

(First Published in *The Wichita Eagle*, on April 29, 2016)

ORDINANCE NO. 50-180

AN ORDINANCE REPEALING SECTION 10.16.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DRIVEWAYS AND CURB CUTS ON THE RIGHT OF WAY.

AN ORDINANCE ADMENDING SECTIONS 10.16.010, 10.16.020, 10.16.030, 10.16.040, 10.16.070, 10.16.080, 10.16.090, 10.16.100, 10.16.120, 10.16.130, 10.16.140, 10.16.150, 10.16.160, 10.16.170, 10.16.180 AND 10.16.190 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DRIVEWAYS AND CURB CUTS ON THE RIGHT OF WAY AND REPEALING THE ORIGINALS THEREOF.

AN ORDINANCE CREATING SECTIONS 10.16.151 AND 10.16.152 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DRIVEWAYS AND CURB CUTS ON THE RIGHT OF WAY.

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

SECTION 1. Section 10.16.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Definition.” Unless otherwise expressly stated or the context clearly indicates a different intention the following term shall, for the purpose of this chapter, have the meaning indicated in this section:

(a) OUTSIDE SIDEWALK LINE. "Outside sidewalk line" means a line lying along the edge of the sidewalk nearest the street roadway or curb; or where no sidewalk exists, a line in the street Right-of-Way parallel to and five (5) feet from the line of the private property.

SECTION 2. Section 10.16.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Cutting, breaking or removing of curb.” It shall be unlawful for any Person to cut, break out, remove, or damage in any way any curb along a street or alley except as authorized by Chapter 10.12.

SECTION 3. Section 10.16.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Approaches as parking spaces or areas.” It shall be unlawful for any Person to construct, alter, extend, permit, or cause to be constructed, altered or extended, any Drive approach that can be used only as a parking space or area between the curb and private property.

SECTION 4. Section 10.16.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Subordination to Section 10.08.” This chapter shall be subordinate to Section 10.08.

SECTION 5. Section 10.16.060 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 6. Section 10.16.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Maximum width of approaches; exception.” No Drive approach shall exceed thirty (30) feet in width unless such approach is approved in writing by the City Engineer or the City Engineer’s designee. On streets marked as permanent state or federal highway routes, a Drive approach may be constructed with a maximum width of forty (40) feet upon written approval of the City Engineer or the Traffic Engineer.

SECTION 7. Section 10.16.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Curb-parking spaces between approaches.” Where more than one Drive approach on a street front serves a single lot or tract of land, there shall be at least twenty (20) feet between Drive approaches.

SECTION 8. Section 10.16.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Sides, edges or curbs to be at right angles to street curb.” The centerline of Drive approaches shall be at a right angle to the street curb unless otherwise approved by the City Engineer or the Traffic Engineer.

SECTION 9. Section 10.16.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Maximum width of curb cut.” For the purpose of constructing a Drive approach, the construction limits shall not exceed four (4) feet beyond the Drive approaches or to the nearest joint as directed by the City Engineer.

SECTION 10. Section 10.16.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Residential Drive approach and street Corner distances.” No portion of a Drive approach shall be constructed within four (4) feet of the projected straight line extension of the Right-of-Way line. In cases where the projected Right-of-Way line is less than fourteen (14) feet from the back of Curb of the perpendicular street, no portion of a Drive approach shall be constructed within eighteen (18) feet of the straight line extension of the back of the Curb of the perpendicular roadway. The City Engineer or Traffic Engineer shall have the right to allow exceptions to this section in the interest of public safety.

SECTION 11. Section 10.16.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Curb return radius.” The radius of curvature of the Curb return shall not exceed the distance between the Curb and the outside sidewalk line unless approved by the City Engineer or the City Engineer’s designee. However, in no case shall the radius intrude into the sidewalk. In cases where no such sidewalk exists, the radius of the curvature of the Curb return shall not exceed the distance between the Curb and five (5) feet from the Right-of-Way line.

SECTION 12. Section 10.16.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Interference with street Structures —Prohibited.” No Drive approach shall interfere with municipal facilities, including, but not limited to drainage Structures, street-lighting poles, traffic-signal standards, signs, catch basins, hydrants, crosswalks, bus-loading platforms, utility poles, fire-alarm supports, underground pipes or ducts.

SECTION 13. Section 10.16.150 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Same—Removal by city; cost.” The City Engineer is authorized to order and affect the removal or reconstruction of any Drive approach, Curb or other Structure which is in violation of this chapter or which now conflicts with street Structures or which will conflict with street

Structures in the future. The cost of removing or reconstructing or relocating such Drive approaches, Curbs or any other Structures shall be at the expense of the abutting property owner.

SECTION 14. Section 10.16.151 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Notice to remove or reconstruct any Drive approach or Curb which is in violation of this chapter.” Whenever it is determined that a Drive approach, Curb or other Structure shall be removed or reconstructed at the expense of the abutting property owner as allowed in Section 10.16.150, the City Engineer or the Engineer’s representative, shall serve or cause to be served upon such Person a notice requiring such Person to comply with the requirements of Section 10.16.150. Such notice may be served by mailing the same, postage prepaid and certified, to the owner of record.

SECTION 15. Section 10.16.152 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Same—Failure to comply with notice.” If the owner or occupant of a parcel fails to remove or reconstruct the Drive approach, Curb or other Structure in accordance with the specifications on file with the City Engineer, after having been given the notice provided for in Section 10.16.151, the removal or reconstruction may be made by or under the direction of the City Engineer or the Engineer’s representative, and the expense thereof taxed against the abutting parcel and such tax shall be levied, certified and collected in the same manner as special assessment taxes for the repair and construction of sidewalks.

SECTION 16. Section 10.16.160 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Cooperation between Superintendent of the Metropolitan Area Building and Construction Department (MABCD) and City Engineer.” Any plans submitted to the Director of MABCD for approval that include or involve unusual Drive approaches or problems shall be referred by the Director of the MABCD to the City Engineer for approval before a building permit is issued.

SECTION 17. Section 10.16.170 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Variances from strict application of chapter.” The City Engineer is hereby authorized to grant, in writing, variances from the strict application of the provisions of this chapter; provided that one of the following conditions is present:

1. The exception or variance desired arises from unique physical conditions not ordinarily existing in similar districts in the city or is due to the nature of the business or operation on the abutting property.

2. The exception or variance desired is not against the public interest, particularly safety, convenience, and general welfare.

3. The granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants.

4. The strict application of the terms of this chapter will work unnecessary hardship on the property owner or tenant.

SECTION 18. Section 10.16.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Appeals.” Any decision by the City Engineer either granting or refusing to grant variances to the strict application of this chapter may be appealed in writing to the City Council by the party adversely affected, provided such appeal is filed in writing with the City Clerk within twenty (20) days after the issuance of the adverse decision. The City Clerk will docket the appeal for hearing before the City Council.

SECTION 19. Section 10.16.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Curb numbering.” No Curb shall be lettered or numbered in any way except that residential street address numbers may be painted on Curbs in front of residential street addresses. Curb numbering must conform to the following standards:

(1) Numbers must be black on white background;

(2) Numbers must be in block print, four (4) inches in height, three-fourths (3/4) inch stroke, and there must be a space of at least one-fourth (1/4) inch and no more than one (1) inch in between numbers;

(3) No numbers may be painted in restricted zones, that is, where Curbs are painted yellow or red or where parking is restricted;

(4) Numbers must be placed at the end of the Curb return on the street on which the residence is addressed and which is closest to the center of the frontage of the property or residence.

The City may remove addresses for which the numbers are not in conformity with these standards. The City has no obligation to replace numbering damaged or removed in the process of street maintenance activities.

SECTION 20. The original of Sections 10.16.010, 10.16.020, 10.16.030, 10.16.040, 10.16.060, 10.16.070, 10.16.080, 10.16.090, 10.16.100, 10.16.120, 10.16.130, 10.16.140, 10.16.150, 10.16.160, 10.16.170, 10.16.180 AND 10.16.190 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 21. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas this 26th day of April, 2016.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña
Director of Law and City Attorney