

**SUMMARY OF ORDINANCE NO. 1109**

On October 10, 2023, the City of Haysville, Kansas adopted Ordinance No. 1109 AN ORDINANCE AMENDING THE SITE DEVELOPMENT REGULATIONS PARKING OF THE CODE OF THE CITY OF HAYSVILLE KANSAS AND MOVING SAID REGULATIONS FROM CHAPTER 16B TO APPENDIX E. A complete copy of this ordinance is available at [www.haysville-ks.com](http://www.haysville-ks.com) or at City Hall, 200 W. Grand, Haysville, Kansas. This summary certified by Joshua Pollak, City Attorney.

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1109

**AN ORDINANCE AMENDING THE SITE DEVELOPMENT REGULATIONS  
PARKING OF THE CODE OF THE CITY OF HAYSVILLE KANSAS AND MOVING  
SAID REGULATIONS FROM CHAPTER 16B TO APPENDIX E.**

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

**SECTION 1.** Having received the recommendation of the City Planning Commission of the City of Haysville, Kansas, the Site Development Regulations Parking of the City of Haysville, Kansas is moved from Chapter 16B to Appendix E and is amended and restated as follows:

**APPENDIX E - SITE DEVELOPMENT REGULATIONS PARKING**

**OFF-STREET PARKING REQUIREMENTS**

- A. Scope and Application. In any zoning district, all structures built, and all uses established after the effective date of this article, and, when an existing structure is expanded, off-street parking shall be provided in accordance with the following regulations.
1. Scope of regulations:
    - a. New construction and new uses: For all buildings and structures erected, and all uses of land established after the effective date of this article, accessory off-street parking facilities shall be provided in accordance with the provisions contained herein. However, where a building permit has been issued prior to the effective date of this article, and provided that construction has commenced within six months of such effective date and diligently prosecuted to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this article.
    - b. Expansion of a building or use: When the intensity of use of any building, structure, or premises shall be increased, additional parking facilities shall be provided as follows:
      - i. Whenever a building, structure or use existing prior to the effective date of this article is enlarged to the extent of less than 50 percent in floor area, the addition or enlargement shall comply with the parking requirements set forth herein.
      - ii. Whenever a building, structure or use existing prior to the effective date of this article is enlarged by one or more additions, the sum total of which increases the floor area to the extent of 50 percent or more, the uses contained within the original building or structure and all enlargements shall thereafter comply with the parking requirements set forth herein.

- iii. Whenever an existing single-family dwelling with more than 950 square feet in floor area has less than two parking spaces, it shall be permitted to expand by not more than 25 percent in floor area without having to comply with the off-street parking requirements set forth herein.
    - c Change of use: Whenever a use existing prior to the effective date of this article shall be changed to a new use, parking facilities shall be provided as required for such new use.
  - 2. Existing parking facilities: Accessory off-street parking facilities in existence on the effective date of this article, and located on the same zoning lot as the building or use served, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use.
  - 3. Permissive parking facilities: Nothing in this article shall be deemed to prevent the establishment of additional off-street parking facilities to serve any existing building or use provided that all regulations herein governing the location, design, and operation of such facilities are satisfied.
  - 4. Damage or destruction: Whenever a building or use existing prior to the effective date of this article, and for which the required number of parking spaces is not provided, is damaged or destroyed by fire, tornado or other natural causes to the extent of 50 percent or more of its fair market value, shall be required to meet the off-street parking requirements and standards for that portion proposed to be rebuilt.
- B. Off-street parking requirements.
- 1. General requirements: The following requirements shall govern in the design, location and number of off-street parking and stacking spaces.
    - a Computation: When determination of the number of off-street parking and stacking spaces results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one space.
    - b Utilization: Off-street parking and stacking facilities provided for the uses hereinafter listed shall be reserved exclusively for the parking of motor passenger vehicles, in operating condition, of patrons, occupants, visitors or employees of such uses.
    - c Computing off-street parking: In computing the floor area to determine the requirements for off-street parking, such computations for a structure shall exclude:
      - i. The exterior wall width of the structure;

- ii. Elevator shafts;
- iii. Common courts or lobby areas;
- iv. Mechanical equipment rooms;
- v. Stairways;
- vi. Restrooms;
- vii. Basements, except those portions not used exclusively for service to the structure;
- viii. Balconies;
- ix. Incidental storage areas including but not limited to janitorial rooms, supply rooms, etc.

The building inspector shall determine then net floor area of the structure and shall require off-street parking as specified for the use set forth in the applicable district regulations.

- d Shared parking provisions: In the case of mixed uses, the off-street parking and stacking spaces required shall equal the sum of the requirements of the various uses computed separately, provided all regulations governing the location of accessory off-street parking and stacking spaces in relation to the uses served are adhered to.
- e There shall be no parking in established easements, and no vehicle including recreational vehicles shall be parked so as to be located upon or overhang onto an established easement.

2. Specific requirements:

- a Open and enclosed parking: Accessory off-street parking and stacking spaces may be open to the sky or enclosed within a garage.
- b Surfacing: All off-street parking and stacking spaces, aisles and drives shall be graded and paved with a hard surface, except areas determined by the zoning administrator to be in a flood zone as set forth within the currently adopted FIRM may use an all-weather surface which shall be maintained in good condition.
- c Location: Off-street parking and stacking spaces, aisles and drives shall be located as follows:
  - i. General
    - A. All required off-street parking and stacking spaces, aisles

and drives shall be located on the same zoning lot as the use served.

- B. No off-street parking shall be permitted in front yards, other than established hard surface driveways. Off-street parking in back and side yards shall be permitted on an all-weather surface. Off-street parking access path shall be an all-weather surface the width of the vehicle and shall extend from the accessory off-street parking to the hard surface driveway or easement. All off-street parking shall not infringe on any road right-of-way or easement.
- C. Aisles and drives shall not be considered in determining whether off-street parking and stacking requirements have been met except in the instance of single-family dwellings and duplexes.
- D. For residential properties, all open off-street parking areas and pathways inside, street, and rear yards must have sight obscuring screening of not less than six (6) feet in height, between the parking area and or/pathway, and the adjacent residential property. When abutting property owners have entered into, and filed with the Sedgwick County Register of Deeds, a shared access agreement, this provision may be modified with the approval of the Zoning Administrator. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals.

d Design: Except for single-family dwellings and duplexes, all off-street parking and stacking spaces, aisles and drives shall comply with the following prescribed standards:

- i. Parking space dimension. An off-street parking space shall be at least eight feet six inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps or columns, unless special parking is designated for variable sizes of vehicles.
- ii. Access: Each off-street parking space shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- iii. Exiting a parking facility: No off-street parking facility shall be designed in such a manner that when exiting a parking facility, it

would require backing into a public street, unless specifically approved by the Planning and Zoning Administrator. Such arrangements are to be discouraged, except in unusual circumstances wherein the traffic safety of the public can still be protected.

iv. **Curbing:** Protective curbing shall be installed a minimum of three feet from a public sidewalk and two feet from adjacent property lines.

v. **Markings:** The parking spaces in all off-street parking areas shall be visibly delineated on the surface by painted or marked stripes.

e. **Lighting:** Any lighting used to illuminate off-street parking facilities shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three foot-candles measured at the lot line.

f. **Drainage:** All stormwater runoff shall be collected, transported and disposed of in a manner as approved by the Public Works Director or city engineer.

g. **Accessible parking:** Where a use is required to provide accessibility for persons with disabilities, the required parking spaces shall be located and designed in accordance with standards as set by the Americans with Disabilities Act (ADA).

h. **Modification of parking requirements:** Where it can be demonstrated by the property owner that a specific use has such characteristics that the number of parking or stacking spaces required is too restrictive, the Public Works Director, city engineer and building inspector may upon request grant up to a 25-percent reduction in the number of required spaces. Such request shall be filed with the city building inspector as appropriate on forms as may be provided. Should a reduction greater than 25 percent be requested, a variance will need to be granted by the board of zoning appeals in accordance with the procedures set forth in article III. Where a reduction of 25 percent or less is requested, the applicant shall be required to reserve an area of land on the site of the use served equal in size to the area of land needed to provide the spaces for which a reduction is granted. Such land reserved shall be suitable for development of a parking facility and conform with the parking requirements.

i. **Condition of off-street parking facility:** Any parking facility which does not meet the standards of this chapter, and which shall create a nuisance to the public from any cause shall meet the requirements as recommended by the Planning and Zoning Administrator, and Public Works Director pertaining to screening, surfacing or entrances or exits.

j Parking limits for residential properties: All off-street passenger vehicle parking in back and side yards shall not exceed more than two (2) passenger vehicles. To accommodate those properties with back yard garages, or other less common design standards, property owners may apply to the Planning and Zoning Administrator for a modification to the two (2) passenger vehicle limit. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals. Additionally, all off-street recreational vehicle parking in side, street, and back yards shall not exceed more than one (1) of each type of recreational vehicle: One (1) boat, one (1) camper, one (1) RV, one (1) cargo trailer, and one (1) registered trailer.

C. Required number of off-street parking spaces. In all districts, unless otherwise stated within the district regulations, there shall be provided prior to the occupation of a building or commencement of a principal use a minimum number of off-street parking and stacking spaces as set forth herein except as otherwise provided for in the section below (D)(2).

LAND USE	NUMBER OF SPACES REQUIRED
<b>RESIDENTIAL</b>	
Single-Family	1 per dwelling unit
Duplex	1 per dwelling unit
Multi-Family	1.25 per one-bedroom dwelling unit; 1.75 per two bedroom or larger unit
Bed & Breakfast Inn	1 per sleeping room
Short Term - Residential Rental	1 per sleeping room. Parking of commercial vehicles larger than what is commonly referred to as a 1-ton truck (with a gross vehicle weight rating of 16,001 pounds or more) is not permitted by transient guests. Up to two on-street parking spaces may substitute for required off-street parking if the property contains a frontage of 40 feet or more, not including approaches, sidewalk ramps, and no parking zones.
Hotels & Motels	1 per sleeping room plus additional space for restaurants, convention centers, and other facilities as may

	be open to public
Congregate Living & Dormitory Type Dwellings	1 per sleeping room
Developmentally Disabled Group Home	1 per each 2 sleeping rooms
Assisted Living	0.75 per unit
Day Care - Limited	1 per teacher/employee, plus 1 per vehicle used in the center, plus 1 per 10 children based on enrollment above 12 children.
<b>COMMUNITY FACILITIES AND INSTITUTIONAL USES</b>	
Public and Private Educational Facilities	
Elementary	1 per teacher/employee, plus 5 visitor spaces
Middle School	1 per teacher/employee, plus 10 visitor spaces
Senior High	1 per teacher/employee, plus 1 per five students
Church or Place of Worship	1 per every four seats in auditorium or largest room
Community Center	1 per 300 square feet of floor area
Reception, conference, and assembly facility	1 per 150 square feet of floor area or 1/3 of the occupant load, whichever is less
Day Care - General	1 per teacher/employee, plus 1 per vehicle used in center, plus 1 per 10 children based on enrollment. To provide for the safe and convenient loading and unloading of persons as well as minimize traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the Planning and Zoning Administrator) shall be provided at the building entrance.
Group Home	1 per each house parent, plus 1 per each resident who is permitted to drive
Hospital and Convalescent Care Facilities	1 per 5 beds, plus 1 per employee in the largest working shift
Private Membership Association, Club, Lodge or Fraternal Organization	1 per 300 square feet of floor area



College or University	1 per 2.5 students enrolled
Business or Vocational School, Technical College	1 per 200 square feet of floor area
<b>PROFESSIONAL OFFICES</b>	
Medical and Related Offices and Clinics, Chiropractic, Dental, Optometrist, Osteopath, Pediatrician, etc.	1 per 300 square feet of floor area
Professional and Governmental Offices: Accounting, Architectural, Engineering, Governmental, Insurance Sales, Law, Real Estate, Sales and Brokerage, etc.	1 per 400 square feet of floor area
Financial Institution	1 per 200 square feet of floor area, plus 3 stacking spaces for each external teller or customer service window
Veterinarian	1 per 400 square feet of floor area
<b>COMMERCIAL</b>	
Business and Retail Establishments (other than listed)	1 per 200 square feet of floor area
Restaurants:	
Family Dining Type, where all food consumed within an enclosed structure	1 per 150 square feet of floor area or 1/3 the occupant load, whichever is less
Carry-out and Delivery Only, where no food consumed on the premises	1 per each employee based upon maximum shift, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
Drive-in type, where food may be consumed on the premises, outside a completely enclosed building, or served directly to customers in parked vehicles.	1 per 35 square feet of floor area, plus 5 stack spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
Fast Food, an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises	1 per 85 square feet of floor area or 1/3 the occupant load, whichever is less, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or
	vehicular circulation on the site or on any abutting street

Automotive Service Station, Convenience Store	1 per 4 gas pumps, but, not fewer than 4 spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
Funeral Home or Mortuary	1 per every 3 seats in the main seating area
Theater, adult/nonadult	1 per each 2.5 seats
Automotive or Vehicle Carwash	1 per each 2 washing stalls plus 2 stacking spaces per washing stall
Shopping Centers	4.55 per 1,000 square feet of gross floor area
<b>RECREATION, ENTERTAINMENT AND AMUSEMENT</b>	
Commercial Recreational Facility (other than listed)	1 per 150 square feet of floor area
Courts, racquetball, handball, squash and tennis (when operated as an independent use.)	4 per each court, or 1 per 2 spectator seats, whichever is greater
Amusement Indoor Establishments	1 per 100 square feet of floor area
Auditorium, Fairgrounds, Stadiums and Grandstands	1 per every 4 seats
Athletic Field	15 spaces for every diamond; 20 spaces for every soccer or athletic field, or 1 space for every 4 seats, whichever is greater
<b>INDUSTRIAL USES</b>	
Industrial Establishments (other than listed)	1 per 1,000 square feet of floor area
Warehousing	1 per 1,000 square feet of floor area to a maximum of 5 spaces for establishments up to 25,000 square feet, 5 spaces plus 1 for each additional 5,000 square feet above 25,000 square feet of floor area
Manufacturing or Establishments Engaged in Production, Processing, Packing and Crating, Cleaning, Servicing, or Repair of Materials, Goods or Products	1 per 600 square feet of floor area up to 25,000 square feet of floor area; and 1 per 1,000 square feet of floor area above 25,000 square feet of floor area
<b>OTHER USES</b>	
For uses not listed, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Planning and Zoning Administrator or his	

designee	
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D. Approval of off-street parking facilities. The design of all off-street facilities shall be subject to the approval of the city or county building official as appropriate prior to issuance of a building and/or parking lot permit, or for any certificate of occupancy where no building permit is required. Before approving any off-street parking plan, the appropriate governmental official shall find the spaces, aisles and drives provided are usable as designed and meet the requirements as set forth herein.

1. Submission of site plan: Any application for a parking lot and/or building
2. Temporary permit: Prior to issuance of a certificate of occupancy, all parking and stacking spaces, aisles and drives shall be properly constructed and surfaced; except that the appropriate city or county building official may issue a temporary certificate of occupancy in those instances where the building official finds that the surfacing cannot reasonably be completed due to adverse weather conditions or settling of land on the site after demolition or filling. A temporary certificate of occupancy shall be effective only to a date specified.
3. Enforcement: If the applicant fails to construct the parking facility in conformity with the requirements of this article or other prescribed requirements, the appropriate governing body may order the removal or replacement of the nonconforming parking facility or portion thereof. The cost of removal or replacement and any necessary reconstruction shall be levied as a special assessment against the property.
4. Public right-of-way shall not be utilized for internal traffic circulation or stacking for drive-up window facilities and similar such car-service features.

All facilities proposing "drive-in" and/or "carry-out" service features shall be reviewed and considered by the Planning and Zoning Administrator, Public Works Director or designee in respect to: ingress/egress to public right-of-way; the impact upon street side parking; adequacy of on-site vehicle storage, parking and traffic patterns; and pedestrian safety. The Planning and Zoning Administrator, Public Works Director shall not approve the proposal if the public safety and welfare are negatively impacted.

**SECTION 2.** Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of the any remaining provisions herein.

**SECTION 3.** This ordinance shall take effect and be in force from and after its passage and publication once in the City's official newspaper as provided by State law.


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Passed and Approved by the Governing Body of the City of Haysville, Kansas, on this 10th day of October, 2023.

Approved by the Mayor 10th day of October, 2023.

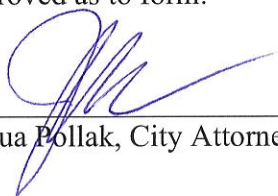


ATTEST

  
Angie Millspaugh, City Clerk

  
Russ Kessler, Mayor

Approved as to form:

  
Joshua Pollak, City Attorney