

# ADMINISTRATIVE ADJUSTMENT

## WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT INSTRUCTIONS FOR FILING AN APPLICATION

Administrative Adjustments are intended to allow flexibility in property development without requiring the time and expense of approval through a public hearing process. Since the level of public input is more limited for Administrative Adjustments, the extent to which a zoning or sign standard or a provision of a Planned Unit Development (PUD), Community Unit Plan (CUP), Protective Overlay (P-O), or Conditional Use (CU) can be adjusted is limited. The limitations on Administrative Adjustments are described in detail in this instruction sheet. If a requested change exceeds the limitations for an Administrative Adjustment, an application for a Variance or for a PUD, CUP, P-O, or CU Amendment must be submitted. Separate instructions for requesting a Variance or Amendment are available. It is important to note that an Administrative Adjustment, Variance, or Amendment is not granted simply because complying with a particular requirement is inconvenient or more expensive. There must be solid justification for why a requirement should not be applied to a particular project.

1. All applicants desiring to request an Administrative Adjustment should consult with the Metropolitan Area Planning Department (MAPD) prior to submitting a formal application. The purpose of the consultation is to advise the applicant of the rights and responsibilities in submitting such a request.
2. The Planning Director, with the concurrence of the Zoning Administrator, has the authority to approve applications for Administrative Adjustments. The Planning Director may impose special conditions of approval, including but not limited to time limitations, access limitations, screening and landscaping, and other controls to prevent damage to adjacent properties or safeguard public interests. The applicant may appeal a decision to deny an Administrative Adjustment or to impose certain conditions. If the Administrative Adjustment is for a zoning or sign standard, the applicant may appeal by filing an application for a Variance. If the Administrative Adjustment is for a provision of a PUD, CUP, P-O, or CU, the applicant may appeal by filing an application for an Amendment. The filing fee for the Administrative Adjustment shall be applied toward the filing fee for the Variance or Amendment.
3. Administrative Adjustments to zoning standards (shown as "Zoning Adjustment" on the application form) shall be limited to the following:
  - a. Reducing minimum front, side, and rear setbacks (required by the property development standards of the zoning district) by up to 20 percent, or reducing a side or except that a rear setback by up to 50 percent adjacent to a golf course, open space or when the area of the required yard to be adjusted does not exceed 300 square feet.
  - b. Reducing minimum interior side setback for a principal structure to three feet when all parts of principal structure to be extended into the original interior side yard setback are located more than one-half the depth of the lot behind the front property line, and when the addition does not obstruct or eliminate the required off-street parking and provide the Zoning Adjustment does not increase lot coverage more than ten percent and extended portions of the principal structure are not more than 60 percent of the maximum height allowed by the property development standards of the district.
  - c. Reducing minimum rear setback for a principal structure to five feet when the addition does not obstruct or eliminate the required off-street parking and provided the adjustment does not increase lot coverage more than ten percent and extended portions of the principal structure do not occupy more than one-half of any required rear yard nor be more than 60 percent of the maximum height allowed by the property development standards of the district.
  - d. Reducing or waiving the required compatibility setback.

- e. Reducing or waiving the required compatibility height standard.
  - f. Increasing maximum building height permitted by the property development standards of the zoning district by up to 20 percent.
  - g. Increasing maximum height for energy generating structures provided the energy generating structure would not be closer to an adjacent property line than twice the height of the structure, nor be located within 200 feet of any existing residential structure on an adjacent property, and would not exceed a height of 100 feet to the tip of the motor blades.
  - h. Increasing maximum lot coverage by up to ten percent.
  - i. Reducing lot size, lot area size, lot width, loading area and parking requirements by up to ten percent, except that parking requirements for manufacturing, warehousing, wholesale or business services, large item community retail, all remodeling/expansion projects, and all redevelopment of existing sites with new construction may be reduced by up to 25 percent.
  - j. Increasing the maximum projection of structural elements into front, rear or side setbacks by up to 20 percent, provided there is no reduction in the corresponding setback requirement.
  - k. Changing the location of required screening in relation to alleys.
  - l. Permitting parking in residential districts to be located within a required front yard or street side yard, but in no case closer to a front or street side property line than eight feet.
  - m. Reducing or waiving the required screening specified in Sec. IV-B.3.a of The Unified Zoning Code when the building is located adjacent to a golf course, public or private park, or open space reserve area of a homeowners' association and the building is architecturally designed to utilize the views of the adjacent property; or when existing topography or vegetation provide a natural screen; or when the adjacent residential property is developed with an institutional, major utility, or multi-family use and the location of improvements on one or both properties provides adequate screening.
  - n. Permitting an accessory structure to be placed in front of the principle structure on less than five acres of land as specified in Sec. III-D.7.e(2).
  - o. Increasing maximum height permitted by the property development standards of the AFBP-O Air Force Base Protection Overlay District, but in no event shall an adjustment be granted that permits a structure height in excess of the height permitted by the underlying zoning district, and in addition to the Zoning Adjustment Criteria contained in Sec. V-I.6., the following criteria shall be used to evaluate adjustment requests: a line-of-sight analysis shall demonstrate that the proposed structure height does not provide a view of any portion of the air force base for a person located at any point on the Structure that exceeds the height permitted by this Overlay District given existing topography and the location and height of existing Structures and/or vegetation.
  - p. Permit remote off-site parking to be located more than 600 feet from the supported Use; and permit such parking to be separated by an arterial street, expressway, or freeway from the supported Use.
4. Administrative Adjustments to sign standards (shown as "Sign Code Adjustment" on the application form) shall be limited to the following:

- a. Reducing the minimum allowed distance required between on-site ground, monument or pole signs by up to one-third.
  - b. Increasing the maximum allowed height of on-site ground, monument or pole signs, or of building or wall signs, by up to twenty percent.
  - c. Increasing the maximum allowed size of individual building or wall signs or of the total allowed building sign wall elevation coverage by up to twenty percent.
  - d. Increasing the maximum number of allowed building or wall signs per any elevation by up to one (1) in the NO, GO, NR, OW or IP zoning districts, or up to two (2) such signs per any elevation in the LC zoning district.
  - e. Reducing the minimum allowed depth of parking, loading or open space area required in the LC zoning district for building or wall signs on elevations not having street frontage.
  - f. Allowing structurally altered legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced.
  - g. Allowing legal non-conforming off-site pole, ground or monument signs to be structurally altered to an extent exceeding fifty percent of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty percent of the of the sign's structure, at their existing base or pole structure location provided the number of main support poles or pylons are reduced to a single support pole or pylon, or the extent of non-conforming sign height or sign size is reduced.
  - h. Increasing the maximum allowed height of ground, monument or pole signs for on-site or off-site signs located within seventy-five feet of a zoning lot line that directly abuts the right-of way of an elevated portion of a highway structure to a height at the top of the sign that does not exceed twenty feet above the height of the top of the highest railing or barrier along the traffic deck *or* decks within the right-of-way at a point perpendicular the sign.
  - i. Allowing variable message or electronic message signs for institutional uses located in any residential zoning district, or in any "NO", "GO", "NR", "OW" or "IP" zoning districts.
  - j. Allowing "off-site" signs that do not exceed one hundred square feet in area or twenty-five feet in height, provided that the sign for the business being advertised is located on a zoning lot that abuts or is adjacent to the zoning lot on which the advertised business is located, and on which the proposed "off-site" sign would otherwise be allowed by the "on-site" sign regulations set forth in Sections 24.04.193, 24.04.199 or 24.04.221.
  - k. Increasing the maximum distance that an off-site project title sign may be placed from a subdivision, as set forth in Section 24.04.190.6.i.(1), by up to twenty-five percent (25%).
5. In no event shall the Planning Director approve an Administrative Adjustment to a PUD, CUP, or P-O that allows any of the following:
- a. More than a five-foot or ten percent increase in building height, whichever is greater.
  - b. More than a ten percent increase in floor area or building coverage or in residential unit density when calculated on a total, aggregate project basis.

- c. A change in use to a use that is more "intensive" (as defined by Section II-B.6.i. of the Unified Zoning Code) than a use approved as part of the PUD, CUP, or P-O.
6. The Planning Director shall not approve an Administrative Adjustment to a zoning standard or to a PUD, CUP, P-O, or CU if the proposed development:
    - a. would adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
    - b. creates more adverse impacts on existing uses in surrounding areas than which reasonably might result from development of the site in strict compliance with the adjusted standard;
    - c. would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted building height, setbacks and open spaces, bulk and scale, landscaping, parking or circulation features;
    - d. will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for reasons specifically articulated by the Planning Director. The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.
  7. The Planning Director shall not approve a Sign Code Adjustment if the Planning Director finds that the proposed development:
    - a. creates more adverse impacts on existing uses in surrounding areas than those that might reasonably result from development of the site in strict compliance with the adjusted standard;
    - b. would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted sign height or size, number of signs, sign bulk and scale, or minimum allowed depth of parking, loading or open space area required;
    - c. will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the immediate vicinity for reasons specifically articulated by the Planning Director.
  8. The applicant shall submit a completed application form for an Administrative Adjustment, which must be signed by all property owners or by the authorized agent(s) of such owner(s).
  9. The applicant shall submit a written justification that describes in detail the need for the Administrative Adjustment and how the proposal meets the applicable criteria for approval of an Administrative Adjustment.
  10. The applicant shall submit an accurate site plan, CUP drawing, or PUD drawing (as applicable). For adjustments to zoning or sign standards or a Conditional Use, one (1) 8.5" x 11" or 11" x 17" copy of the site plan shall be submitted. If the applicant desires to submit a larger site plan, four (4) 24" x 36" folded copies and one (1) 11" x 17" copy of the site plan shall be submitted. For adjustments to a CUP, PUD, or P-O, four (4) 24" x 36" folded copies and one (1) 11" x 17" copy of the drawing shall be submitted. Site plans and drawings shall be drawn to scale and show the location of property lines and buildings, parking areas, driveways and other improvements or facilities which necessitate the adjustment. Other plans, drawings or information which the MAPD deems necessary to enable proper consideration of the request may be required.

11. In accordance with local policy, the applicant shall post one or more zoning adjustment signs on the application site for a period of ten days following submittal of the Administrative Adjustment request. The decision on an Administrative Adjustment request typically is transmitted to the applicant one week after the required sign posting period. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$3, and one sign is required for each street frontage.

12. The applicant shall submit the required filing fee as follows:

Administrative Adjustment	\$140 + sign fee
Additional Administrative Adjustment on same lot	\$ 50

All checks should be payable to the "City of Wichita", which acts as agent for the MAPD.

13. All application materials and the filing fee are submitted at the MAPD, which is located on the 10<sup>th</sup> floor of Wichita City Hall, 455 N. Main and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

## ADMINISTRATIVE ADJUSTMENT CHECKLIST OF REQUIRED APPLICATION MATERIALS

- Application form
- Written justification
- Site plan, CUP drawing, or PUD drawing (as applicable)
- Other plans, drawings, or information required at pre-application consultation ( if not applicable)
- Filing fee



6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

B. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

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**FOR OFFICE USE ONLY**

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_  
 Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_  
 NA/HOA \_\_\_\_\_  
 Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

**Required Documents:**

Ownership List     BZA Justification     Legal Description     Vacation Petition     Site Plan     Signs