

DR 82-10 - Proposed Amendments to  
the Landmark Ordinance - Sections  
2.12.1016 and 2.12.1023 - Relating  
to Definitions and Certificates  
of Appropriateness.

# ACTION

*Landmark* COMMITTEE Approved DATE 3/1/92

M.A.P.C. \_\_\_\_\_

B.C.C./B.C.C. Placed on 4/6/92  
1st Reading

DR 82-10 - Proposed Amendments to  
the Landmark Ordinance - Sections  
2.12.1016 and 2.12.1023 - Relating  
to Definitions and Certificates  
of Appropriateness.

WICHITA-SEDGWICK COUNTY

DATE

*Item 1*

METROPOLITAN AREA PLANNING DEPARTMENT

March 25, 1982

TO The Board of Wichita City Commissioners  
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT Proposed Amendments to the Historic Landmark Preservation Ordinance (DR 82-10)

Background

As previously directed by the Wichita Board of City Commissioners, the Historic Landmark Preservation Committee (HLPC) has undertaken review of the Landmark Ordinance. The first item taken under consideration was Section 2.12.1023 which establishes the procedure for handling requests for certificates of appropriateness. This section received priority because it is unnecessarily time consuming and cumbersome.

Currently, every certificate of appropriateness, no matter how minor (i.e., a porch repair, patching a roof), should be reviewed by the full committee for recommendation of approval or denial and then must be placed on the City Clerk's agenda for approval or denial by the Board of City Commissioners. This process can take up to approximately thirty-eight (38) days. This can cause great inconvenience for the applicant.

Proposal

It is suggested that a new procedure be followed. First, a design review subcommittee has been established by the Historic Landmark Preservation Committee to work closely with the preservation staff in the certificate of appropriateness review process. The advantages being that they can meet more often than the full committee, if necessary, and they can devote the time and attention required for a proper certificate of appropriateness review procedure.

Second, it is recommended that a distinction should be made concerning the magnitude of the proposed project for which the request for a certificate of appropriateness has been made. Projects which would have little, if any, negative impact would be classified as minor. Projects of greater magnitude would be deemed major. The preservation staff in consultation with the design review subcommittee shall make the determination as to whether a project is major or minor in accordance with definitions and guidelines to be included in the ordinance.

Major projects would be handled in much the same way all certificates of appropriateness are now handled. They would still be reviewed by the full landmark committee and approved or denied by the Board of City Commissioners. The only change being that they would receive

The Board of Wichita City Commissioners  
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Page Two

a preliminary review by the design review subcommittee. The design review subcommittee would then present the request for a certificate of appropriateness with recommendations to the committee to approve or deny the request.

Minor projects would be handled differently. Minor projects would be reviewed by the preservation staff in consultation with the design review subcommittee. If approved, the preservation staff would then issue the certificate of appropriateness. This would greatly reduce the time needed to process minor projects. If denied the applicant has the right to appeal to the full committee at their next regular meeting.

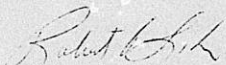
Concurrently, an amendment to Section 2.12.1016 is being proposed. It is presently devoted to the definition of "Historic Landmark". It is recommended that 2.12.1016 be changed to a section devoted to the definitions of terms used in the ordinance, similar to Section 28.04.020 of the Zoning Ordinance. The attached proposed amendment to Section 2.12.1016 is by no means complete. What it includes are those definitions pertinent to the proposed changes in the procedure for reviewing certificates of appropriateness. As the ordinance review progresses, more definitions will be added.

On March 1, 1982, the Historic Landmark Preservation Committee took action to recommend that the Board of City Commissioners adopt the proposed amendments to Sections 2.12.1016 and 2.12.1023 of the Landmark Ordinance.

Both proposed amendments have been reviewed and approved as to form by John Dekker, Director of Law.

Recommendation

It is recommended that the attached ordinance be placed on the first reading.

  
Robert A. Lakin  
Director of Planning

RAL:MJM:jps  
Attachment

Delineated Copy:  
(Additions underlined, deletions marked through)

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

AN ORDINANCE AMENDING SECTION 2.12.1016 AND SECTION 2.12.1023 OF THE CODE OF THE CITY OF WICHITA DEFINING TERMS USED IN THE ORDINANCE AND ESTABLISHING A NEW PROCEDURE FOR HANDLING THE CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS AND REPEALING AMENDED SECTIONS 2.12.1016 AND 2.12.1023.

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

SECTION 1. Section 2.12.1016 of the Code of the City of Wichita is hereby amended to read as follows:

~~2.12.1016 - Historic-Landmark---Defined- Definitions.~~  
As used in the ordinance codified in Sections 2.12.1015 through 2.12.1025, ~~the term-"historic-landmark"-means any-building,-structures,-land,-areas,-districts-or certain-interiors-of-historical,-architectural, archaeological,-or-cultural-importance-or-value-which the-board-of-city-commissioners-determines-shall-be protected,-enhanced-and-preserved-in-the-interest of-the-culture,-prosperity,-education-and-welfare of-the-people---(Ord.-No.-35-912,-(part)-)~~ certain terms and words are hereby defined as follows:

Design Reveiw Subcommittee - A subcommittee of three voting members with one alternate to be appointed by the committee for the purpose of reviewing certificates of appropriateness. The design review subcommittee shall work closely and informally with the preservation staff for the purpose of:

1. Developing and recommending to the committee criteria, guidelines and procedures for the certificate of appropriateness process;
2. Determining if a project submitted for certificate of appropriateness review is either major or minor; and
3. Review, report and recommend action to the committee on requests for certificate of appropriateness for all major projects. The design review subcommittee shall follow the guidelines adopted by the committee for certificate of appropriateness review. If the subcommittee recommends denial of a certificate of appropriateness, it shall accompany such a denial with a written explanation detailing why the request should be denied.

Historic Landmark - Any building, structures, interiors, land, areas, or districts of historical, architectural, archaeological, or cultural importance or value, which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

Major and Minor Projects - For the purpose of the certificate of appropriateness review procedure proposed work involving an historic landmark for which a building permit is required shall be classified as major or minor. Major projects include:

1. Projects requiring a permit on a National or State Register landmark or in a National or State Landmark District, unless deemed minor by the design review subcommittee.
  
2. The following types of projects requiring a permit on local landmarks:
  - a) Structural renovation/alteration of or visually significant changes in material of exterior walls of principal structures.
  
  - b) Additions to principal structures
  
  - c) Additional principal structures
  
  - d) Accessory structures
  
  - e) Alterations requiring a permit on a designated interior.
  
  - f) Demolition or moving projects
  
3. Projects requiring permits within historic districts that may effect the overall visual or functional character of the district such as:
  - a) Renovations and alterations undertaken to accommodate a change in the general use of the property.
  
  - b) Demolition and moving projects
  
4. Any projects deemed major by any subcommittee member.

Minor Projects include all projects requiring permits on historic landmarks and in historic districts other than those identified as a major project.

Preservation Staff - Personnel assigned to provide staff services for the Historic Landmark Preservation Committee.

SECTION 2. Section 2.12.1023 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1023 Certificate of Appropriateness Review:

- (a) ~~No building permit for proposed work to the exterior of a designated historic landmark subdistrict or a specifically designated interior landmark shall be issued to any applicant by the central inspection division unless the an application for a certificate of appropriateness has first been reviewed and approved by either the preservation staff, the landmark committee and a certificate of appropriateness has been issued by and/or the board of city commissioners. The purpose of the certificate of appropriateness review is to determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of a historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025.~~
- (b) When applying for such a permit certificate of appropriateness, the applicant shall ~~forward two copies of all detailed~~ provide plans, elevations, perspectives, specifications and or other documents

documentation pertaining to the work as required by the preservation staff, to the central inspection division, who shall forward such application to the committee chairperson within five days of receipt thereof. -- Any applicant may request a meeting with the committee before submitting an application. When requesting a certificate of appropriateness, the applicant is encouraged to have a preliminary conference with the preservation staff and may consult with the preservation staff and the committee during the review of the permit application certificate of appropriateness request.

(e) ~~Upon review of the application, the committee shall determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of the historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025. -- It shall recommend approval or disapproval to the board of city commissioners within thirty days of receipt of the application. -- Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division of the department of housing and economic development department within ten days. -- The central inspection division shall immediately notify the applicant of the board of city commissioners action.~~

- (c) After receiving and reviewing the completed application and all required documentation, the preservation staff, shall, in consultation with the design review subcommittee, make the determination as to whether the proposed work constitutes a major or minor project.
- (d) Certificates of appropriateness for major projects shall receive preliminary review by the design review subcommittee. The subcommittee shall then report and make a recommendation to the committee. The committee shall review the application and recommend approval or disapproval to the board of city commissioners within thirty days of the receipt of the application. Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division within ten days. The preservation staff shall immediately notify the applicant of the board of city commissioners action.
- (e) Certificates of appropriateness for minor projects shall be reviewed and approved or denied by the preservation staff in consultation with the design review subcommittee. If approved, the preservation staff shall issue the certificate of appropriateness and notify the central inspection division.
- (f) If no action has been taken by the preservation staff, the committee and/or the board of city commissioners within forty-five days ~~of original~~

~~receipt of an application by the central inspection division for major projects and within fifteen days for minor projects, after receipt of the completed application, the building permit shall be issued by the central inspection division.~~

- (g) Appeals - Any applicant wishing to appeal a denial for a certificate of appropriateness may appeal to the next higher authority. The order of the appeal procedure shall be 1) the preservation staff, 2) the design review subcommittee, 3) the historic landmark preservation committee, and 4) the board of city commissioners.
- ~~(e)~~ (h) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal ~~to the committee~~ and approval thereof in the same manner as provided above.
- ~~(f)~~ (i) After a decision is reached by the board of city commissioners denying with prejudice an application for certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the committee. Denial of a certificate of appropriateness without prejudice permits reapplication immediately. (Ord. No. 35-912, (part); Ord. No. 33-790 (part).)

(g) (j) In the event the staff assigned to the committee certifies to the city manager that the committee and/or its chairman are unable in a timely fashion (through lack of a quorum or otherwise) to process the certificates of appropriateness for major projects, then the board of city commissioners are hereby empowered to act upon written recommendation of the preservation staff without the review procedure set forth above."

SECTION 3. Sections 2.12.1016 and 2.12.1023 of the City Code are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS \_\_\_\_\_

\_\_\_\_\_  
Mayor

WITTEST:

\_\_\_\_\_  
(SEAL) City Clerk

\_\_\_\_\_  
Approved as to form City Attorney

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

AN ORDINANCE AMENDING SECTION 2.12.1016 AND SECTION 2.12.1023 OF THE CODE OF THE CITY OF WICHITA DEFINING TERMS USED IN THE ORDINANCE AND ESTABLISHING A NEW PROCEDURE FOR HANDLING THE CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS AND REPEALING AMENDED SECTIONS 2.12.1016 AND 2.12.1023.

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

SECTION 1. Section 2.12.1016 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1016 - Definitions. As used in the ordinance codified in Sections 2.12.1015 through 2.12.1025, certain terms and words are hereby defined as follows:

Design Review Subcommittee - A subcommittee of three voting members with one alternate to be appointed by the committee for the purpose of reviewing certificates of appropriateness. The design review subcommittee shall work closely and informally with the preservation staff for the purpose of:

1. Developing and recommending to the committee criteria, guidelines and procedures for the certificate of appropriateness process;
2. Determining if a project submitted for certificate of appropriateness review is either major or minor; and

3. Review, report and recommend action to the committee on requests for certificate of appropriateness for all major projects. The design review subcommittee shall follow the guidelines adopted by the committee for certificate of appropriateness review. If the subcommittee recommends denial of a certificate of appropriateness, it shall accompany such a denial with a written explanation detailing why the request should be denied.

Historic Landmark - Any buildings, structures, interiors, land, areas, or districts of historical, architectural, archaeological, or cultural importance or value, which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

Major and Minor Projects - For the purpose of the certificate of appropriateness review procedure proposed work involving an historic landmark for which a building permit is required shall be classified as major or minor. Major projects include:

1. Projects requiring a permit on a National or State Register landmark or in a National or State Landmark District, unless deemed minor by the design review subcommittee.
2. The following types of projects requiring a permit on local landmarks:

- a) Structural renovation/alteration of or visually significant changes in material of exterior walls of principal structures.
  - b) Additions to principal structures
  - c) Additional principal structures
  - d) Accessory structures
  - e) Alterations requiring a permit on a designated interior.
  - f) Demolition or moving projects
3. Projects requiring permits within historic districts that may effect the overall visual or functional character of the district such as:
- a) Renovations and alterations undertaken to accommodate a change in the general use of the property.
  - b) Demolition and moving projects
4. Any projects deemed major by any subcommittee member.

Minor Projects include all projects requiring permits on historic landmarks and historic districts other than those identified as a major project.

Preservation Staff - Personnel assigned to provide staff services for the Historic Landmark Preservation Committee.

SECTION 2. Section 2.12.1023 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1023 Certificate of Appropriateness Review:

- (a) No building permit for proposed work to a designated historic landmark shall be issued to any applicant by the central inspection division unless an application for a certificate of appropriateness has first been reviewed and approved by either the preservation staff, the landmark committee and/or the board of city commissioners. The purpose of the certificate of appropriateness review is to determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of a historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025.
  
- (b) When applying for a certificate of appropriateness, the applicant shall provide plans, specifications or other documentation pertaining to the work as required by the preservation staff. When requesting a certificate of appropriateness, the applicant is encouraged to have a preliminary conference with the preservation staff and may consult with the preservation staff and the committee during the review of the certificate of appropriateness request.
  
- (c) After receiving and reviewing the completed application and all required documentation, the preservation staff, shall, in consultation with the design review subcommittee, make the deter-

mination as to whether the proposed work constitutes a major or minor project.

- (d) Certificates of appropriateness for major projects shall receive preliminary review by the design review subcommittee. The subcommittee shall then report and make a recommendation to the committee. The committee shall review the application and recommend approval or disapproval to the board of city commissioners within thirty days of the receipt of the application. Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division within ten days. The preservation staff shall immediately notify the applicant of the board of city commissioners action.
  
- (e) Certificates of appropriateness for minor projects shall be reviewed and approved or denied by the preservation staff in consultation with the design review subcommittee. If approved, the preservation staff shall issue the certificate of appropriateness and notify the central inspection division.
  
- (f) If no action has been taken by the preservation staff, the committee and/or the board of city commissioners within forty-five days for major projects and within fifteen days for minor projects, after receipt of the completed application, the building permit shall be issued by the central inspection division.

- (g) Appeals - Any applicant wishing to appeal a denial for a certificate of appropriateness may appeal to the next higher authority. The order of the appeal procedure shall be 1) the preservation staff, 2) the design review subcommittee, 3) the historic landmark preservation committee, and 4) the board of city commissioners.
  
- (h) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal and approval thereof in the same manner as provided above.
  
- (i) After a decision is reached by the board of city commissioners denying with prejudice an application for certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the committee. Denial of a certificate of appropriateness without prejudice permits reapplication immediately. (Ord. No. 35-912, (part); Ord. No. 33-790 (part).)
  
- (j) In the event the staff assigned to the committee certifies to the city manager that the committee and/or its chairman are unable in a timely fashion (through lack of quorum or otherwise) to process the certificates of appropriateness for major projects, then the board of city commissioners are hereby empowered to act upon written recommendation of the preservation staff without the review procedure set forth above."

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Mayor

ATTEST:

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Approved as to form: City Attorney

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 25, 1982

TO The Board of Wichita City Commissioners  
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT Proposed Amendments to the Historic Landmark Preservation Ordinance

Background

As previously directed by the Wichita Board of City Commissioners, the Historic Landmark Preservation Committee (HLPC) has undertaken review of the Landmark Ordinance. The first item taken under consideration was Section 2.12.1023 which establishes the procedure for handling requests for certificates of appropriateness. This section received priority because it is unnecessarily time consuming and cumbersome.

Currently, every certificate of appropriateness, no matter how minor (i.e., a porch repair, patching a roof), should be reviewed by the full committee for recommendation of approval or denial and then must be placed on the City Clerk's agenda for approval or denial by the Board of City Commissioners. This process can take up to approximately thirty-eight (38) days. This can cause great inconvenience for the applicant.

Proposal

It is suggested that a new procedure be followed. First, a design review subcommittee has been established by the Historic Landmark Preservation Committee to work closely with the preservation staff in the certificate of appropriateness review process. The advantages being that they can meet more often than the full committee, if necessary, and they can devote the time and attention required for a proper certificate of appropriateness review procedure.

Second, it is recommended that a distinction should be made concerning the magnitude of the proposed project for which the request for a certificate of appropriateness has been made. Projects which would have little, if any, negative impact would be classified as minor. Projects of greater magnitude would be deemed major. The preservation staff in consultation with the design review subcommittee shall make the determination as to whether a project is major or minor in accordance with definitions and guidelines to be included in the ordinance.

Major projects would be handled in much the same way all certificates of appropriateness are now handled. They would still be reviewed by the full landmark committee and approved or denied by the Board of City Commissioners. The only change being that they would receive

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a preliminary review by the design review subcommittee. The design review subcommittee would then present the request for a certificate of appropriateness with recommendations to the committee to approve or deny the request.

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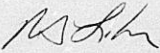
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Both proposed amendments have been reviewed and approved as to form by John Dekker, Director of Law.

Recommendation

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Robert A. Lakin  
Director of Planning

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Preservation Staff - Personnel assigned to provide staff services for the Historic Landmark Preservation Committee.

SECTION 2. Section 2.12.1023 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1023 Certificate of Appropriateness Review:

- (a) No building permit for proposed work to the exterior of a designated historic landmark ~~subdistrict or a specifically designated interior landmark~~ shall be issued to any applicant by the central inspection division unless the an application for a certificate of appropriateness has first been reviewed and approved by either the preservation staff, the landmark committee and a certificate of appropriateness has been issued by and/or the board of city commissioners. The purpose of the certificate of appropriateness review is to determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of a historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025.
- (b) When applying for such a permit certificate of appropriateness, the applicant shall ~~forward two copies of all detailed~~ provide plans, elevations, perspectives, specifications and or other documents

documentation pertaining to the work as required by the preservation staff, ~~to the central inspection division, who shall forward such application to the committee chairperson within five days of receipt thereof.~~ Any applicant may request a meeting with the committee before submitting an application. When requesting a certificate of appropriateness, the applicant is encouraged to have a preliminary conference with the preservation staff and may consult with the preservation staff and the committee during the review of the permit application certificate of appropriateness request.

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- (c) After receiving and reviewing the completed application and all required documentation, the preservation staff, shall, in consultation with the design review subcommittee, make the determination as to whether the proposed work constitutes a major or minor project.
- (d) Certificates of appropriateness for major projects shall receive preliminary review by the design review subcommittee. The subcommittee shall then report and make a recommendation to the committee. The committee shall review the application and recommend approval or disapproval to the board of city commissioners within thirty days of the receipt of the application. Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division within ten days. The preservation staff shall immediately notify the applicant of the board of city commissioners action.
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- ~~(d)~~ (f) If no action has been taken by the preservation staff, the committee and/or the board of city commissioners within forty-five days of original

receipt-of-an-application-by-the-central-inspection division for major projects and within fifteen days for minor projects, after receipt of the completed application, the building permit shall be issued by the central inspection division.

(g) Appeals - Any applicant wishing to appeal a denial for a certificate of appropriateness may appeal to the next higher authority. The order of the appeal procedure shall be 1) the preservation staff, 2) the design review subcommittee, 3) the historic landmark preservation committee, and 4) the board of city commissioners.

~~(e)~~ (h) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal ~~to the committee~~ and approval thereof in the same manner as provided above.

~~(f)~~ (i) After a decision is reached by the board of city commissioners denying with prejudice an application for certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the committee. Denial of a certificate of appropriateness without prejudice permits reapplication immediately. (Ord. No. 35-912, (part); Ord. No. 33-790 (part).)

(g) (j) In the event the staff assigned to the committee certifies to the city manager that the committee and/or its chairman are unable in a timely fashion (through lack of a quorum or otherwise) to process the certificates of appropriateness for major projects, then the board of city commissioners are hereby empowered to act upon written recommendation of the preservation staff without the review procedure set forth above."

SECTION 3. Sections 2.12.1016 and 2.12.1023 of the City Code are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS \_\_\_\_\_

\_\_\_\_\_  
Mayor

WITTEST:

(SEAL) \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Approved as to form City Attorney

WICHITA-SEDGWICK COUNTY

DATE

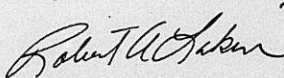
METROPOLITAN AREA PLANNING DEPARTMENT

February 16, 1982

TO John Dekker, Director of Law  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Proposed Amendments to the Historic Landmark Preservation Ordinance

Please find attached the original and five copies of a proposed ordinance amending Section 2.12.1016 and 2.12.1023 of the Code of the City of Wichita. These sections relate to what is commonly referred to as the Historic Landmark Preservation Ordinance. The attached amendments have been reviewed by Hub Kuhn and approved by the Historic Landmark Preservation Committee.

We are submitting these for your review and approval as to form.

  
Robert A. Lakin  
Director of Planning

RAL:MJM:jps  
Attachments

cc: Hub Kuhn, Planning Department Counsel  
Jack Galbraith, Chief Planner, Current Plans  
Sam Mobley, Building Code Administrator  
James Guy, 1116 Bitting, Wichita, 67203

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

AN ORDINANCE AMENDING SECTION 2.12.1016 AND SECTION 2.12.1023 OF THE CODE OF THE CITY OF WICHITA DEFINING TERMS USED IN THE ORDINANCE AND ESTABLISHING A NEW PROCEDURE FOR HANDLING THE CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS AND REPEALING AMENDED SECTIONS 2.12.1016 AND 2.12.1023.

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

SECTION 1. Section 2.12.1016 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1016 - Definitions. As used in the ordinance codified in Sections 2.12.1015 through 2.12.1025, certain terms and words are hereby defined as follows:

Design Review Subcommittee - A subcommittee of three voting members with one alternate to be appointed by the committee for the purpose of reviewing certificates of appropriateness. The design review subcommittee shall work closely and informally with the preservation staff for the purpose of:

1. Developing and recommending to the committee criteria, guidelines and procedures for the certificate of appropriateness process;
2. Determining if a project submitted for certificate of appropriateness review is either major or minor; and

3. Review, report and recommend action to the committee on requests for certificate of appropriateness for all major projects. The design review subcommittee shall follow the guidelines adopted by the committee for certificate of appropriateness review. If the subcommittee recommends denial of a certificate of appropriateness, it shall accompany such a denial with a written explanation detailing why the request should be denied.

Historic Landmark - Any buildings, structures, interiors, land, areas, or districts of historical, architectural, archaeological, or cultural importance or value, which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

Major and Minor Projects - For the purpose of the certificate of appropriateness review procedure proposed work involving an historic landmark for which a building permit is required shall be classified as major or minor. Major projects include:

1. Projects requiring a permit on a National or State Register landmark or in a National or State Landmark District, unless deemed minor by the design review subcommittee.
2. The following types of projects requiring a permit on local landmarks:

- a) Structural renovation/alteration of or visually significant changes in material of exterior walls of principal structures.
  - b) Additions to principal structures
  - c) Additional principal structures
  - d) Accessory structures
  - e) Alterations requiring a permit on a designated interior.
  - f) Demolition or moving projects
3. Projects requiring permits within historic districts that may effect the overall visual or functional character of the district such as:
- a) Renovations and alterations undertaken to accommodate a change in the general use of the property.
  - b) Demolition and moving projects
4. Any projects deemed major by any subcommittee member.

Minor Projects include all projects requiring permits on historic landmarks and historic districts other than those identified as a major project.

Preservation Staff - Personnel assigned to provide staff services for the Historic Landmark Preservation Committee.

SECTION 2. Section 2.12.1023 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1023 Certificate of Appropriateness Review:

- (a) No building permit for proposed work to a designated historic landmark shall be issued to any applicant by the central inspection division unless an application for a certificate of appropriateness has first been reviewed and approved by either the preservation staff, the landmark committee and/or the board of city commissioners. The purpose of the certificate of appropriateness review is to determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of a historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025.
  
- (b) When applying for a certificate of appropriateness, the applicant shall provide plans, specifications or other documentation pertaining to the work as required by the preservation staff. When requesting a certificate of appropriateness, the applicant is encouraged to have a preliminary conference with the preservation staff and may consult with the preservation staff and the committee during the review of the certificate of appropriateness request.
  
- (c) After receiving and reviewing the completed application and all required documentation, the preservation staff, shall, in consultation with the design review subcommittee, make the deter-

mination as to whether the proposed work constitutes a major or minor project.

- (d) Certificates of appropriateness for major projects shall receive preliminary review by the design review subcommittee. The subcommittee shall then report and make a recommendation to the committee. The committee shall review the application and recommend approval or disapproval to the board of city commissioners within thirty days of the receipt of the application. Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division within ten days. The preservation staff shall immediately notify the applicant of the board of city commissioners action.
  
- (e) Certificates of appropriateness for minor projects shall be reviewed and approved or denied by the preservation staff in consultation with the design review subcommittee. If approved, the preservation staff shall issue the certificate of appropriateness and notify the central inspection division.
  
- (f) If no action has been taken by the preservation staff, the committee and/or the board of city commissioners within forty-five days for major projects and within fifteen days for minor projects, after receipt of the completed application, the building permit shall be issued by the central inspection division.

- (g) Appeals - Any applicant wishing to appeal a denial for a certificate of appropriateness may appeal to the next higher authority. The order of the appeal procedure shall be 1) the preservation staff, 2) the design review subcommittee, 3) the historic landmark preservation committee, and 4) the board of city commissioners.
- (h) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal and approval thereof in the same manner as provided above.
- (i) After a decision is reached by the board of city commissioners denying with prejudice an application for certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the committee. Denial of a certificate of appropriateness without prejudice permits reapplication immediately. (Ord. No. 35-912, (part); Ord. No. 33-790 (part).)
- (j) In the event the staff assigned to the committee certifies to the city manager that the committee and/or its chairman are unable in a timely fashion (through lack of quorum or otherwise) to process the certificates of appropriateness for major projects, then the board of city commissioners are hereby empowered to act upon written recommendation of the preservation staff without the review procedure set forth above."

SECTION 3. Sections 2.12.1016 and 2.12.1023 of the City Code are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
(SEAL) City Clerk

Original signed by John Dekker,  
Director of Law  
Approved as to form: City Attorney

WICHITA-SEDGWICK COUNTY

DATE Attachment A

METROPOLITAN AREA PLANNING DEPARTMENT

December 21, 1981

**TO** John Dekker, Director of Law  
**FROM** Margaret J. McDonald, Preservation Planner  
**SUBJECT** Proposed Historic Landmark Ordinance Amendments

Background

In response to the request for the Historic Landmark Preservation Committee to review the landmark ordinance and make recommendations for any needed changes, the staff assigned to that committee has undertaken review of the ordinance. The first item taken under consideration was Section 2.12.1023 which establishes the procedure for handling requests for certificates of appropriateness. This section received priority because it is unnecessarily time consuming and cumbersome. Currently, every certificate of appropriateness, no matter how minor, should be reviewed by the full landmark committee for recommendation of approval or denial and then must be placed on the City Clerk's agenda for approval or denial by the Board of City Commissioners. This process can take up to approximately thirty-eight (38) days.

On April 17, 1981, an ordinance amendment was made to Section 2.12.1023 by the addition of 2.12.1023 (g) which provides for the governing body to act in a timely manner concerning certificates of appropriateness if "the committee and/or its chairman are unable in a timely fashion (through lack of a quorum or otherwise) to process the certificates of appropriateness. . .". This is a necessary addition; however, its purpose is best fulfilled in emergency situations. It should not be used simply to expedite the day-to-day handling of certificates of appropriateness.

Proposal

It is suggested that a new procedure be followed. First, a design review subcommittee has been established by the committee to work closely with the preservation staff in the certificate of appropriateness review process. The advantages being that they can meet more often than the full committee, if necessary, and they can devote the time and attention required for a proper certificate of appropriateness review procedure.

Second, we believe a distinction should be made concerning the magnitude of the proposed project for which the request for a certificate of appropriateness has been made. Projects which would have little, if any, negative impact would be classified as minor. Projects of greater magnitude would be deemed major. The preservation staff

December 21, 1981

in consultation with the design review subcommittee shall make the determination as to whether a project is major or minor in accordance with definitions and guidelines to be included in the ordinance.

Major projects would be handled in much the same way all certificates of appropriateness are now handled. They would still be reviewed by the full landmark committee and approved or denied by the Board of City Commissioners. The only change would be that they would receive a preliminary review by the design review subcommittee. The design review subcommittee will then present the request for a certificate of appropriateness with recommendations to the committee to approve or deny the request.

Minor projects would be handled differently. Minor projects would be reviewed by the preservation staff in consultation with the design review subcommittee. If approved, the preservation staff would then issue the certificate of appropriateness. This would greatly reduce the time needed to process minor projects. Please see the attached flow chart diagramming the proposed procedures for handling requests for certificates of appropriateness.

Also, we are proposing an amendment to Section 2.12.1016. It has been "Historic Landmark - Defined." We would like to change it to a section for definitions of terms used in the ordinance, similar to Section 28.04.020 in the Zoning Ordinance. The attached proposed amendment to Section 2.12.1016 is by no means complete. What it includes are those definitions pertinent to the proposed changes in the procedure for reviewing certificates of appropriateness. We will be adding more definitions in the future, as the ordinance review progresses. Section 2.12.1023 is ready for final review. We are submitting this to you for your review and comments. The next Historic Landmark Preservation Committee meeting is January 4, 1982. We hope to have a final draft ready for their review on that date.

Margaret J. McDonald  
Preservation Planner

MJM:jps

Attachment

cc: Hub Kuhn, Planning Department Counsel  
Robert A. Lakin, Director of Planning  
Sam Mobley, Construction Inspection Supervisor  
Robert L. Young, Principal Planner  
James Guy, Chairman, Historic Landmark Preservation Committee  
Susan Wolf Anderson, H.L.P.C. Design Review Subcommittee  
Jenifer Fishback, H.L.P.C. Design Review Subcommittee  
Jack Hicks, H.L.P.C. Design Review Subcommittee  
Dee Connett, H.L.P.C. Design Review Subcommittee

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

AN ORDINANCE AMENDING SECTION 2.12.1016 AND SECTION 2.12.1023 OF THE CODE OF THE CITY OF WICHITA DEFINING TERMS USED IN THE ORDINANCE AND ESTABLISHING A NEW PROCEDURE FOR HANDLING THE CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS AND REPEALING AMENDED SECTIONS 2.12.1016 AND 2.12.1023.

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

SECTION 1. Section 2.12.1016 of the Code of the City of Wichita is hereby amended to read as follows:

~~2.12.1016 - Historic Landmark --- Defined~~ Definitions.

As used in the ordinance codified in Sections 2.12.1015 through 2.12.1025, ~~the term "historic landmark" means any building, structures, land, areas, districts or certain interiors of historical, architectural, archaeological, or cultural importance or value which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people. --- (Ord. No. 35-912, (part))~~ certain terms and words are hereby defined as follows:

Design Review Subcommittee - A subcommittee of three voting members with one alternate to be appointed by the committee for the purpose of reviewing certificates of appropriateness. The design review subcommittee shall work closely and informally with the preservation staff for the purpose of:

1. Developing and recommending to the committee criteria, guidelines and procedures for the certificate of appropriateness process;
2. Determining if a project submitted for certificate of appropriateness review is either major or minor; and
3. Review, report and recommend action to the committee on requests for certificate of appropriateness for all major projects. The design review subcommittee shall follow the guidelines adopted by the committee for certificate of appropriateness review. If the subcommittee recommends denial of a certificate of appropriateness, it shall accompany such a denial with a written explanation detailing why the request should be denied.

Historic Landmark - Any building, structures, interiors, land, areas, or districts of historical, architectural, archaeological, or cultural importance or value, which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

Major and Minor Projects - For the purpose of the certificate of appropriateness review procedure proposed work involving an historic landmark for which a building permit is required shall be classified as major or minor. Major projects include:

1. Projects requiring a permit on a National or State Register landmark or in a National or State Landmark District, unless deemed minor by the design review subcommittee.
  
2. The following types of projects requiring a permit on local landmarks:
  - a) Structural renovation/alteration of or visually significant changes in material of exterior walls of principal structures.
  
  - b) Additions to principal structures
  
  - c) Additional principal structures
  
  - d) Accessory structures
  
  - e) Alterations requiring a permit on a designated interior.
  
  - f) Demolition or moving projects
  
3. Projects requiring permits within historic districts that may effect the overall visual or functional character of the district such as:
  - a) Renovations and alterations undertaken to accommodate a change in the general use of the property.
  
  - b) Demolition and moving projects
  
4. Any projects deemed major by any subcommittee member.

Minor Projects include all projects requiring permits on historic landmarks and historic districts other than those identified as a major project.

Preservation Staff - Personnel assigned to provide staff services for the Historic Landmark Preservation Committee.

SECTION 2. Section 2.12.1023 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1023 Certificate of Appropriateness Review:

- (a) No building permit for proposed work to ~~the exterior~~ of a designated historic landmark ~~subdistrict or a specifically designated interior landmark~~ shall be issued to any applicant by the central inspection division unless the an application for a certificate of appropriateness has first been reviewed and approved by either the preservation staff, the landmark committee and a certificate of appropriateness has been issued by and/or the board of city commissioners. The purpose of the certificate of appropriateness review is to determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of a historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025.
- (b) When applying for such a permit certificate of appropriateness, the applicant shall ~~forward two copies of all detailed~~ provide plans, elevations, ~~perspectives,~~ specifications and or other documents

documentation pertaining to the work as required by the preservation staff, ~~to the central inspection division, who shall forward such application to the committee chairperson within five days of receipt thereof.~~ Any applicant may request a meeting with the committee before submitting an application. When requesting a certificate of appropriateness, the applicant is encouraged to have a preliminary conference with the preservation staff and may consult with the preservation staff and the committee during the review of the permit-application certificate of appropriateness request.

(e) ~~Upon review of the application, the committee shall determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of the historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025.~~ It shall recommend approval or disapproval to the board of city commissioners within thirty days of receipt of the application. ~~Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division of the department of housing and economic development department within ten days.~~ The central inspection division shall immediately notify the applicant of the board of city commissioners action.

- (c) After receiving and reviewing the completed application and all required documentation, the preservation staff, shall, in consultation with the design review subcommittee, make the determination as to whether the proposed work constitutes a major or minor project.
- (d) Certificates of appropriateness for major projects shall receive preliminary review by the design review subcommittee. The subcommittee shall then report and make a recommendation to the committee. The committee shall review the application and recommend approval or disapproval to the board of city commissioners within thirty days of the receipt of the application. Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division within ten days. The preservation staff shall immediately notify the applicant of the board of city commissioners action.
- (e) Certificates of appropriateness for minor projects shall be reviewed and approved or denied by the preservation staff in consultation with the design review subcommittee. If approved, the preservation staff shall issue the certificate of appropriateness and notify the central inspection division.
- (d) (f) If no action has been taken by the preservation staff, the committee and/or the board of city commissioners within forty-five days of original

receipt-of-an-application-by-the-central-inspection division for major projects and within fifteen days for minor projects, after receipt of the completed application, the building permit shall be issued by the central inspection division.

(g) Appeals - Any applicant wishing to appeal a denial for a certificate of appropriateness may appeal to the next higher authority. The order of the appeal procedure shall be 1) the preservation staff, 2) the design review subcommittee, 3) the historic landmark preservation committee, and 4) the board of city commissioners.

~~(e)~~ (h) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal ~~to the committee~~ and approval thereof in the same manner as provided above.

~~(f)~~ (i) After a decision is reached by the board of city commissioners denying with prejudice an application for certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the committee. Denial of a certificate of appropriateness without prejudice permits reapplication immediately. (Ord. No. 35-912, (part); Ord. No. 33-790 (part).)

(g) (j) In the event the staff assigned to the committee certifies to the city manager that the committee and/or its chairman are unable in a timely fashion (through lack of a quorum or otherwise) to process the certificates of appropriateness for major projects, then the board of city commissioners are hereby empowered to act upon written recommendation of the preservation staff without the review procedure set forth above."

SECTION 3. Sections 2.12.1016 and 2.12.1023 of the City Code are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS \_\_\_\_\_

\_\_\_\_\_  
Mayor

WITNESSES:

(SEAL) \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Approved as to form City Attorney

Edie,

DR File Information: DR 82-10

Proposed Amendments to the Landmark Ordinance  
Sections 2.12.1016 and 2.12.1023 - Relating  
to Definitions and Certificates of Appropriateness