

DR-76-5 - Amendment to Zoning Ordinance - Re: Corrective Ordinance - Off-Street Parking

# ACTION

DATE

COMMITTEE \_\_\_\_\_

M.A.P.C. *Approved* 5/3-76

B.C.C./B. CO. C. *Approved* 6/1/76  
*Adopted* 6-8-76  
*Publ.* 6-11-76

ORDINANCE NO. 34-452

A CORRECTIVE ORDINANCE AMENDING SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CODE OF THE CITY OF WICHITA,  
KANSAS PERTAINING TO OFF-STREET PARKING  
LOTS; - NUMBER AND SIZE OF SPACES; AND  
REPEALING THE ORIGINAL OF SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CITY OF WICHITA, KANSAS.

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

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

"28.04.141 off-street parking lots - Number and size  
of spaces. 1. For any area used as off-street park-  
ing (except parking for single-family dwellings), a  
parking plan shall be submitted to the Superintendent  
of Central Inspection for his review and approval prior  
to the issuance of any building, use or occupancy permit.  
The approval of the parking plan and layout shall be  
based on standards developed by the Traffic Engineer  
of the City of Wichita as generally set out in the  
document entitled "Typical Off-Street Parking Standards  
of the City of Wichita, Sedgwick County, Kansas" relat-  
ing to: arrangement of parking spaces; number, loca-  
tion and dimensions of all parking spaces; adequate  
aisle spaces and markings for channelization appropriate  
to the type of design; adequate turnarounds, if needed;  
the location and width of adequate means of ingress  
and egress; and where required or necessary, the loca-  
tion and height of required screening and the location

2.

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

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

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

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

"3.2 Hotel, apartment building, apartment hotel,  
club, motel shall provide one space for each housekeeping

3.

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

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

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

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

"3.6 Hospitals, philanthropic and eleemosynary institutions shall provide one space for each five

4.

beds, plus one space for each five employees in the largest working shift in a twenty-four hour period.

"3.7 Schools (private and public)

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

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

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

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

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

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

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

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

5.

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

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

"3.15 Child Care Centers shall provide one off-street parking space on the premises for each teacher and employee, plus one off-street parking space for each vehicle used in the operation of the child care center.

"4. On all off-street parking areas of 50 or more spaces, in any zoning district, serving uses or buildings that are required by the City of Wichita building code to be accessible to the physically handicapped by ramps, there shall be provided not less than one designated space for the physically handicapped. Whenever the number of spaces exceeds 150, there shall be designated for the physically handicapped not less than one space plus one additional space for each 300 off-street parking spaces or major fraction thereof. Each designated space shall be located in close proximity to the use or uses it serves. Each designated space shall be appropriately marked with paving marking materials and shall conform to the design standards of the Traffic Engineering Division of the City of Wichita."

The original of Section 28.04.141 of the Code of the City of Wichita, Kansas and Ordinance 34-191 of the City of Wichita, Kansas are hereby repealed.

6.

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

ADOPTED at Wichita, Kansas, this 8 day of June, 1976.

James M. Donnell, Mayor

TEST:

Donald C. Gisiok, City Clerk  
Approved as to form

John Dekker, City Attorney

ORDINANCE NO. 34-452

A CORRECTIVE ORDINANCE AMENDING SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CODE OF THE CITY OF WICHITA,  
KANSAS PERTAINING TO OFF-STREET PARKING  
LOTS; - NUMBER AND SIZE OF SPACES; AND  
REPEALING THE ORIGINAL OF SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CITY OF WICHITA, KANSAS.

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

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

"28.04.141 off-street parking lots - Number and size  
of spaces. 1. For any area used as off-street park-  
ing (except parking for single-family dwellings), a  
parking plan shall be submitted to the Superintendent  
of Central Inspection for his review and approval prior  
to the issuance of any building, use or occupancy permit.  
The approval of the parking plan and layout shall be  
based on standards developed by the Traffic Engineer  
of the City of Wichita as generally set out in the  
document entitled "Typical Off-Street Parking Standards  
of the City of Wichita, Sedgwick County, Kansas" relat-  
ing to: arrangement of parking spaces; number, loca-  
tion and dimensions of all parking spaces; adequate  
aisle spaces and markings for channelization appropriate  
to the type of design; adequate turnarounds, if needed;  
the location and width of adequate means of ingress  
and egress; and where required or necessary, the loca-  
tion and height of required screening and the location

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

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

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

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

"3.2 Hotel, apartment building, apartment hotel, club, motel shall provide one space for each housekeeping

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

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

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

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

"3.6 Hospitals, philanthropic and eleemosynary institutions shall provide one space for each five

4.

beds, plus one space for each five employees in the largest working shift in a twenty-four hour period.

"3.7 Schools (private and public)

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

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

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

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

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

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

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

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

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

"3.14 Dormitories shall provide at least one parking space for each two occupants based on the designed capacity of the building (Ord. No. 30-783, & 4: prior Ord. No. 29-221, & 5.)

"3.15 Child Care Centers shall provide one off-street parking space on the premises for each teacher and employee, plus one off-street parking space for each vehicle used in the operation of the child care center.

"4. On all off-street parking areas of 50 or more spaces, in any zoning district, serving uses or buildings that are required by the City of Wichita building code to be accessible to the physically handicapped by ramps, there shall be provided not less than one designated space for the physically handicapped. Whenever the number of spaces exceeds 150, there shall be designated for the physically handicapped not less than one space plus one additional space for each 300 off-street parking spaces or major fraction thereof. Each designated space shall be located in close proximity to the use or uses it serves. Each designated space shall be appropriately marked with paving marking materials and shall conform to the design standards of the Traffic Engineering Division of the City of Wichita."

The original of Section 28.04.141 of the Code of the City of Wichita, Kansas and Ordinance 34-191 of the City of Wichita, Kansas are hereby repealed.

6.

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

ADOPTED at Wichita, Kansas, this 8<sup>th</sup> day of June, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form

John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

May 25, 1976

TO Robert G. Finch, City Manager (Interim)  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR-76-5 - Corrective Ordinance to the Zoning  
Ordinance - Re: Off-street Parking

An amendment to the zoning ordinance that was adopted by the Board of City Commissioners in October 1975 inadvertently and improperly deleted the off-street parking requirements from the ordinance.

This was caused at the time the ordinance was being amended to eliminate the requirement for the Traffic Engineer to approve off-street parking layouts. The amendment was advertised for public hearing to amend only paragraph 1 of Section 28.04.141, before the MAPC and the City Commission. However, when the ordinance was published, an inadvertent error in the ordinance deleted all paragraphs of Section 28.04.141 except the new paragraph 1.

It is further the opinion of the Department of Law that the published ordinance is contrary to the provisions of the State Statutes in that it amended the ordinance by removing the off-street parking requirements without benefit of a public hearing. The Department of Law suggested that a corrective ordinance be prepared and advertised for public hearing. This hearing was held by the Planning Commission at their regular meeting of May 13, 1976.

RECOMMENDATION

By a unanimous vote, it is recommended by the Planning Commission that this ordinance be adopted.



Robert A. Lakin  
Director of Planning

RAL:GEL:rme

cc: Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Wichita Association of Home Builders, 730 N. Main, 67203  
Wichita Board of Realtors, 626 North Broadway, 67214

May 25, 1976

Robert G. Finch, City Manager (Interim)

Robert A. Lakin, Director of Planning

DR-76-5 - Corrective Ordinance to the Zoning Ordinance - Re: Off-street Parking

An amendment to the zoning ordinance that was adopted by the Board of City Commissioners in October 1975 inadvertently and improperly deleted the off-street parking requirements from the ordinance.

This was caused at the time the ordinance was being amended to eliminate the requirement for the Traffic Engineer to approve off-street parking layouts. The amendment was advertised for public hearing to amend only paragraph 1 of Section 28.04.141, before the MAPC and the City Commission. However, when the ordinance was published, an inadvertent error in the ordinance deleted all paragraphs of Section 28.04.141 except the new paragraph 1.

It is further the opinion of the Department of Law that the published ordinance is contrary to the provisions of the State Statutes in that it amended the ordinance by removing the off-street parking requirements without benefit of a public hearing. The Department of Law suggested that a corrective ordinance be prepared and advertised for public hearing. This hearing was held by the Planning Commission at their regular meeting of May 13, 1976.

RECOMMENDATION

By a unanimous vote, it is recommended by the Planning Commission that this ordinance be adopted.

Robert A. Lakin  
Director of Planning

RAL:GEL:rme

cc: Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Wichita Association of Home Builders, 730 N. Main, 67203  
Wichita Board of Realtors, 626 North Broadway, 67214

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

A CORRECTIVE ORDINANCE AMENDING SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CODE OF THE CITY OF WICHITA,  
KANSAS PERTAINING TO OFF-STREET PARKING  
LOTS; - NUMBER AND SIZE OF SPACES; AND  
REPEALING THE ORIGINAL OF SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CITY OF WICHITA, KANSAS.

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

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

"28.04.141 off-street parking lots - Number and size  
of spaces. 1. For any area used as off-street park-  
ing (except parking for single-family dwellings), a  
parking plan shall be submitted to the Superintendent  
of Central Inspection for his review and approval prior  
to the issuance of any building, use or occupancy permit.  
The approval of the parking plan and layout shall be  
based on standards developed by the Traffic Engineer  
of the City of Wichita as generally set out in the  
document entitled "Typical Off-Street Parking Standards  
of the City of Wichita, Sedgwick County, Kansas" relat-  
ing to: arrangement of parking spaces; number, loca-  
tion and dimensions of all parking spaces; adequate  
aisle spaces and markings for channelization appropriate  
to the type of design; adequate turnarounds, if needed;  
the location and width of adequate means of ingress  
and egress; and where required or necessary, the loca-  
tion and height of required screening and the location

2.

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

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

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

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

"3.2 Hotel, apartment building, apartment hotel,  
club, motel shall provide one space for each housekeeping

3.

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

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

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

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

"3.6 Hospitals, philanthropic and eleemosynary institutions shall provide one space for each five

4.

beds, plus one space for each five employees in the largest working shift in a twenty-four hour period.

"3.7 Schools (private and public)

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

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

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

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

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

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

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

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

5.

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

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

"3.15 Child Care Centers shall provide one off-street parking space on the premises for each teacher and employe, plus one off-street parking space for each vehicle used in the operation of the child care center.

"4. On all off-street parking areas of 50 or more spaces, in any zoning district, serving uses or buildings that are required by the City of Wichita building code to be accessible to the physically handicapped by ramps, there shall be provided not less than one designated space for the physically handicapped. Whenever the number of spaces exceeds 150, there shall be designated for the physically handicapped not less than one space plus one additional space for each 300 off-street parking spaces or major fraction thereof. Each designated space shall be located in close proximity to the use or uses it serves. Each designated space shall be appropriately marked with paving marking materials and shall conform to the design standards of the Traffic Engineering Division of the City of Wichita."

The original of Section 28.04.141 of the Code of the City of Wichita, Kansas and Ordinance 34-191 of the City of Wichita, Kansas are hereby repealed.

6.

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

ADOPTED at Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 1976.

\_\_\_\_\_  
James M. Donnell, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisiok, City Clerk  
Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

May 5, 1976

TO Wichita-Sedgwick County Metropolitan  
Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 76-5 - Corrective Ordinance to the  
Zoning Ordinance - Re: Off-street Parking

A recent amendment to the zoning ordinance inadvertently and improperly deleted the off-street parking requirements from the ordinance. This was caused by an amendment to Section 28.04.141 that was advertised to amend only paragraph 1 of that section of the ordinance. However, when the ordinance was published, an inadvertent error deleted all paragraphs of Section 28.04.141 except paragraph 1.

It is further the opinion of the Department of Law that the published ordinance was contrary to the provisions of the State statute in that it amended the ordinance by removing provisions for off-street parking without benefit of required advertisement and public hearing. The Department of Law has suggested that a corrective ordinance be prepared and advertised for public hearing. A copy of the advertisement and the ordinance are attached.

RECOMMENDATION

Recommend to the Board of City Commissioners that this ordinance be adopted.



Robert A. Lakin  
Director of Planning

RAL:GEL:ber  
Attachment

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Supt. of Central Inspection  
Wichita Area Homebuilders  
Wichita Board of Realtors

(Published in the Daily Record, April 23, 1976)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, May 13, 1976, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Chambers, 1st Floor, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

A corrective ordinance to Section 28.04.141 reestablishing the off-street parking standards that, by Ordinance No. 34-061, in contravention of the State enabling legislation, were inadvertently and improperly deleted from the zoning ordinance.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

WITNESS my hand and seal this 21st day of April, 1976.

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

(SEAL)

(Published in the Daily Record, April 23, 1976)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, May 13, 1976, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Chambers, 1st Floor, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

A corrective ordinance to Section 28.04.141 reestablishing the off-street parking standards that, by Ordinance No. 34-061, in contravention of the State enabling legislation, were inadvertently and improperly deleted from the zoning ordinance.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

WITNESS my hand and seal this 21st day of April, 1976.

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

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

May 5, 1976

TO Wichita-Sedgwick County Metropolitan  
Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 76-5 - Corrective Ordinance to the  
Zoning Ordinance - Re: Off-street Parking

A recent amendment to the zoning ordinance inadvertently and improperly deleted the off-street parking requirements from the ordinance. This was caused by an amendment to Section 28.04.141 that was advertised to amend only paragraph 1 of that section of the ordinance. However, when the ordinance was published, an inadvertent error deleted all paragraphs of Section 28.04.141 except paragraph 1.

It is further the opinion of the Department of Law that the published ordinance was contrary to the provisions of the State statute in that it amended the ordinance by removing provisions for off-street parking without benefit of required advertisement and public hearing. The Department of Law has suggested that a corrective ordinance be prepared and advertised for public hearing. A copy of the advertisement and the ordinance are attached.

RECOMMENDATION

Recommend to the Board of City Commissioners that this ordinance be adopted.



Robert A. Lakin  
Director of Planning

RAL:GEL:ber  
Attachment

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Supt. of Central Inspection  
Wichita Area Homebuilders  
Wichita Board of Realtors

(Published in the Daily Record, April 23, 1976)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, May 13, 1976, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Chambers, 1st Floor, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

A corrective ordinance to Section 28.04.141 reestablishing the off-street parking standards that, by Ordinance No. 34-061, in contravention of the State enabling legislation, were inadvertently and improperly deleted from the zoning ordinance.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

WITNESS my hand and seal this 21st day of April, 1976.

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

(SEAL)

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

A CORRECTIVE ORDINANCE AMENDING SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CODE OF THE CITY OF WICHITA,  
KANSAS PERTAINING TO OFF-STREET PARKING  
LOTS; - NUMBER AND SIZE OF SPACES; AND  
REPEALING THE ORIGINAL OF SECTION  
28.04.141 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS AND ORDINANCE NUMBER  
34-191 OF THE CITY OF WICHITA, KANSAS.

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

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

"28.04.141 off-street parking lots - Number and size  
of spaces. 1. For any area used as off-street park-  
ing (except parking for single-family dwellings), a  
parking plan shall be submitted to the Superintendent  
of Central Inspection for his review and approval prior  
to the issuance of any building, use or occupancy permit.  
The approval of the parking plan and layout shall be  
based on standards developed by the Traffic Engineer  
of the City of Wichita as generally set out in the  
document entitled "Typical Off-Street Parking Standards  
of the City of Wichita, Sedgwick County, Kansas" relat-  
ing to: arrangement of parking spaces; number, loca-  
tion and dimensions of all parking spaces; adequate  
aisle spaces and markings for channelization appropriate  
to the type of design; adequate turnarounds, if needed;  
the location and width of adequate means of ingress  
and egress; and where required or necessary, the loca-  
tion and height of required screening and the location

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

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

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

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

"3.2 Hotel, apartment building, apartment hotel, club, motel shall provide one space for each housekeeping

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

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

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

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

"3.6 Hospitals, philanthropic and eleemosynary institutions shall provide one space for each five

beds, plus one space for each five employees in the largest working shift in a twenty-four hour period.

"3.7 Schools (private and public)

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

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

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

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

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

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

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

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

5.

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

"3.14 Dormitories shall provide at least one parking space for each two occupants based on the designed capacity of the building (Ord. No. 30-783, & 4: prior Ord. No. 29-221, & 5.)

"3.15 Child Care Centers shall provide one off-street parking space on the premises for each teacher and employee, plus one off-street parking space for each vehicle used in the operation of the child care center.

"4. On all off-street parking areas of 50 or more spaces, in any zoning district, serving uses or buildings that are required by the City of Wichita building code to be accessible to the physically handicapped by ramps, there shall be provided not less than one designated space for the physically handicapped. Whenever the number of spaces exceeds 150, there shall be designated for the physically handicapped not less than one space plus one additional space for each 300 off-street parking spaces or major fraction thereof. Each designated space shall be located in close proximity to the use or uses it serves. Each designated space shall be appropriately marked with paving marking materials and shall conform to the design standards of the Traffic Engineering Division of the City of Wichita."

The original of Section 28.04.141 of the Code of the City of Wichita, Kansas and Ordinance 34-191 of the City of Wichita, Kansas are hereby repealed.

6.

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

ADOPTED at Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 1976.

\_\_\_\_\_  
James M. Donnell, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

May 5, 1976

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Robert A. Lakin, Director of Planning

DR 76-5 - Corrective Ordinance to the  
Zoning Ordinance - Re: Off-street Parking

A recent amendment to the zoning ordinance inadvertently and improperly deleted the off-street parking requirements from the ordinance. This was caused by an amendment to Section 28.04.141 that was advertised to amend only paragraph 1 of that section of the ordinance. However, when the ordinance was published, an inadvertent error deleted all paragraphs of Section 28.04.141 except paragraph 1.

It is further the opinion of the Department of Law that the published ordinance was contrary to the provisions of the State statute in that it amended the ordinance by removing provisions for off-street parking without benefit of required advertisement and public hearing. The Department of Law has suggested that a corrective ordinance be prepared and advertised for public hearing. A copy of the advertisement and the ordinance are attached.

RECOMMENDATION

Recommend to the Board of City Commissioners that this ordinance be adopted.

Robert A. Lakin  
Director of Planning

RAL:GEL:ber  
Attachment

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Supt. of Central Inspection  
Wichita Area Homebuilders  
Wichita Board of Realtors

(Published in the Daily Record, April 23, 1976)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, May 13, 1976, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Chambers, 1st Floor, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

A corrective ordinance to Section 28.04.141 reestablishing the off-street parking standards that, by Ordinance No. 34-061, in contravention of the State enabling legislation, were inadvertently and improperly deleted from the zoning ordinance.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

WITNESS my hand and seal this 21st day of April, 1976.

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

(SEAL)

AFFADAVIT OF PUBLICATION

no number assigned

(Published in The Daily Record April 23, 1976)

OFFICIAL NOTICE

To whom it may concern and to all persons interested: Notice is hereby given that on Thursday, May 13, 1976, the WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Chambers, 1st Floor, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

A corrective ordinance to Section 28.04.141 reestablishing the off street parking standards that, by Ordinance No. 34-061, in contravention of the State enabling legislation, were inadvertently and improperly deleted from the zoning ordinance.

Copies of the proposed amendment are available upon request from the Wichita Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes of the zoning ordinance will be considered by the Commission as by law provided.

Witness my hand and seal this 21st day of April, 1976.  
ROBERT A. LAKIN, Secretary  
Wichita Sedgwick County  
Metropolitan Area Planning  
Commission

26 lines

STATE OF KANSAS, SEDGWICK COUNTY, SS:

Myrna Hershey, of lawful age, being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD formerly known as The Democrat & Daily Record, a newspaper printed in the State of Kansas, and published in and of general paid circulation on a weekly, monthly or yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office of Wichita in said County and State as second class matter.

That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for one consecutive day as follows:

- 1st 4/23/76
- 2nd \_\_\_\_\_
- 3rd \_\_\_\_\_
- 4th \_\_\_\_\_
- 5th \_\_\_\_\_
- 6th \_\_\_\_\_

Myrna Hershey  
Business Manager

Subscribed and sworn to before me this 23rd day of April 19 76

William G. Sheldon  
Notary Public

My commission expires 11/25/78

Publication Fees \$ 599 4.08

WILLIAM G. SHELDON  
STATE NOTARY PUBLIC  
BUTLER COUNTY, KANSAS  
MY COMM. EXP. NOV. 25, 1978

