classifications of property heretofore established according to law and prior ordinances, are hereby preserved and saved except as the same are changed or amended hereunder. And any zoning ordinance regulations, rules, maps, community unit plans, heretofore adopted or approved by the City of Wichita under its zoning authority shall continue in full force and effect until and unless the same is modified as provided for in this Chapter.

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

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 1973.

Glenn J. Shanahan, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

() Published in The Daily Record on February 13, 1973.

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED.

NOTICE IS HEREBY GIVEN that on THURSDAY, MARCH 8, 1973, the WICHITA-SEDCWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED "PUD-D", PLANNED UNIT DEVELOPMENT-DIVERSIFIED; DESIGNATING THE WICHITA-SEDCWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AS THE APPROVING AUTHORITY; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE (575 ACRES), THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH DISTRICT; AND AMENDING SECTIONS 28.04.020 (DEFINITIONS), 28.04.030 (ZONING CLASSIFICATION OF DISTRICTS), 28.04.160 (GENERAL REGULATIONS), AND 28.04.210 (COST OF PROCEEDING) OF CHAPTER 28.04 OF TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS: AS AUTHORIZED AND IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPPLEMENT 12-725 THROUGH 12-733 INCLUSIVE; AND PURSUANT TO THE PROVISIONS OF K.S.A. 12-708.

Copies of said ordinance are on file in the Office of the Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, 4th Floor, City Building Annex, 104 South Main, Wichita, Kansas, and are available to interested persons.

The proposed amendments 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, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 9th day of February, 1973.

(SEAL)

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