

HAYSVILLE PLANNING COMMISSION & BOARD OF ZONING APPEALS

Agenda

July 23, 2026

6:00 p.m., Municipal Building, 200 W. Grand

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. [Minutes of June 11, 2026](#)
- IV. Public Forum
- V. Old Business
 - A. [\(Tabled from June 11, 2026\) One-Step Final Plat: CARSELOWEY ADDITION; generally located at 7474 South Broadway Avenue](#)
- VI. New Business
 - A. [Public Hearing for a Zone Change from “LC” Light Commercial to “SF” Single-Family Residential for property located at 510 West Grand Avenue](#)
 - B. [Public Hearing for a Zone Change from “LC” Light Commercial to “HC” Heavy Commercial for property generally located at the NW corner of 79th and Broadway](#)
 - C. [Public Hearing for a Conditional Use to operate a Convenience Store for property generally located at the NW corner of 79th and Broadway](#)
 - D. [Further review of amending and restating the Zoning Regulations](#)
 - E. Election of Officers
 - i. Chairperson
 - ii. Vice-Chairperson
 - iii. Secretary
- VII. Correspondence
- VIII. Off Agenda
 - A. Next Meeting Date
- IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

June 11, 2026

The regular Planning Commission meeting was called to order by Chairperson Tim Aziere at 6:00 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand Ave., Haysville, KS 67060.

The members present were Brandon Trube, Debbie Coleman, Tim Aziere, and Dan Rinke. Also present was Planning and Zoning Administrator Kailyn Hogan.

Motion by Trube, Second by Coleman.

To add the review of a Conditional Use for a Self-Service Storage Warehouse at 7474 South Broadway Avenue as item VI.E to the agenda.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

The first item of business was the minutes of May 14, 2026.

Motion by Trube, Second by Coleman.

To approve the minutes as presented.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

There was no one to speak under public forum.

Under old business was a Public Hearing to consider amending and restating the Zoning Regulations.

Aziere opening the public hearing. No commissioners reported a conflict of interest or ex parte communication.

Hogan presented the staff memo stating the reasoning for the Zoning Regulation amendments, including those required by the passing of SB 418, the By-Right Housing Development Act. There were no questions for staff, and no members from the public present to speak.

Aziere closed the public hearing. There was no further discussion.

Motion by Rinke, Second by Trube.

To recommend approval of the Zoning Regulations as presented.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

Under new business was a Public Hearing to consider vacating complete access control and a utility easement for property generally located in the 800 block of East Freeman Avenue.

Aziere opened the public hearing. No commissioners reported a conflict of interest or ex parte communication.

Hogan presented the staff report. There were no questions for staff or the applicant.

Deana Moore, 835 E Freeman Ave, stated that the lot has never been taken care, stuff grows in, there are animals everywhere, but she is glad something is getting done. She wondered if the applicant was planning to build single-family homes or duplexes. Hogan stated that the applicant had proposed four single-family homes. Moore asked if the houses would be right beside her fence, like windows looking into hers that close to the property. Hogan stated that the applicant hadn't submitted site plans, but the houses will be required to be setback a certain distance, just like every other lot. Aziere stated that requirement is part of our general code.

Eileen Whitmer, 162 N Moy Ave, asked if the space is big enough for four single homes. She did not think it is big enough. Hogan stated that the property is 1 acre. So, when the property is split into four, each lot will be about a quarter of an acre, which is a 10,000 sq. ft. lot. The code only requires that lots be 6,000 sq. ft., so there should be plenty of space for four homes.

Richard Whitmer, 162 N Moy Ave, was concerned the space was too narrow to have four individual houses. If the lots are a quarter of an acre because of the depth of them, the lots could therefore be very narrow and still meet the 6,000 sq. ft. requirement. Hogan stated that two of the lots will be 64 feet wide and two of the lots will be 74 feet wide. Richard stated he appreciated that information, but he doesn't have a perspective on what a normal lot width is. Aziere asked Hogan if she could tell what the existing lot widths were for the surrounding houses. Hogan stated that the lots on each side are 92 feet wide, so they will be 20 feet narrower than the existing lots. Richard stated that is his concern. It just seems like they are awful narrow lots compared to the rest of the lots in the neighborhood. Hogan stated that the lots across the street are 69 feet wide, so the new lots will be similar to what is directly across the street from them.

There were no questions of the public. Aziere closed the public hearing. There was no further discussion.

Motion by Trube, Second by Rinke.

To recommend approval of the vacation subject to staff's recommended conditions.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

Under new business was a Public Hearing to consider vacating complete access control for property generally located at 1620 East 84th Street South.

Aziere opened the public hearing. No commissioners reported a conflict of interest or ex parte communication.

Hogan presented the staff report. There were no questions of staff or the applicant, and no members of the public to speak.

Aziere closed the public hearing. There was no further discussion.

Motion by Trube, Second by Rinke.

To recommend approval of the vacation as presented.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

Motion by Trube, Second by Coleman.

To recess the Planning Commission and convene the Board of Zoning Appeals.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

Under new business was a Public Hearing to consider a variance to the front setback and accessory structure location regulations in the “SF” Single-Family district for property generally located at 6536 South Marion Drive.

Aziere opened the public hearing. No commissioners reported a conflict of interest or ex parte communication.

Hogan presented the staff report. Hogan stated that only four out of the five conditions had been met. Staff neither agrees nor disagrees that the fifth condition had been met: The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations. Hogan stated that front yard setbacks can have two purposes: (1) to ensure all structures are a uniform distance from the street, and (2) to provide for adequate parking space in front of a dwelling. The proposed carport would be significantly closer to the street than any other building in the neighborhood, which does not meet the first purpose. However, the applicant has demonstrated that adequate parking can still be provided in front of a dwelling without meeting the setback requirements. The purpose of the accessory structure location requirement is to ensure accessory structures are visually subordinate to the principal structure on the lot. The carport will likely be the most visible part of the property if constructed in the front yard; however, if it is smaller than the house, it may still be visually subordinate. Because staff neither agrees nor disagrees that this condition has been met, staff cannot recommend approval of the variance, as not all five conditions have been met. If the board finds that the fifth condition has been met and approves the variance, there are some staff recommended conditions in the staff report that would apply.

Trube asked if there were any other similar structures in the area like this. Hogan stated that there is a carport to the side of the house next door. Trube asked if there had been any carport complaints in the area. Hogan stated that there were none that she was aware of. Trube asked if there had been any public comment. Hogan stated that she had not heard from any of the people in the notification area for this case.

The applicant’s agent, **Chris Sampson, 6536 S Marion Dr**, stated that he and his father grew up in this neighborhood. His grandmother lived on Van Arsedale, so they like Haysville. They found a house out here, and they thought they’d do pretty well on trying to fix it up and it has been a job. They have been on this house probably four years. They work a little bit, save a little bit, spend a little bit, and they are almost done. He feels the carport will add some nice value to that area in keeping property values up. The property tax is at about 1.5%. Any property value increase in that area for the amount of car protection that they would get would be well worth it. And it would be pretty. It is going to be nice. The one next door is not the prettiest, but it is a carport. There is one around the corner. There is one around the corner that’s probably 10 feet by 15 feet in front of the house. That property doesn’t have a garage. On this property, there isn’t anywhere else to put a carport. There’s no room to go along the side to go around back. There were no questions of the applicant, and no members of the public to speak.

Aziere closed the public hearing.

Coleman stated that she knows the neighborhood. She thinks the applicant has done a wonderful job on the house. She asked if the commission's main concern was the front yard setback. Sampson stated that they made sure to meet the side yard setback requirements, it is the front yard they need a variance for. If the City were to ever come through there and put sidewalks that could be a concern. The carport won't impede on a future sidewalk, but it will be closer. Hogan stated that the site plan shows a four foot front yard setback. Aziere stated that the sidewalk would be in the right-of-way, not on the property. Another of the applicant's agents, Chris Sampson's father, stated that cars are going to be parking out there anyway, basically making a garage without it. At least with the carport, they have some kind of security. He stated that they have thought this thing through. There are pretty much no other options. He feels like it is going to be hard to sell a house without some kind of garage.

Rinke asked if the carport would be a permanent structure attached to the home. Sampson stated it would be. They are trying to go with what would be best for the city. Years ago when they started this, they were told their best odds would be if it was attached. Coleman asked if the carport would be attached where the dark blue siding and white roof line is. Sampson stated yes, pretty much off that.

Motion by Trube, Second by Coleman.

To approve the variance subject to staff's recommended conditions. The commission finds that the unique characteristics of the property create a hardship, the variance will not adversely affect the adjacent property owners or public safety, and they agree that the granting of the variance is not opposed to the general spirit and intent of the zoning regulations.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

Motion by Trube, Second by Rinke.

To adjourn the Board of Zoning Appeals and reconvene the Planning Commission.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

Under new business was a One-Step Final Plat: CARSELOWEY ADDITION; generally located at 7474 South Broadway Avenue.

Hogan stated that the drainage plan for this plat had not been finalized, so the applicant is requesting this item be tabled until June 25, 2026.

Motion by Trube, Second by Coleman.

To table the plat until June 25, 2026.

Trube aye, Coleman aye, Aziere aye, Rinke aye.

Motion carried.

Under new business was the review of a Conditional Use to permit a Self-Service Storage Warehouse in the "LI" Light Industrial District for property generally located at 7474 South Broadway Avenue.

Hogan presented the staff memo for the conditional use, stating that this conditional use was presented to the Planning Commission for the first time on May 14th. It went to council on June 8th, but the council recommended that it be returned so the Planning Commission could further review the conditional use

based on screening, surveillance, and rodent control. The commission's original recommendation was to approve the conditional use with two conditions: (1) the cargo containers must be painted the same color or grouped in rows or sections by color, and (2) that they may be exempt from the screening requirements in the cargo container appendix.

Hogan stated that, according to the city code, the applicant is required to screen the cargo containers from the view of Broadway. This would require installing a nine- or ten-foot-tall solid screening around the entire front property line, the first sixty feet of the south property line, and the entire north property line. The applicant would prefer to install a six-foot-tall chain link fence with no screening. He believes the screening will make it easier for a burglar to break into the units. Hogan stated that the Planning Commission addressed screening for another self-service storage facility conditional use, Sarah Lane Storage. The screening required then was only between the storage facility and the surrounding residential properties. The Planning Commission and the former police chief did not recommend screening the property from the street so there would not be cover for illegal activities. Screening was recommended for the residential properties so headlights would not shine into the homes. Hogan stated that none of the existing self-service storage facilities are completely screened from the street, including Park Avenue Storage. Park Avenue Storage has a solid fence around three sides of the property, but the side that faces Kay Avenue is wrought iron and open to the street.

Aziere stated that he had the same concern as last time. If the conditional use was for a stick built storage facility, not having screening for the property is fine. Because the applicant is using cargo containers, he should be required to screen them. Aziere stated that it seems ridiculous to require a property owner that only has two cargo containers to have solid screening, but not a property that has 94. Aziere stated he understands the security issues, but screening wouldn't be a requirement if the applicant wasn't using cargo containers. Aziere stated he doesn't think the commission should give any special treatment for these cargo containers, especially since there are so many.

Trube stated he thinks the security issue is a big deal. A ten-foot-tall solid fence invites people to break into the units. We might be creating a condition where we are bringing crime into the area where we wouldn't be if you could see into the property. Trube stated he liked the idea of fencing in the property on three sides, especially if there is residential nearby, but the property should be visible from the street. Aziere asked if the surrounding properties are all commercial or industrial. Hogan stated it is surrounded by industrial. Trube stated that cargo containers are industrial. The property can still look good as long as the cargo containers are not all rusty and are well maintained. Trube suggested adding an aesthetic requirement that says the cargo containers must be well-maintained, with no rust spots or holes. Trube stated that it is important to be able to see inside the property. It will make it easier for police to deter crime, especially if the cargo containers are aligned so that you can see down the rows as you are driving by.

Coleman asked for photos of the containers. Hogan gave Coleman an extra copy of the cargo container photos the applicant had provided at the May 14th Planning Commission meeting. Coleman asked if the cargo containers would remain white or if the applicant was going to paint them. Hogan stated that the applicant planned to bring in brand new white cargo containers. Trube stated that cargo containers are tough and last a long time. If you are not moving them around, there should be no reason for them to deteriorate. The frames are stronger than stick built.

Rinke stated that he sees both Aziere's and Trube's points. Rinke stated he didn't think Aziere's point was argumentative to Trube's, just that it is in the code that cargo containers be screened. Rinke stated that Aziere isn't arguing that one type is better than the other or the security issue.

Aziere stated that if using cargo containers causes issues for the developer, it should be up to the developer to solve the problem in a different way, either with security equipment, extra lighting, or whatever that may be. Aziere stated that we shouldn't have to vary the code for this one project. The code is the code. Aziere stated that if the developer doesn't want screening, he shouldn't put in cargo containers. Coleman stated that the code is there to make these decisions easier on the commission. Trube stated that the code works for properties next to lesser zoning districts and residential areas, but he didn't think it was necessary in an industrial district because you would expect to see cargo containers.

Rinke stated that is he is getting stuck on the intent of the code and the project. Trube asked if the commissioners would have a different opinion on screening if the applicant was proposing to use old, rusty cargo containers. Trube stated he would ask the applicant to do something to make them look better and fix them up. Aziere stated it becomes a code enforcement problem long term. The code is intended to protect the general public and the community as a whole. This project is in an area that could use some sprucing up, and screening will help create a little better view going down the street if the applicant doesn't hold up their end of the bargain to maintain the cargo containers.

Rinke asked if the building code could view cargo containers as buildings now that people use them for other construction purposes. Hogan did not have an answer. Trube asked if he were to build a house out of cargo containers, would the house need to be screened. Hogan stated that the way the cargo container regulations are written, you cannot build a house out of cargo containers without a variance.

Trube asked if everyone was in agreement on requiring screening. Rinke and Trube agreed. Coleman stated that along Broadway, aesthetics needed to be considered. Coleman asked about the height of the screening and what the applicant was wanting to do. Hogan stated that the cargo containers were 8.5 feet tall, so the fence would need to be nine or ten feet tall. The applicant was wanting a six-foot-tall fence. Aziere asked if Coleman was trying to amend the fence height. Coleman asked what the commission wanted the screening to do. Do we want it to hide the cargo containers completely? Coleman stated it is still going to look like cargo containers behind if it doesn't. Aziere stated that, to him, it comes down to precedent. If the commission allows this exception and the applicant's neighbor comes to the commission next month and wants to put in cargo containers with a six foot fence because that is what the applicant has, the precedent would be set to allow it. Aziere stated that he would like to not set that precedent. If the commission is going to require screening, it should be complete screening. Aziere asked again if there was a consensus on screening. Coleman agreed.

Hogan stated that the City Council also wanted the Planning Commission to consider surveillance. There are two code sections that reference surveillance, lighting, security, and general public safety, none of which are applicable to the property. Hogan stated that if the commission wanted to apply them, they would need to be added as a condition to the conditional use. The first code section was for wireless communication facilities. The city code requires a security fence and screening at least six feet in height that prevents unauthorized access and security lighting. The second code section was for manufactured home parks requiring adequate lighting to be provided for public safety.

Aziere stated that he doesn't understand how the commission or the city can regulate surveillance at all. He stated that it has to be done by the developer. If the commission upholds the screening requirement, and the developer wants to have an additional level of security that is up to the developer. Aziere stated that he also doesn't know how the City can regulate it. The developer can say he put up cameras, but they could be fake or not recording. Aziere stated he didn't understand why this was something the commission was considering. Rinke and Coleman agreed. Trube asked what specifically the City Council wanted the commission to consider. Hogan repeated the council's motion and stated that the commission could opt to not add anything for surveillance. The commission was in agreement to not.

Hogan stated that the last consideration was rodent control and stated that there are a couple of provisions in the City Code dealing with rodent control. These provisions are applicable to the property, so the commission would not need to add them as conditions. Rodent control is addressed retroactively through code enforcement and proactively through the building permit process. Aziere stated that his question was going to be how is this not a code enforcement issue and why are we regulating at this level. Aziere stated that he thinks the council brought it up as an issue because there is the chance that rodents may get underneath them, but there is a chance that rodents could get into every other storage unit in town, whether it is a cargo container or not. Aziere stated that code enforcement is regulating all of the others, so he didn't see why this would be any different. Trube stated that ocean-worthy cargo containers that are brand new can float, so they are sealed. Aziere stated that the issue was rodents underneath, not inside. He thinks that comes down to foundation. Coleman asked if the foundation would have to be an all-weather surface. Hogan stated that is a building code and building inspector question. Hogan stated that she knew the building inspector was requiring footings, but she did not know the specifics. Rinke stated that this is not a valid item from the zoning regulation perspective. Aziere stated that the commission was in consensus not to regulate rodent control.

Hogan stated that she included an excerpt from the City of Wichita's zoning regulations on self-service storage warehouses for what they regulate in regard to screening, surveillance, and rodent control. Aziere stated that the commission was in consensus, so he didn't see a reason to go over those.

Hogan asked for a motion to recommend approval of the conditional use subject to the condition that the cargo containers be painted the same color or grouped in rows or sections by color. Trube asked if there was a reason to dictate color if the cargo containers would be completely screened. Trube stated it should be one or the other. Aziere agreed. Hogan clarified that there would be no conditions for the conditional use then, and the cargo containers would be required to be screened from the view of South Broadway with a nine- or ten-foot-tall fence in accordance with the City Code.

Motion by Trube, Second by Coleman.
To recommend approval of the conditional use.
Trube aye, Coleman aye, Aziere aye, Rinke aye.
Motion carried.

There was no correspondence.

Under off agenda was the next meeting date: Thursday, June 25, 2026.

Motion by Rinke, Second by Trube.
To adjourn tonight's meeting.

Trube aye, Coleman aye, Aziere aye, Rinke aye.
Motion carried.

The meeting adjourned at 6:55 p.m.

DRAFT



Haysville Planning Commission Staff Report

PLAT 2026-002

CASE SUMMARY

Project Name: Carselowey Addition
Property Location: Generally located at 7470 and 7474 South Broadway Avenue
Applicant: Tyler Carselowey (property owner)
Surveyor: Mark Savoy, P.S. with BHC
Engineer: Mark Savoy, P.S. with BHC
Prepared By: Kailyn Hogan, Planning and Zoning Administrator
Meeting Date: June 11, 2026

Required Applications:

Preliminary Plat	Preliminary plat to merge subject property into one lot
Final Plat	Final plat to merge subject property into one lot

ANTICIPATED MEETING SCHEDULE

Body	Meeting Date	Action
Planning Commission	July 23, 2026	Review Preliminary and Final Plat. Make a recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
City Council	August 10, 2026	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission.

SITE DATA

Legal Description	Beginning at a point 366 feet south of the northwest corner of the south half of the northwest quarter of Section 4, Township 29, Range 1 East of the 6th P.M.; thence east 305 feet; thence south 82 feet; thence west 305 feet; thence north 82 feet to the point of beginning; except the west 50 feet for the street AND beginning at a point 448 feet south of the northwest corner of the south half of the northwest quarter of Section 4, Township 29, Range 1 East of the 6th P.M.; thence east 305 feet; thence south 72 feet; thence west 305 feet; thence north 72 feet to the point of beginning; except the west 50 feet for the road, Haysville, Sedgwick County, Kansas
Existing Zoning	"LI" Light Industrial
Proposed Zoning	"LI" Light Industrial w/ Conditional Use for Self-Service Storage Warehouse
Site Area	40,427 square feet / 0.928 acres

Number of Lots	1
Ward(s)	Ward 2
Future Land Use	Commercial Mixed Use
Built Form	Vacant / Outdoor storage area

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site is generally known as 7470 and 7474 South Broadway Avenue and is located approximately ¼ mile south of Grand Avenue. The subject site is comprised of two separate parcels that are a combined 0.928 acres and zoned “LI” Light Industrial. There is a building on each parcel; however, the applicant plans to demolish both.

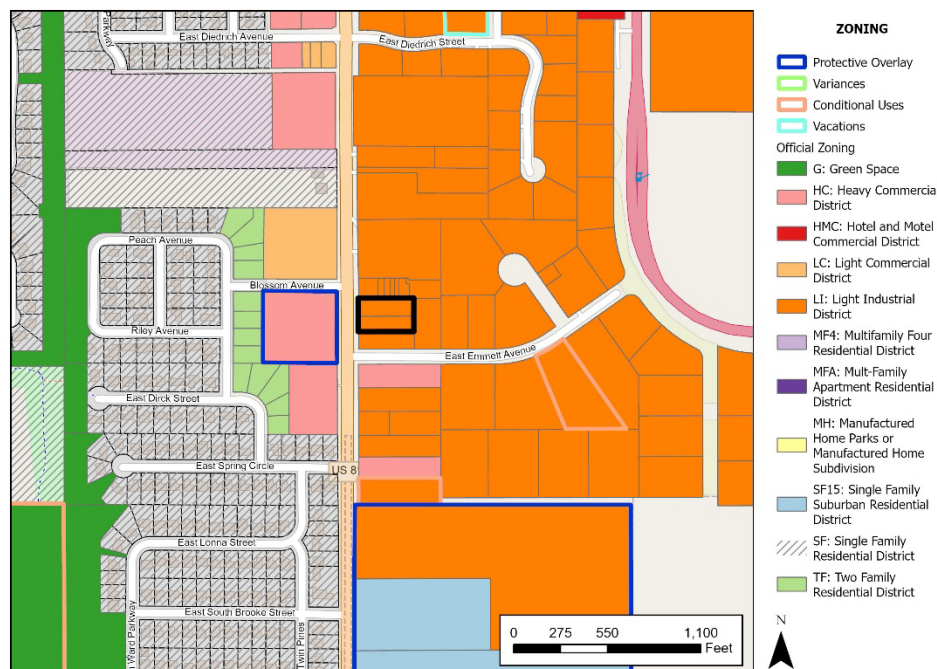
The subject site is not platted and is currently used to store the applicant’s personal items. A conditional use request to operate a Self-Service Storage Warehouse in the “LI” Light Industrial district was presented to City Council on Monday, June 8th for this property. There are no other known zoning cases associated with the property.

The subject site has access to South Broadway Avenue, a two-lane paved arterial. The site is not connected to city sewer or water, but access is available along East Emmett Avenue.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The character of the neighborhood is mixed industrial. Properties to the north and east are zoned “LI” Light Industrial, and properties to the south and west are zoned “HC” Heavy Commercial.

ADJACENT ZONING AND LAND USE.

NORTH:	“LI” Light Industrial	Vehicle storage yard/truck terminal
SOUTH:	“HC” Heavy Commercial	Vehicle sales lot and vehicle repair
EAST:	“LI” Light Industrial	Detached single-family house
WEST:	“HC” Heavy Commercial	Undeveloped



PROJECT DESCRIPTION. The applicant is requesting a one-step final plat for the subject site in order to construct a Self-Service Storage Warehouse on the property. According to [Section IX.1](#) of the Subdivision Regulations, no building permit may be issued for an undeveloped, unplatted lot. The plat will merge the two separate parcels that make up the subject site into one lot.

RELATED APPROVALS. The applicant has also requested a conditional use to operate a Self-Service Storage Warehouse for this property. The conditional use was recommend for approval by the Planning Commission on May 14, 2026. It was presented to City Council on Monday, June 8, 2026. At the time of publication of this staff report, City Council had not made a determination on the conditional use. The final determination will be presented at the meeting.

ANALYSIS

FINDINGS. The final and preliminary plat submitted by the applicant contain all the required contents of final and preliminary plats, as specified in the Subdivision Regulations, and conform to the design standards with a modification.

[Section VI-11.4](#) of the Subdivision Regulations require proposed business, commercial and industrial subdivisions fronting on arterial streets to dedicate and improve sidewalks. A sidewalk is not proposed as part of this plat. Please note that there are no other sidewalks on the east side of Broadway, on platted or unplatted land. Staff believes the intention of this requirement was for it to be applied to larger subdivisions, not single lot plats.

CONFORMANCE TO CURRENT PLANS AND POLICIES. The requested plat and associated conditional use is in conformance with the *City of Haysville’s Comprehensive Plan*.

The *City of Haysville’s Comprehensive Plan* includes the 2023 Land Use Plan Map. The Map dedicates the subject site as appropriate for Commercial Mixed Uses. Commercial Mixed Uses have been defined as “containing a mix of higher intensity commercial land uses and may include lighter industrial uses, such as warehousing and assembly. Heavy manufacturing and raw material processing is not appropriate.” The proposed use, a Self-Service Storage Warehouse, is a commercial land use and is appropriate given the land use designation.

RECOMMENDATION

Planning staff recommends that the one-step final plat request be APPROVED, provided that all comments are addressed.

COMMENTS

A. City Planning Staff:

1. The zoning on the adjacent tracts is missing from the preliminary plat.
2. The minimum pad elevation table is missing from the final plat. The table is not a requirement, but a best practice.
3. The typed names for Planning Commission chairperson and secretary are missing. Tim Aziere and Kailyn Hogan, respectively, need typed under the signature lines for the final plat.
4. The required wording referencing the state statute for City Attorney approval is missing on the final plat.

B. City Engineer:

1. Preliminary plat comments:

- i. Drainage concept must include existing and proposed basins, runoff calculations, and water quality requirements.
- ii. Staff should consider requiring sidewalks and elevated landscaping per the South Broadway Corridor Plan.
- iii. The zoning classifications for adjacent properties is missing.
- iv. Existing public infrastructure must be shown and labeled on the preliminary plat.

2. Final plat comments:

- i. The final plat must clearly state that a drainage plan has been developed for the subdivision and that all drainage easements, rights-of-way, or reserves shall remain at the established grade or as modified with the approval of the applicable City or County engineer, and unobstructed to allow for the conveyance of storm water.
- ii. A final utility plan and sealed drainage plan must be submitted.

C. Metropolitan Area Planning Department: No comment; not in jurisdiction.

D. Cox: They have infrastructure on the Evergy pole line on the property. Any relocation or removal of existing equipment due to the plat will be at the applicant's expense.

E. Evergy: They will not need to request additional easements at this time. Relocation or removal of exiting equipment due to the plat will be at the applicant's expense.

F. Sedgwick County Electric Coop: No comment; not in jurisdiction.

G. Kansas One Gas: There are three service lines currently operating on the property. A utility map is attached.

H. Sedgwick County Public Works: No comment; not in jurisdiction.

I. Sedgwick County Survey: No comment; not in jurisdiction.

J. Sedgwick County Stormwater Management: No comment; not in jurisdiction.

K. Sedgwick County Fire: No comment.

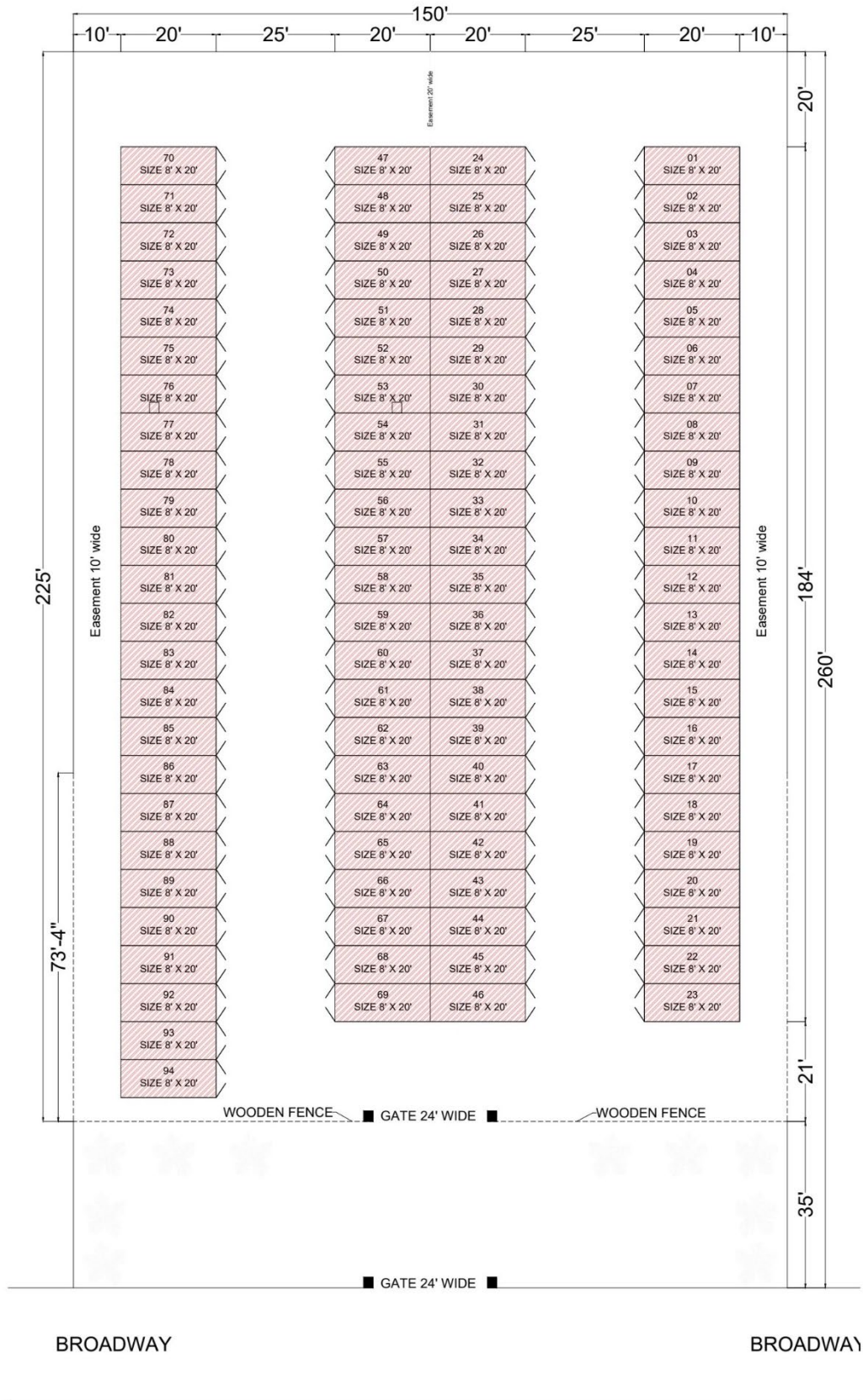
L. City Public Works: Public Works Director, Tony Martinez, suggested drainage be addressed as part of the review process and to require the applicant to submit a grading and drainage plan that identifies existing and proposed drainage patterns, grading elevations, and demonstrates that runoff conditions will not adversely affect surrounding properties. Existing drainage paths should be maintained and container placement should avoid creating drainage obstructions or low areas that could trap water. Martinez also stated that:

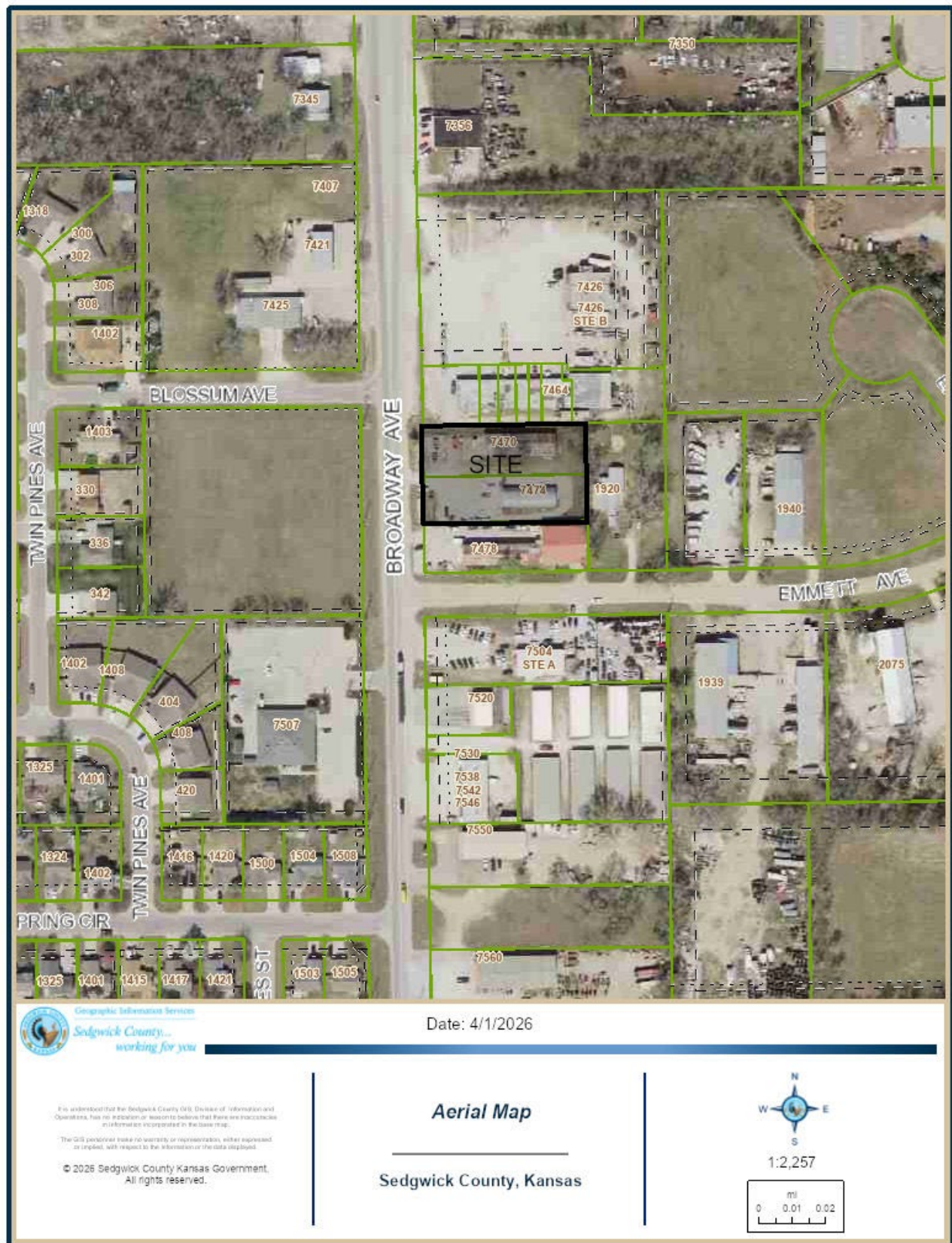
1. Container placement must avoid easements.
2. The applicant should clarify any future utility needs.
3. Engineered detail on rock surfacing must meet city code on thickness and type.
4. If disturbing more than one acre of land, the owner will need to obtain a NOI permit from KDHE.
5. Containers will need anchored and minimum spacing may be required by us or SCFD.

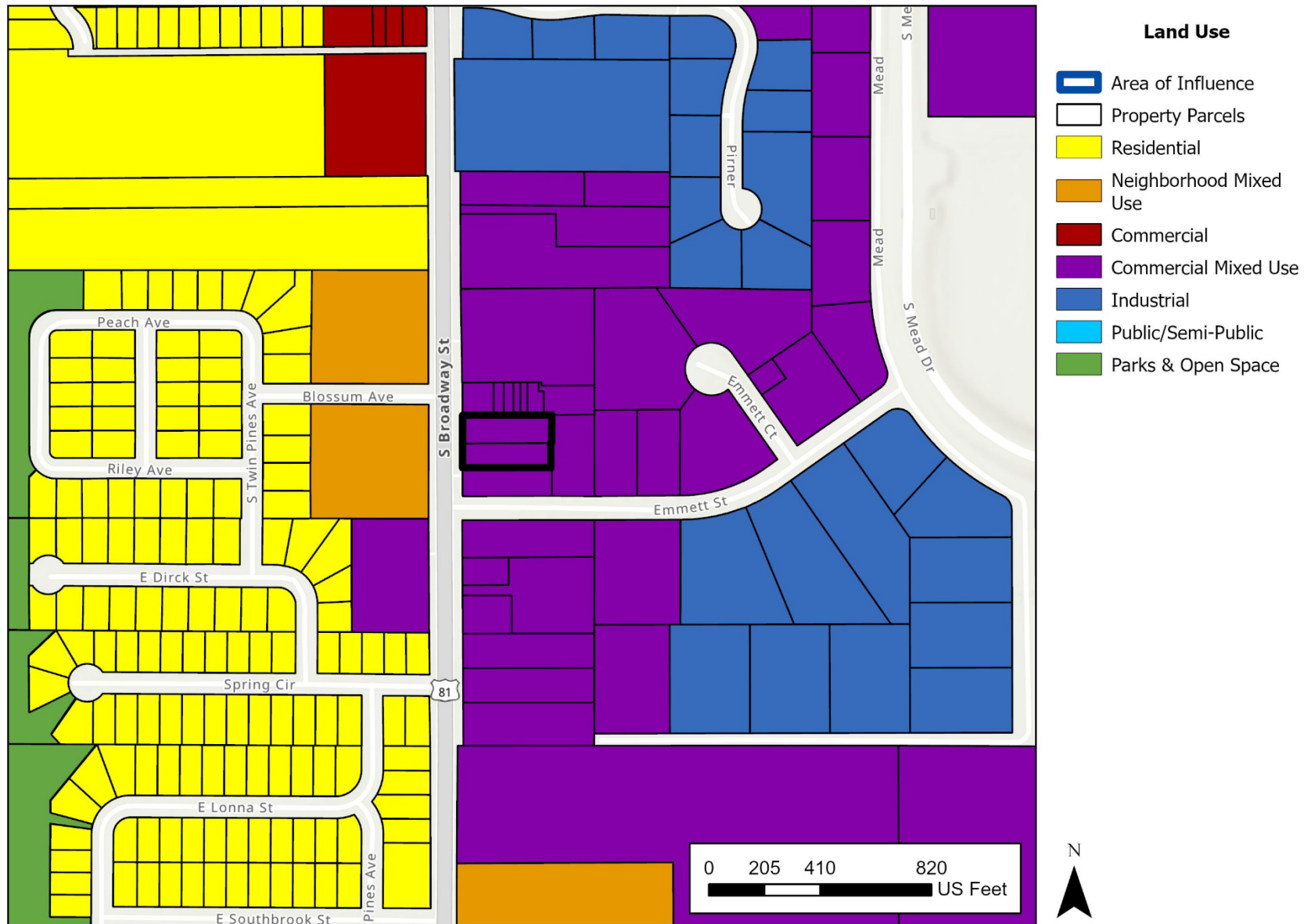
ATTACHMENTS

1. Site Plan
2. Aerial photo
3. Land Use Map
4. Site photos

5. Preliminary Plat
6. Final Plat







Looking northeast toward the site.



Looking west away from the site.



Looking southeast toward the site.



Looking east toward the site.



HAYSVILLE, SEDGWICK COUNTY, KANSAS

Beginning at a point on the West line and 366 feet South of the Northwest corner of the South one-half of the Northwest Quarter of Section 4, Township 29 South, Range 1 East of the 6th P.M., Sedgewick County, Kansas, thence East 305 feet along a line parallel with the North line of the South one-half of said Northwest Quarter; thence South 154 feet along a line parallel with the West line of said Northwest Quarter; thence West 305 feet along a line parallel with the north line of the South one-half of said Northwest Quarter; thence North 154 feet along a line parallel with the West line of said Northwest Quarter to the point of beginning. Except the West 50 feet thereof for street Right-of-Way.

(Note: For course orientation, are based on the West line of the Northwest Quarter of Section 4, Township 29 South, Range 1 East, having a bearing of N00°19'13"W, as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, South Zone, NAD83.)

Tyler Carselowey
700 Dogwood Ct
Derby, KS 67037

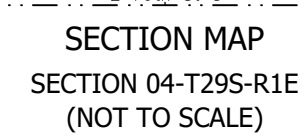
1. Basis of Bearings: NAD83 Kansas State Plane, South Zone
2. This survey is based on field work completed on or before the date shown in the title block or the following deeds and plat:
3. GROSS SIZE: 46970 Sq. Ft. / 1.0783± Acres
4. NET SIZE OF PLAT: 39269.97 Sq. Ft. 0.9015± Acres
5. ZONING: LI - LIGHT INDUSTRIAL

The subject property lies within Flood Zone "X (unshaded)" (Areas determined to be outside the 0.2% annual chance floodplain, as shown on the Sedgwick County, Kansas Flood Insurance Rate Map (F.I.R.M.).

Map Number: 20173C0512G
Panel No: 512 of 690
Effective Date: December 22, 2016

NOTE: This statement is provided for informational purposes only and shall in no way constitute a basis for a flood certificate. No field work was performed to establish the boundaries of this zone. The information was derived by scaling the subject property on the above referenced map.

	Found Survey Monument	(W) (B)	Measured Deeded
	Benchmark		
	Overhead Utility Line/s		Not To Scale
	Utility Pole		Chain Link Fence
	Light Pole		Wood Fence
	Gas Meter		Guy Anchor
	Telephone Pedestal (above ground)		Asphalt
	Mailbox		Concrete
	Water Line		Gravel
	Gas Line		



MINIMUM BUILDING PAD ELEVATION FOR LOWEST OPENING INTO STRUCTURES	
LOT NUMBER	MINIMUM PAD ELEVATION (NAVD88)
1	1257.50

BENCHMARKS (NAVD88 Datum)

BM#1 A Railroad Spike in the East face of a utility pole 22 feet West and 1.5 feet North of the Northwest corner of the subject property.

[illegible]

**165 S. Rock Island Avenue, Suite 150
Wichita, KS 67202
Phone: (316) 265-0005**

Tyler Carsejoway

Plat
A Portion of the NW4, Sec
4-T29S-R1E of the 6th PM
Haysville, Sedgwick County,
Kansas

Project No:	052280.00.01
Field Crew:	MTD
Field Date:	03/10/26
Drawn By:	MBF
Issue Date:	07/20/26
Sheet:	

CARSELOWEY ADDITION
HAYSVILLE, SEDGWICK COUNTY, KANSAS

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION:

State of Kansas)
County of Sedgwick) SS

Beginning at a point on the West line and 366 feet South of the Northwest corner of the South one-half of the Northwest Quarter of Section 4, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence East 305 feet along a line parallel with the North line of the South one-half of said Northwest Quarter; thence South 154 feet along a line parallel with the West line of said Northwest Quarter; thence West 305 feet along a line parallel with the north line of the South one-half of said Northwest Quarter; thence North 154 feet along a line parallel with the West line of said Northwest Quarter to the point of beginning. Except the West 50 feet thereof for street Right-of-Way.

Surveyor _____
Mark A. Savoy PS #788

OWNER'S CERTIFICATION AND DEDICATION:

State of Kansas)
County of Sedgwick) SS

This is to certify that the undersigned owners of the land described in the Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into a Lot, Block, Street and other public ways under the name of "CARSELOWEY ADDITION", Haysville, Sedgwick County, Kansas. A master drainage plan has been developed for this plat. All drainage easements, rights-of-way, and reserves shall remain at established grades (unless modified with the approval of the applicable City or County Engineer) and shall be unobstructed to allow for the conveyance of stormwater in accordance with the Stormwater Manual.

Tyler Carselowey

NOTARY CERTIFICATE:

State of Kansas)
County of Sedgwick) SS

On this _____ day of _____, 2026, before me, a Notary Public, personally appeared Tyler Carselowey, personally known to me to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notarial Seal on the date last above written.

Notary Public _____

My App't. Exp _____

CITY ATTORNEY'S CERTIFICATE:

State of Kansas)
County of Sedgwick) SS

This Plat has been approved on this _____ day of _____, 2026, to the provisions of K. S. A. 12-401.

Josh Pollak, City Attorney

PLANNING COMMISSION CERTIFICATE:

This plat of "CARSELOWEY ADDITION", Haysville, Sedgwick County, Kansas, has been submitted to and approved by the Haysville City Planning Commission. Haysville, Kansas, and is hereby transmitted to the City Council of the City of Haysville, Kansas, with the recommendation that such plat be approved as proposed.

Date This: _____ day of _____, 2026.

Haysville Planning Commission

Tim Aziere, Chairperson

Attest: _____
Kailyn Hogan, Secretary

COUNTY SURVEYOR'S CERTIFICATE:

State of Kansas)
County of Sedgwick) SS

Reviewed in accordance with K.S.A. 58-2005 on this _____ day of _____, 2026.

Tricia L. Robello, L.S. #1246
Deputy County Surveyor
Sedgwick County, Kansas

TRANSFER RECORD:

Entered on transfer record this _____ day of _____, 2026.

Kelly B. Arnold, County Clerk

The title evidence of the land included in this plat has been reviewed by me and this plat approved this _____ day of _____, 2026.

Joshua Pollak, City Attorney

This plat approved and all dedications shown hereon, accepted by the City Council of the City of Haysville, Kansas, this _____ day of _____, 2026.

Russ Kessler, Mayor

Angela Fulton, City Clerk

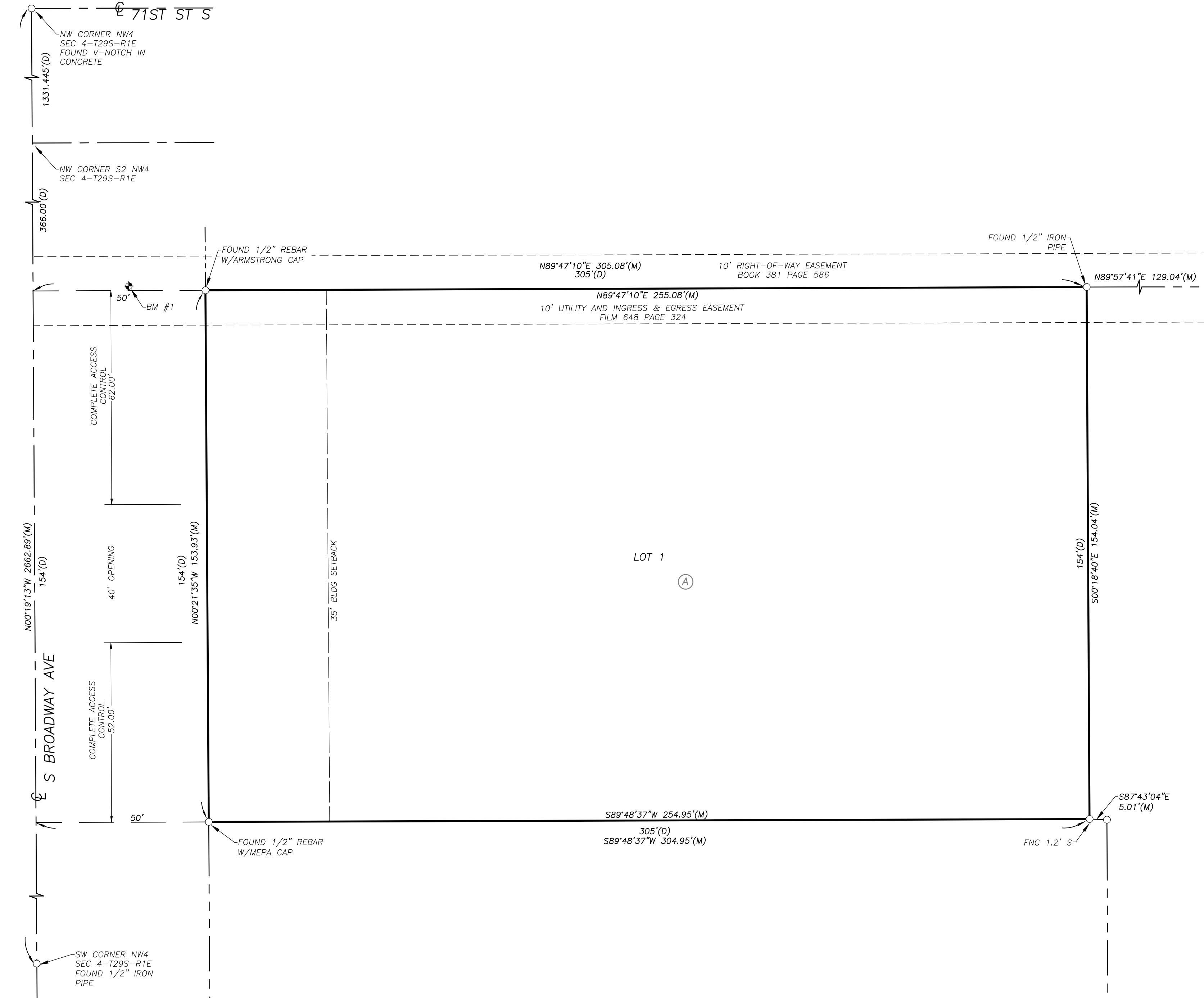
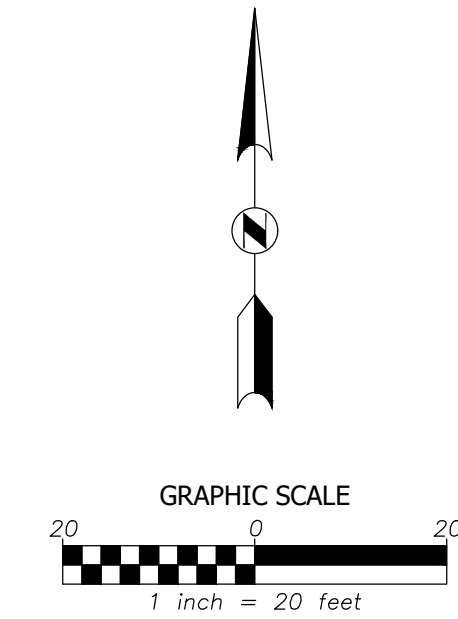
REGISTER OF DEEDS CERTIFICATE:

State of Kansas)
County of Sedgwick) SS

This is to certify that this instrument was filed for record in the Register of Deeds Office, at _____ o'clock _____, on this _____ day of _____, 2026.

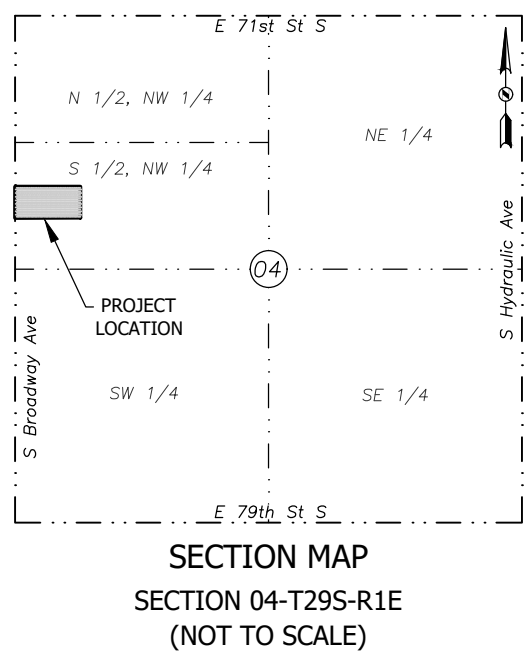
Tonya E. Buckingham, Register of Deeds

Kenly Zehring, Deputy



BENCHMARKS (NAVD88 Datum)
BM#1 A Railroad Spike in the East face of a utility pole 22 feet West and 1.5 feet North of the Northwest corner of the subject property.
Elevation: 1258.77

MINIMUM BUILDING PAD ELEVATION FOR LOWEST OPENING INTO STRUCTURES	
LOT NUMBER	MINIMUM PAD ELEVATION (NAVD88)
1	1257.50





Haysville Planning Commission Staff Report

ZON 2026-002

CASE SUMMARY

Property Location: 510 West Grand Avenue
Applicant: Angela Stieber (property owner)
Request: Zone Change from "LC" Light Commercial to "SF" Single-Family Residential

Prepared By: Kailyn Hogan, Planning and Zoning Administrator
Meeting Date: July 23, 2026
Public Hearing: Required, to be held by the Planning Commission

Required Applications:

Zone Change	To rezone property from LC to SF
--------------------	----------------------------------

ANTICIPATED MEETING SCHEDULE

Body	Meeting Date	Action
Planning Commission	July 23, 2026	Hold required public hearing. Make a recommendation for approval, approval with modifications, or denial of the request. Recommendation is forwarded to City Council.
City Council	August 10, 2026	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission.

SITE DATA

Legal Description	That part of Reserve A, beginning at a point 15 feet West of the Southeast corner thereof; thence North 140 feet; thence West 128.31 feet, more or less, to the West lot line of said Reserve A; thence Southwesterly 142.20 feet, more or less, to the Southwest corner of said Reserve A; thence East 153.05 feet to the point of beginning, Riggs Addition to Haysville, Sedgwick County, Kansas, 67060.
Existing Zoning	"LC" Light Commercial
Lot Area	19,760 square feet / 0.454 acres
Future Land Use	Commercial
Built Form	Undeveloped / Residential Front Yard

SITE DESCRIPTION AND PRESENT USE. The subject property is generally located at 510 W Grand Avenue. The property is currently undeveloped but is used as the front yard for the residence at the address.

The property was platted as Reserve A, Riggs Addition to Haysville in March 1967 and rezoned from “SF” Single-Family to “LC” Light Commercial on July 24, 1967.

In 1994, the reserve was split into the two lots that you will see on maps today. The rear half of the reserve was then rezoned to “SF” Single-Family Residential in May 1994, and a house was moved onto the site. The subject property, the front half of the reserve, remained zoned “LC” Light Commercial.

An application for a zone change from “LC” Light Commercial to “TF” Two-Family Residential was submitted for the subject property in the summer of 2017. The zone change was recommended for approval by the Planning Commission on June 8, 2017 and approved by the City Council on June 26, 2017; however, the ordinance changing the zoning was never signed, so the property has remained zoned “LC” Light Commercial. There are no other known zoning cases associated with the property.

Water and sewer are both available. The subject site does not have a curb cut for access to Grand Avenue. There is no complete access control or access management policy in place that would explicitly prohibit one. Access could also be granted through an ingress-egress easement dedication to share the curb cut for the residence. Grand Avenue is a paved, four lane arterial street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding neighborhood is mixed use. Properties to the east are zoned “LC” Light Commercial and developed with two restaurants. Property to the north and west are zoned “SF” Single-Family Residential and developed with single-family homes. Property to the south is zoned “LC” Light Commercial and developed with an auto repair shop, single-family homes, and the old Family Video/Marco’s Pizza commercial building.

ADJACENT ZONING AND LAND USE.

NORTH:	“SF” Single-Family	Single-family homes
SOUTH:	“LC” Light Commercial	Old Family video/Marco’s Pizza (vacant), auto repair shop and single-family homes
EAST:	“LC” Light Commercial	Restaurants
WEST:	“SF” Single-Family	Single-family homes



PROJECT DESCRIPTION. The applicant is requesting this zone change because they do not plan to develop the property, and they do not anticipate moving or selling the property any time in the near future.

Important note: The applicant may address any questions related to the development of the site, but such proposed development is not a criteria in the consideration of this zone change. This review is only on evaluating the suitability of the property for the “SF” Single-Family zoning district. Future development could include any use permitted under the “SF” district regulations if the zone change is approved.

PUBLIC COMMENTS. The public hearing notice was published on July 2, 2026. At the time of publication of this staff report, staff had not received any comment on the zone change request. Comments received after the publication of this staff report will be distributed at the meeting.

ANALYSIS

The current zoning, “LC” Light Commercial, is generally suited for smaller-scale retail, office, and business uses while the requested zoning, “SF” Single-Family Residential, is suited for low-density, single-family residential development. The table below compares the development standards from the City of Haysville Zoning Regulations for both zoning districts. It should be noted that an amendment to the Zoning Regulations is

currently in review with the Planning Commission and City Council that proposes to change the development standards.

Development Standards	"LC" Light Commercial (Current)	"SF" Single-Family Residential (Current)	"LC" Light Commercial (Proposed)	"SF" Single-Family Residential (Proposed)
Minimum lot area	6,000 sq ft	6,000 sq ft	3,150 sq ft	5,000 sq ft
Minimum lot width	50 ft	50 ft	35 ft	45 ft
Minimum lot depth	90 ft	90 ft	80 ft	80 ft
Front setback	35 ft*	25 ft	10 ft	20 ft
Rear setback	10 ft	20 ft	10 ft	10 ft
Side setback	6 ft	6 ft	0 ft**	5 ft
Maximum height	None	45 ft	55 ft	45 ft
Minimum Area of Dwelling	Not applicable	600 sq ft	Not applicable	600 sq ft

*The minimum front yard setback is 25 feet when not adjacent to an arterial street in the "LC" district.

**The minimum side yard setback shall be 5 feet if a side setback will be provided.

The subject property exceeds the minimum lot area, lot width, and lot depth requirements. Staff has no concerns with the property or future development meeting the "SF" district dimensional standards if the zone change were approved.

FINDINGS. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a zone change may be developed by the commission and incorporated into any recommendation in support of the requested zone change.

1. Zoning uses and character of the neighborhood.

The surrounding neighborhood is mixed with a combination of commercial and residential uses. The proposed zoning, "SF" Single-Family Residential, is appropriate given the context.

Staff finds this in support of the zone change.

2. Suitability of the subject property for the uses to which it has been restricted.

The subject site is currently zoned "LC" Light Commercial, which is generally suited for small-scale retail, office and business uses while the proposed zoning, "SF" Single-Family Residential, is suited for low-density, single-family residential development. Either zoning district is appropriate given the context of the surrounding neighborhood.

Given that the subject property is functionally merged with the rear half of Reserve A due to common ownership, the requested "SF" Single-Family Residential district may be more appropriate to facilitate an easier development process under a single zoning district.

If it is the priority of the Planning Commission is to maintain the highest and best use of the property, the "LC" Light Commercial zoning district is more appropriate.

Staff finds this neither in support nor in opposition of the zone change.

3. Extent to which removal of the restrictions will detrimentally affect nearby property.

It should be noted that the requested zone change is a downzoning. It does not remove restrictions. It adds restrictions to the subject property.

Staff only foresees one way the zone change could detrimentally affect nearby property: required buffering between residential and non-residential zoning districts. However, the adjacent properties are already developed and nonconforming to the buffering requirement. It would take a substantial investment (50% the value of the property) or a change in use to require the adjacent properties to conform.

Staff finds this in support of the zone change.

4. Length of time subject property has remained vacant as zoned.

The subject site is undeveloped. It was platted in 1967.

Staff finds this neither in support nor in opposition of the zone change.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant.

Staff does not foresee any gain nor any loss to the public health, safety or welfare by approving this zone change.

Approving the zone change may reduce the property owner's taxes. The applicant had stated that they wished to stop paying commercial property taxes when they applied for the zone change; however, staff found that Sedgwick County had the property classified as residential, so staff is unsure if the zone change will have the intended affect the applicant is hoping for. Approval of the zone change may limit the property owner's ability to use the property. The proposed amendment to the Zoning Regulations restricts "SF" Single-Family Residential zoned property from having more than one principal structure on one lot. For zoning purposes, the subject property is considered merged with the rear half of Reserve A because they are under common ownership. As long as they are under common ownership, only one house will be allowed.



Denial of the zone change would not further limit the property owner's ability to use the subject property. Without a variance, the subject property would still not be able to be built on.

Staff finds this neither in support nor in opposition of the zone change.

6. Conformance of the requested change to the adopted or recognized comprehensive plan.

The requested zone change is not in conformance with the City of Haysville's Comprehensive Plan. The zone change goes against the plan's objective "to preserve and continue development of commercial activities within the city" (pg. 27).

The City of Haysville’s Comprehensive Plan includes the 2023 Land Use Map. On the map, the subject property is designated as appropriate for Commercial uses. The “SF” Single-Family Residential zoning district is generally compatible with the “Residential” designations on the Land Use Map.

Staff finds this in opposition of the zone change. However, in this case, the Land Use Map may be out of date. Staff does not see the property having significant commercial value located in front of a single-family home, unless the residential homeowner was interested in a live-work development.

7. Impact of the proposed development on the community facilities.

Staff foresees no negative impact on community facilities.

Staff finds this in support of the zone change.

8. Opposition or support of neighborhood residents.

At the time of publication of this staff report, staff had not received any comment on the zone change request.

Staff finds this in support of the zone change.

RECOMMENDATION

Based upon information available prior to the public hearings, planning staff recommends that the request for a zone change from “LC” Light Commercial to “SF” Single-Family Residential be **APPROVED**. This recommendation is based on the above listed findings.

Staff **DOES NOT** recommend a protective overlay be applied.

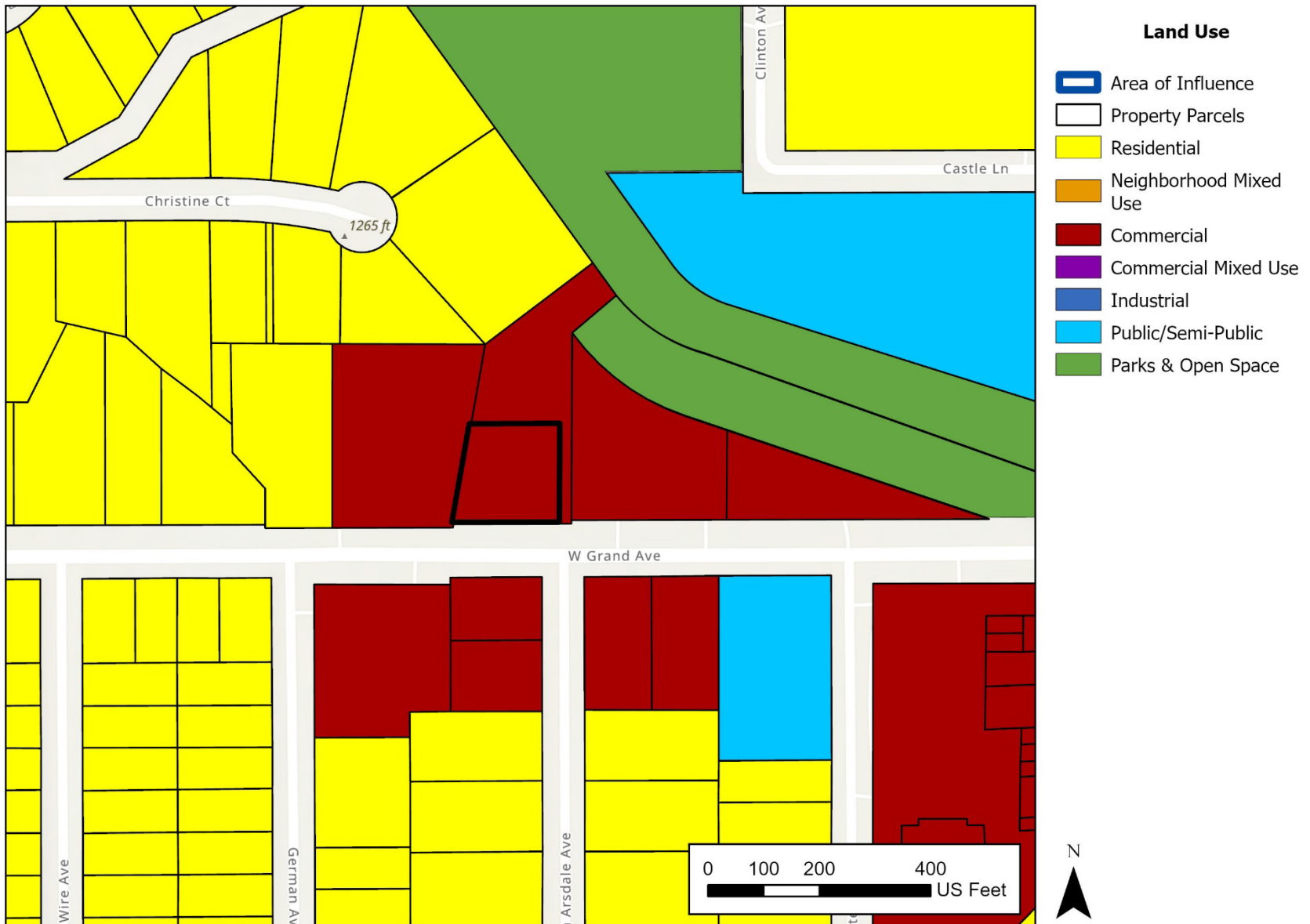
Important note: *The Planning Commission may establish additional protective overlay conditions beyond staff’s recommendation. Any conditions imposed upon the property must be designed to remedy a harm to the public or to address a need for public services likely to result from the proposed development. The conditions must also be roughly proportionate to the extent of harm or need for services. Additional conditions shall be related to the following:*

1. *Prohibit otherwise permitted or conditional uses and accessory uses; or make an otherwise permitted use a conditional use;*
2. *Decrease the number or average density of dwelling units that may be constructed on the site;*
3. *Increase minimum lot size or lot width;*
4. *Increase minimum setback requirements;*
5. *Restrict access to abutting properties and nearby roads, including specific design features; and*
6. *Any other specific development standards required or authorized by the Zoning Regulations (landscaping, screening, signage, parking, aesthetic requirements, etc.).*

ATTACHMENTS

1. Aerial Map
2. Land Use Map
3. Site Photos





Looking north towards the property



Looking east away from property



Looking south away from property



Looking west away from property





Haysville Planning Commission Staff Report

ZON 2026-001

CASE SUMMARY

Property Location: Generally located at the northwest corner of West 79th Street South and South Broadway Avenue

Applicant: Myron and Patricia Hatcher (property owner) | Bachcha and Nikhil Tiwari (agent)

Request: Zone Change from “LC” Light Commercial to “HC” Heavy Commercial

Prepared By: Kailyn Hogan, Planning and Zoning Administrator

Meeting Date: July 23, 2026

Public Hearing: Required, to be held by the Planning Commission

Required / Associated Applications:

Conditional Use	To allow a convenience store / gas station in the LC district
Zone Change	To rezone property from LC to HC

ANTICIPATED MEETING SCHEDULE

Body	Meeting Date	Action
Planning Commission	July 23, 2026	Hold required public hearing. Make a recommendation for approval, approval with modifications, or denial of the request. Recommendation is forwarded to City Council.
City Council	August 10, 2026	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission.

SITE DATA

Legal Description	The south 510 feet of the southeast quarter of the southeast quarter of Section 5, Township 29, Range 1 East, EXCEPT the west 254 feet thereof; and EXCEPT the following tract: beginning at the southeast corner of the southeast quarter of the southeast quarter of Section 5; thence west 200.19 feet; thence north 30 feet; thence northeasterly 41.17 feet; thence east 60 feet; thence northeasterly 70.01 feet; thence north 354.28 feet; thence east 50 feet to the east line of the southeast quarter of the southeast quarter; thence south along said east line 443.98 feet to the point of
--------------------------	---

	beginning; further EXCEPT the south 30 feet for the road; and EXCEPT any road located on the east side of the property thereof; and EXCEPT that portion taken by 2015-CV-0179 for right-of-way purposes, Haysville, Sedgwick County, Kansas, 67060.
Existing Zoning	"LC" Light Commercial
Lot Area	481,405 square feet / 11.052 acres
Future Land Use	Commercial
Built Form	Undeveloped

BACKGROUND

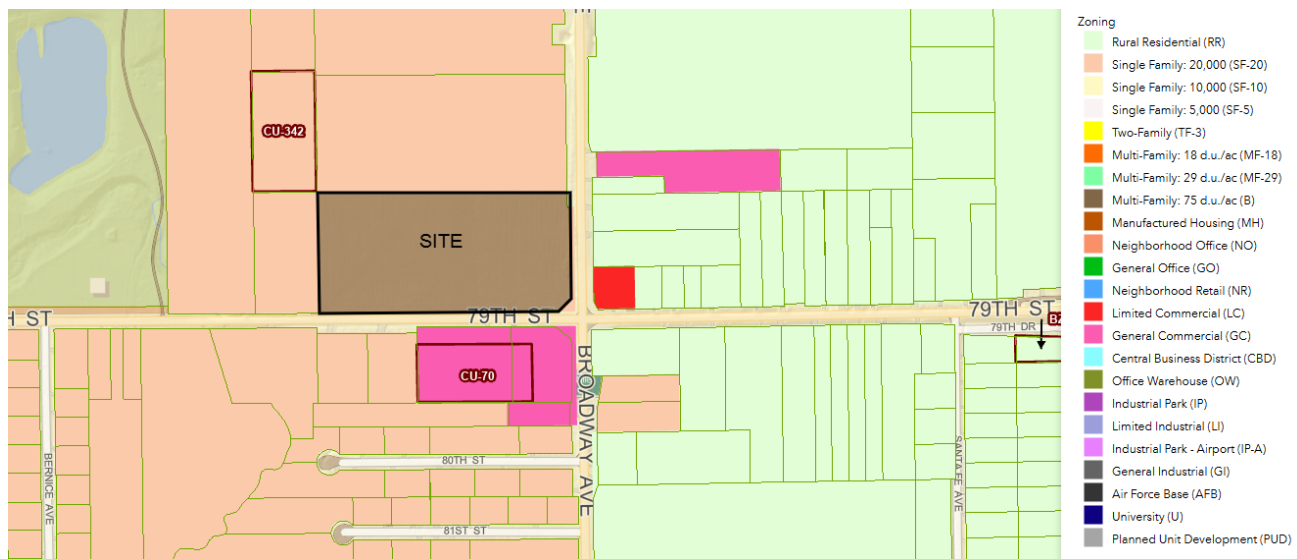
SITE DESCRIPTION AND PRESENT USE. The subject property is located at the northwest corner of W 79th Street S and S Broadway Avenue. It is just over 11 acres and is currently an undeveloped farm field. The property is an island annex to the City of Haysville, meaning all surrounding properties are outside city limits, and is unplatted. There are no known zoning cases associated with the property.

The property does not currently have access to 79th Street or Broadway. Access discussions would take place during the platting process. Water is available along the west side of Broadway and the north side of 79th Street. City sewer would require an extension of services with the nearest sewer line a quarter mile north on E Berlin St.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding neighborhood is mixed use; however, the prominent land use is residential. All adjacent properties are within Sedgwick County limits. Property to the north and west is zoned SF-20 Single-Family Residential and used for agricultural purposes and large lot single-family homes. Property to the south is zoned SF-20 and GC General Commercial and used for large lot single-family homes and an electrician's office. Property to the east is zoned RR Rural Residential, GC General Commercial, and LC Limited Commercial and used for large lot single-family homes and a garden center. Property to the southeast is zoned RR Rural Residential and SF-20 Single-Family Residential and used for large lot single-family homes, food and beverage consulting and propane supply.

ADJACENT ZONING AND LAND USE.

NORTH:	SF-20 Single-Family Residential	Undeveloped field
SOUTH:	SF-20 Single-Family Residential, GC General Commercial, and RR Rural Residential	Large lot single-family, Tracy Electric (electrician), Helix Concessions (food and beverage consultant), and H&S Propane (propane supplier)
EAST:	RR Rural Residential, GC General Commercial and LC Limited Commercial	Large lot single-family homes and 81 Sales (garden center)
WEST:	SF-20 Single-Family Residential	Large lot-single family homes



PROJECT DESCRIPTION. The applicant is requesting this zone change with plans to build a gas station / convenience store on the subject property. The applicant has also expressed interest in a liquor store and strip mall development in addition to the gas station.

Important note: The applicant may address any questions related to the development of the site, but such proposed development is not a criteria in the consideration of this zone change. This review is only on evaluating the suitability of the property for the “HC” Heavy Commercial zoning district. Future development could include any use permitted under the “HC” district regulations if the zone change is

PUBLIC COMMENTS. The public hearing notice was first published on June 18, 2026 and republished on July 2, 2026. Republication was due to an error in the original posting. The applicant requested a conditional use for the gas station at that time as well. At the time of publication of this staff report, staff had received 11 comments on the zone change request. Comments received after the publication of this staff report will be distributed at the meeting.

Tammy Halsey at 106 E 80th St S called staff on June 23 at 9:39 a.m. asking what the applicant wants to do with the property, which gas station chain the applicant is requesting the zone change for, what happens if the applicant doesn’t build a gas station, if the property could become a salvage yard, if the property was annexed into the City of Haysville, and how big the notification radius was. Staff informed Halsey the applicant wants to build a gas station. As far as staff knows, the applicant has not secured a contract with a gas station chain. If the applicant decided not to build a gas station, they could build any other use that is allowed in the “HC” Heavy Commercial district, provided the zone change is approved. The property cannot be turned into a salvage yard because they are no longer allowed in the City of Haysville. The property is annexed, and the notification area was 1,000 feet from the boundaries of the property.

Ms. Wood at 710 E 79th St S called staff on June 23 at 3 p.m. stating that she felt she and her neighbors should have been included in the notification area since they live on the same street as the requested zone change. She was only notified about the zone change through a neighbor who was included in the notification area. She was

worried about traffic with the intersection already being busy and about homeless people moving south to the developed property. She wanted to know if the zone change was for the whole field or just the south half. Staff informed Wood that the notification area is based on state statute and only included properties within 1,000 feet of the zone change, the request was only for the south half of the field, and that her concerns would be shared with the Planning Commission. Staff encouraged Wood to share the public hearing notice with other neighbors.

Nayeli Ortiz at 7940 S Broadway emailed staff on June 22 at 5:23 p.m. Ortiz wanted to know what the public hearing notice was for, what the zone change meant, what the applicant was planning to build, and when it would be built. Staff informed Ortiz the Planning Commission was holding a public hearing for a zone change from LC to HC; the LC district is generally suited for small-scale retail, office and business uses while HC is suited for larger-scale versions of the same; the applicant was requesting to build a gas station but anything that is allowed in HC could also be built if the zoning were approved; and there was no timeline for development.

Jeanet Jennings called staff on June 24 at 10:55 a.m. asking for a copy of the Planning Commission packet and what the applicant was planning to build. Staff informed Jennings that the packet would be available online and that the applicant planned to build a gas station.

Cynthia Ebers at 735 S Windrose Cir called staff on June 24 at 9:20 a.m. asking what the applicant was building. Staff informed Ebers the applicant planned to build a gas station, but they could build any other use allowed in the "HC" Heavy Commercial district if the zone change is approved.

Danielle Martin emailed staff on June 23 at 2:28 p.m. asking for a brief description of the project, if there were any associated site plans or staff reports, and how written comments would be entered into the record for those who couldn't attend the public hearing in person. Martin was given the same responses as those above.

Whitney Hulse called staff on June 24 at 2:40 p.m. stating that she had seen the zone change on Facebook. Hulse wanted to know how and/or if the City was involved in the project, and what the applicant planned to do with the property. Staff informed Hulse that the City was only processing the zone change request. The City is not involved with the request as an applicant, and the applicant plans to build a gas station.

Teresa Koppin at 1402 E Berlin St called staff on June 29 at 2:28 p.m. asking what the applicant was doing with the property, what that means, and why she was not notified. Staff informed Koppin that the applicant is requesting the zone change to build a gas station because gas stations are not permitted by-right in the current zoning district, and that the notification area was only 1,000 ft. The south side of E Berlin St was included in the notification area, but not the north side.

Jessica Atherton at 1250 E Berlin St emailed staff on June 30 at 8:02 p.m. Their email has been included as an attachment to this staff report.

Lindsey Smith with The Wichita Eagle called staff on July 2 at 8:30 a.m. asking for more information on the zone change for an article in the paper. Smith was given the same responses as those above.

Dawn Chadic emailed staff on July 13 at 8:27 a.m. Their email has been included as an attachment to this staff report.

On July 20, 2026, Benjamin Higerd submitted an informal protest petition and a letter stating reasons for denial of the requested zone change and associated conditional use request. Staff informed Higerd that protest

petitions are only valid if submitted after the close of the public hearing and forwarded a copy of the protest petition form and notification list. Higerd's letter requesting denial is attached.

ANALYSIS

The current zoning, "LC" Light Commercial, is generally suited for smaller-scale retail, office, and business uses while the requested zoning, "HC" Heavy Commercial, is suited for larger-scale versions of the same. The table below compares the development standards from the City of Haysville Zoning Regulations for both zoning districts. It should be noted that an amendment to the Zoning Regulations is currently in review with the Planning Commission and City Council that proposes to change these development standards. The proposed development standards have been included as they would likely apply at the time of platting and development.

Development Standards	"LC" Light Commercial (Current)	"HC" Heavy Commercial (Current)	"LC" Light Commercial (Proposed)	"HC" Heavy Commercial (Proposed)
Minimum lot area	6,000 sq ft	6,000 sq ft	3,150 sq ft	6,000 sq ft
Minimum lot width	50 ft	50 ft	35 ft	50 ft
Minimum lot depth	90 ft	90 ft	80 ft	80 ft
Front setback	35 ft*	35 ft	10 ft	20 ft
Rear setback	10 ft	20 ft	10 ft	20 ft
Side setback	6 ft	10 ft	0 ft**	10 ft
Maximum height	None	None	55 ft	55 ft
Minimum Area of Dwelling	Not applicable	Not applicable	Not applicable	Not applicable

*The minimum front yard setback is 25 feet when not adjacent to an arterial street in the "LC" district.

**The minimum side yard setback shall be 5 feet if a side setback will be provided.

The subject property exceeds the minimum lot area, lot width, and lot depth requirements. Staff has no concerns with the property or future development meeting the "HC" district dimensional standards if the zone change were approved.

FINDINGS. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a zone change may be developed by the commission and incorporated into any recommendation in support of the requested zone change.

1. Zoning uses and character of the neighborhood.

The surrounding neighborhood is mixed with a combination of residential, commercial, and agricultural uses. The developed land is primarily residential, but a large portion of the neighborhood is undeveloped, including a 10.77 acre property directly to the north of the subject property and a 1.5 acre property to the southeast.

With the abundance of undeveloped property, this neighborhood has the opportunity to shift to predominantly commercial. The proposed zoning, "HC" Heavy Commercial, is appropriate.

Staff finds this in support of the zone change.

2. Suitability of the subject property for the uses to which it has been restricted.

The subject property is currently zoned “LC” Light Commercial which is generally suited for small-scale retail, office and business uses. The requested zoning, “HC” Heavy Commercial, is suited for larger-scale versions of the same. “HC” also includes uses that bridge the gap between commercial and industrial.

Under the current use chart, the following uses are permitted, conditionally or by-right, in the “HC” Heavy Commercial district that are not allowed in the “LC” Light Commercial district. Uses permitted conditionally are designated by a (C) behind the use.

- | | |
|---------------------------------------|--------------------------------------|
| • Cemetery (C) | • Rodeo |
| • Public Recycling Collection Station | • Service Station |
| • General Animal Care | • Vehicle and Equipment Sales (C) |
| • Construction Sales and Service | • Vehicle Repair (C) |
| • Farmer’s Market | • Vocational School |
| • Heliport (C) | • Self-Service Storage Warehouse (C) |
| • Hobby Kennel | • General Manufacturing (C) |
| • Boarding/Breeding/Training Kennel | • Welding or Machine Shop |
| • Recreational Marine Facility | • Wholesale or Business Services |
| • Monument Sales | • Agriculture Research |
| • Recreational Vehicle Campground (C) | • Agriculture Sales and Service |
| • Riding Academy or Stable | |

Under the use chart for the proposed amendment to the Zoning Regulations, the list is as follows:

- | | |
|--|----------------------------------|
| • Correctional Facility (C) | • Medium Manufacturing |
| • Correctional Placement Residence (C) | • Research Services |
| • Recycling Processing Center | • Warehousing |
| • General Animal Care | • Welding or Machine Shop |
| • Recreational Vehicle Campground (C) | • Wholesale or Business Services |
| • Riding Academy or Stable | • Agriculture Research |
| • Rodeo | • Agriculture Sales and Service |
| • Vehicle Repair | • Grain Storage |
| • Self-Service Storage Warehouse (C) | |

“LC” Light Commercial uses are appropriate given the context of the surrounding land uses being predominantly residential.

Staff finds this in opposition of the zone change. A protective overlay may be considered to exclude specific uses if the Planning Commission is in favor of the zone change.

3. Extent to which removal of the restrictions will detrimentally affect nearby property.

Those of the public who have reached out to staff cite concerns about traffic, noise, light, ground water pollution, and home values.

Traffic is discussed under finding number seven of this staff report.

Development will likely increase noise, as the subject property is currently vacant. Any type of development, regardless of the zoning of this property would increase noise as well.

The proposed amendment to the Zoning Regulations, will require all exterior lighting fixtures to be shaded so that direct light is directed away from adjacent property. All lighting must also comply with the nuisance lighting provisions in [Section 8-8](#) of the City Code.

Ground water contamination can be mitigated by requiring any gas stations built on the subject site to be located a minimum of 500 feet from any wells and streams. Staff is unaware of the location of private wells in the area and thus cannot provide a map of the reduced buildable area.

Home values may be protected by requiring a higher standard of development for this property, consistent with the recommendations from the South Broadway Corridor Plan. Additional landscaping buffers, landscaped street yard, and parking lot screening intended to reduce the visual impact of development are already required per the Landscaping Regulations. Any outdoor storage in the “HC” Heavy Commercial district must be solidly screened.

Staff finds this in opposition of the zone change. A protective overlay may be considered to mitigate effects.

4. *Length of time subject property has remained vacant as zoned.*

The subject property is undeveloped. Staff is unaware of how long the property has been for sale.

Staff finds this neither in support nor in opposition of the zone change.

5. *Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant.*

The general public may benefit from the development of this property by being in closer proximity to commercial business, reducing travel times. There may be less of a benefit if the property is rezoned to “HC” Heavy Commercial due to the district having larger lot size minimums and uses that may take up more space.

Another benefit would be an increase in the commercial tax base and sales tax revenue for the City. The property may have a higher benefit if it remains zoned LC because the property could be subdivided into more lots per the proposed LC dimensional standards versus the HC standards. Denser areas typically generate more revenue per acre, are more cost effective to maintain, and more efficiently utilize city infrastructure than less dense areas. However, tax revenue benefits will not exist if the property owners are unable to find a buyer under the current zoning.

Approval of the zone change request would allow the applicant to use the property to the full extent of their intended use. Denial of the zone change would not limit the applicant’s ability to use the subject property for a different approved use in the “LC” Light Commercial district, nor limit the applicant’s ability to apply for a different zoning designation or conditional use.

It should be noted that the applicant’s intended use, a gas station, is a conditional use in the subject property’s current zoning district. The applicant has jointly applied for a conditional use for this project.

Staff finds this in opposition of the zone change.

6. Conformance of the requested change to the adopted or recognized comprehensive plan.

The requested zone change is in conformance with the City of Haysville's Comprehensive Plan.

The City of Haysville's Comprehensive Plan includes the 2023 Land Use Map. On the map, the subject property is designated as appropriate for Commercial uses. The "HC" Heavy Commercial zoning district is generally compatible with the "Commercial" and "Commercial Mixed Use" designations on the Land Use Map.

The South Broadway Corridor Plan also identified the subject property as appropriate for Commercial uses in its proposed land use map.

Staff finds this in support of the zone change.

7. Impact of the proposed development on the community facilities.

City sewer would need to be extended to the property, and the development may require dedicated turn lanes depending on potential traffic generation. Both improvements would be at the cost of the applicant.

Staff does not foresee a negative impact on community facilities.

Staff finds this neither in support nor in opposition of the zone change.

8. Opposition or support of neighborhood residents.

Generally, neighborhood residents who have spoken to staff have been in opposition of the zone change. Staff has heard from 11 people. Not all live or own property within the notification area. Over 70 properties were included in the notification area, so staff cannot conclude that the overall consensus is opposition.

Specific comments can be found in the public comment section of this staff report beginning on page 3.

Staff finds this neither in support nor in opposition of the zone change. A protective overlay may be considered if specific concerns arise that an overlay could help prevent or mitigate.

RECOMMENDATION

Based upon information available prior to the public hearing, planning staff recommends that the request for a zone change from "LC" Light Commercial to "HC" Heavy Commercial be **DENIED**. This recommendation is based on the above listed findings.

Should Planning Commission recommend approval of the zone change, staff recommends the following protective overlay be applied to the property:

1. The following uses shall be prohibited:
 - a. Recycling Processing Center
 - b. Recreational Vehicle Campground
 - c. Riding Academy or Stable
 - d. Rodeo

- e. Self-Service Storage Warehouse
 - f. Warehousing
 - g. Wholesale or Business Services
 - h. Agriculture Research
 - i. Agriculture Sales and Service
 - j. Grain Storage
2. All development shall be consistent with the recommendations from the South Broadway Corridor Plan, including those in regards to vehicle, pedestrian and bicycle access, circulation and amenities; aesthetic considerations; landscaping; and signs.
 - a. Dedicated pedestrian and bicycle access, circulation, and amenities must be provided consistent with New Urbanist development practices.
 - b. No buildings may be metal sided. Preferred siding materials are EIFS, stucco, fiber cement board or panel, and masonry. Other siding materials of equal or higher quality may be used upon approval. There shall be a minimum masonry requirement of 25% for all principal structures associated with the conditional use.
 - c. Billboard and off-premise signs are prohibited. Monument and/or pylon signs are preferred.
 3. Any gas stations located on the subject property must be a minimum of 500 feet from any nearby wells and streams to mitigate the risk of water contamination.

Important note: *The Planning Commission may establish additional protective overlay conditions beyond staff's recommendation. Any conditions imposed upon the property must be designed to remedy a harm to the public or to address a need for public services likely to result from the proposed development. The conditions must also be roughly proportionate to the extent of harm or need for services. Additional conditions shall be related to the following:*

1. *Prohibit otherwise permitted or conditional uses and accessory uses; or make an otherwise permitted use a conditional use;*
2. *Decrease the number or average density of dwelling units that may be constructed on the site;*
3. *Increase minimum lot size or lot width;*
4. *Increase minimum setback requirements;*
5. *Restrict access to abutting properties and nearby roads, including specific design features; and*
6. *Any other specific development standards required or authorized by the Zoning Regulations (landscaping, screening, signage, parking, aesthetic requirements, etc.).*

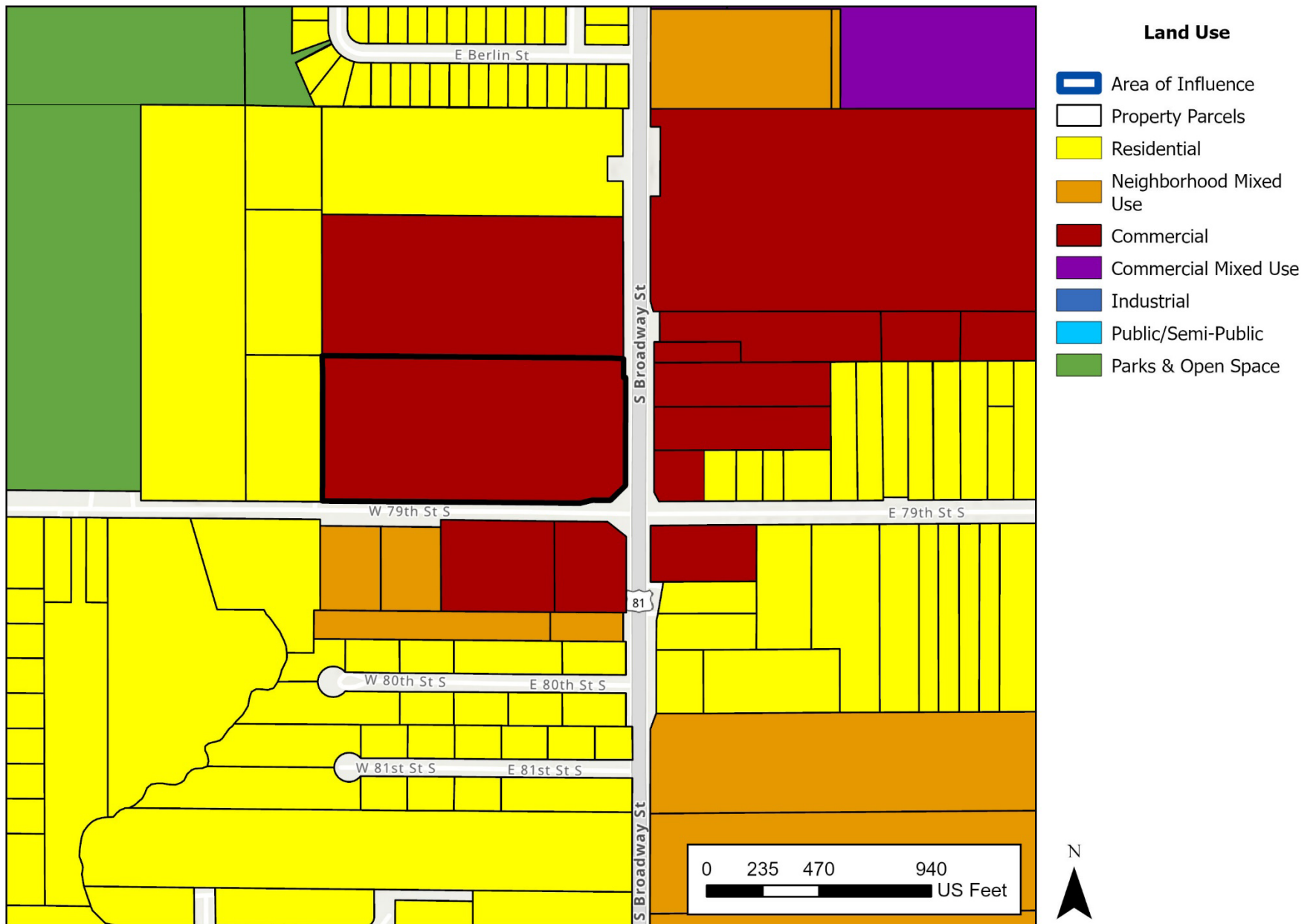
ATTACHMENTS

1. Aerial Map
2. Land Use Map
3. Site Photos
4. Correspondence from concerned citizens (Dawn Chadic, Jessica Atherton, and Benjamin Higerd)

RESOURCES

1. Cyburbia.org, [Regulating Gas Stations](#)
2. CEDs.org, [How to Stop Poorly-Planned Gas Stations and Convenience Stores](#)
3. PostPump.org, [Gas Station Land Use Codes](#)
4. PostPump.org, [Land Use and Zoning](#)
5. [South Broadway Corridor Plan](#)





Looking north towards property



Looking south away from property



Looking east away from property



Looking west towards property





Outlook

Re-zoning at 79th & Broadway

From Dawn <ddsayshi@yahoo.com>**Date** Mon 7/13/2026 8:27 AM**To** Kailyn Hogan <khogan@haysvilleks.gov>

Ms. Hogan,

I am a resident of Haysville and I'm writing in response to an article in the Eagle regarding re-zoning at 79th and Broadway. My opinion would be that they have also applied for a conditional use permit so there isn't a need to open up the "can of worms" with re-zoning. It sounds like they will still build the gas station and the "small" business that were referred to in a possible strip mall would likely also be allowed with current zoning, so not re-zoning wouldn't be hurting the City's economy. Approving the re-zoning may hurt the City in the future.

Thank you.

Dawn Chadic



Proposed HC zoning July 9 feedback

From Jessica Atherton <jessica.l.atherton@gmail.com>

Date Tue 6/30/2026 8:02 PM

To Kailyn Hogan <khogan@haysvilleks.gov>

>
> Good evening,
>
> I am a resident of the South Brooke neighborhood, and I am very opposed to rezoning the property at 79th and Broadway to heavy commercial. Our neighborhood would be negatively impacted by this change.
>
> I want to see this section of Broadway cleaned up to reflect better on our community. I do not want another heavy commercial operation in our neighborhood that brings more problems to the area.
>
> Heavy commercial could include businesses that produce noise and light pollution and could reduce our home values. I'm also concerned about odor being down wind of a HC facility. And I'm worried about overall ground, water, and air pollution and contamination.
>
> Our homes are already established here. Please give priority to the families and citizens who chose this Haysville neighborhood as a safe place to live and raise children. Do not make this zoning change to hurt your neighbors and benefit a corporation. Citizen needs should be top priority, and safety, cleanliness, and property value are major concerns you should weigh heavily in your decision.
>
> Thank you,
>
> Jessica Atherton
> 1250 E Berlin

Date: July 21, 2026

To: The Haysville Planning Commission & Board of Zoning Appeals
The Haysville City Council
Haysville City Hall,
200 W. Grand Avenue
Haysville, KS 67060

Regarding: Formal Neighborhood Protest and Request for **TOTAL DENIAL** of Proposed Rezoning (LC to HC) / Conditional Use Permit for a Fuel Station & Convenience Store at:

The south 510 feet of the southeast quarter of the southeast quarter of Section 5, Township 29, Range 1 East, EXCEPT the west 254 feet thereof; and EXCEPT the following tract: beginning at the southeast corner of the southeast quarter of Section 5; thence west 200.19 feet; thence north 30 feet; thence northeasterly 41.17 feet; thence east 60 feet; thence northeasterly 70.01 feet; thence north 354.28 feet; thence east 50 feet to the east line of the south east quarter of the south east quarter; thence south along said east line 443.98 feet to the point of the beginning; further EXCEPT the south 30 feet for the road; and EXCEPT any road located on the east side of the property thereof; and EXCEPT that portion taken by 2015-CV-0179 for right of way purposes, Haysville, Sedgwick County, Kansas, 67060.

Dear Chairperson, Commissioners, and Members of the City Council,

We, the undersigned residents, property owners, and stakeholders of the City of Haysville, write to you to register our absolute and unconditional opposition to the proposed development of a gas station and convenience store at the subject location. We formally request that the Planning Commission and the City Council **DENY** the rezoning request to Heavy Commercial (HC) in its entirety and **DENY** any associated Conditional Use Permits.

Furthermore, this document serves as a formal written protest pursuant to Kansas law (**K.S.A. 12-757**). We assert that the signatories below represent owners of a significant portion of the land area located within the legally defined notification boundary of the proposed amendment.

Per the **Code of the City of Haysville, Kansas found in Chapter 16A: Zoning Regulations, Section 101(E)**: the explicit legal intent of the city's zoning code is to "*protect property values*" and, in **101(B)**, to "*establish ... a compatible pattern of land uses and buffer areas which enhance the value of each zone.*" The proposed introduction of a fuel station immediately adjacent to our established properties directly violates these core principles.

We urge the city to completely refuse this application based on the potential impacts on the property owners and households surrounding the potential zoning location.

1. **Character of the Neighborhood:** Our neighborhood is an established, quiet residential area. Upgrading this parcel to Heavy Commercial (HC) to allow a 24-hour fuel station fundamentally destroys this character. It forces regional, high-volume commercial traffic directly into a local community zone.
2. **Suitability of the Subject Property:** The property is already zoned Light Commercial (LC). It is perfectly suited for low-impact, neighborhood-scale uses (such as professional offices or small retail) that coexist peacefully with homes. The developer does not require an HC designation to have reasonable, economic use of their land.

3. **Extent of Detriment to Nearby Property:** Independent real estate data shows that high-intensity commercial uses like gas stations built adjacent to homes can potentially depress surrounding residential property values by 10% in the first year (Zhao et al., 2020, p. 69). Forcing an incompatible, high-impact usage here inflicts severe, permanent financial injury on multiple Haysville families.
4. **Relative Gain to the Public vs. Hardship to the Property Owners:** The City of Haysville is already well-served by existing, properly located fuel and convenience options along major arterial corridors especially with one gas station/convenience store located less than a mile away. The public gain from adding an additional gas station at this specific location is virtually non-existent, while the permanent hardship inflicted upon the immediate neighborhood is catastrophic.
5. **Incompatibility of Land Use:** Upgrading this parcel to Heavy Commercial (HC) permanently strips away neighborhood protections. HC districts are legally designed for regional, high-volume commerce. Forcing an HC designation adjacent to single-family residential properties destroys the intended land-use buffer and introduces incompatible daily disruptions.
6. **Public Safety/Nuisance:** Fuel stations introduce continuous vehicle idling, hazardous fumes of benzene and other air pollutants, 24/7 high-intensity canopy lighting causing light trespass, sale of alcohol and potential increased crime, and increased traffic volume into areas where children play and families live. The “zone of elevated pollution” extends approximately 260-320 feet from the fuel station (Safe Separations, 2025, Dispersion and Distance). The National Library of Medicine ran a study and found that where there was a “10% increase in alcohol outlet access,” a “4.2% increase in violent crime exposure” was seen (Trangenstein et al., 2018).
7. **Environmental Hazard:** According to the EPA, “Even a small amount of petroleum or hazardous substance leaking from an underground storage tank can contaminate surface water, soil, or groundwater, which is the primary source of drinking water for many people living in the United States” (EPA.gov, Underground Storage Tanks). Nationwide, more than **581,000 underground storage tank releases** have been confirmed, and **over 54,000 contaminated sites still require cleanup** today. (EPA.gov, Releases from Underground Storage Tanks). Many of the families in this area rely on private water wells. When our drinking water, our livestock, and our farms depend on groundwater, even a low-probability event deserves careful consideration.

Conclusion and Formal Request:

Pursuant to K.S.A. 12-757(f)(1), if 20% or more of the property owners protest the zoning agreement, and submit a written protest within 14 days following the zoning amendment, the ordinance or resolution of adopting such amendment shall not be passed unless a $\frac{3}{4}$ vote of all members of the governing body vote to pass it. As members of this community, we urge you to consider the impact of rezoning this parcel from LC to HC or through a conditional use permit. Because the purpose of municipal zoning is to manage growth logically while protecting the health, safety, and home equity of its citizens, this proposal fails every legal and community metric. We respectfully request that the Planning Commission issue a recommendation for **TOTAL DENIAL**, and that the City Council refuse this project completely.

Respectfully submitted,
Benjamin Higerd
Property Owner
211 E 79th St S
Haysville, KS 67060

References

- City of Haysville, Kansas. (2021). *Zoning regulations: General provisions and district classifications* (Chapter 16A, Section 101(B) "Purpose"). Municipal Code Portal. <https://haysvilleks.citycode.net/index.html#!artiITitlPurpAuthAndJuri>
- Kansas Zoning Amendment Statute, Kan. Stat. Ann. § 12-757 (1991 & Supp. 2024). https://ksrevisor.gov/statutes/chapters/ch12/012_007_0057.html
- Safe Separations. (2025). *Environmental impacts of fuel stations*. <https://safeseparations.org/environmental-impacts-of-fuel-stations/>
- Trangenstein, P. J., Curriero, F. C., Webster, D., Jennings, J. M., Latkin, C., Eck, R., & Jernigan, D. H. (2018). Outlet type, access to alcohol, and violent crime. *Alcoholism: Clinical and Experimental Research*, 42(11), 2234–2245. <https://pubmed.ncbi.nlm.nih.gov/30256427/>
- U.S. Environmental Protection Agency. (2026). *Releases from Underground Storage Tanks*. <https://www.epa.gov/ust/releases-underground-storage-tanks>
- U.S. Environmental Protection Agency. (2026). *Underground Storage Tank (UST) Finder*. <https://www.epa.gov/land-research/underground-storage-tank-ust-finder>
- Zhao, Q., Liu, M., & Chen, Q. (2020). The impacts of gasoline stations on residential property values: A case study in Xuancheng, China. *Journal of Sustainable Real Estate*, 9(1), 66–85. <https://doi.org/10.1080/10835547.2017.12091901>



Haysville Planning Commission Staff Report

CON 2026-004

CASE SUMMARY

Property Location: Generally located at the northwest corner of West 79th Street South and South Broadway Avenue

Applicant: Myron and Patricia Hatcher (property owner) | Bachcha and Nikhil Tiwari (agent)

Request: To allow a Convenience Store in the "LC" Light Commercial district

Reason for Request: To open a gas station

Prepared By: Kailyn Hogan, Planning and Zoning Administrator

Meeting Date: July 23, 2026

Public Hearing: Required, to be held by the Planning Commission

Related Applications:

Conditional Use	To allow a convenience store / gas station in the LC district
Zone Change	To rezone property from LC to HC

ANTICIPATED MEETING SCHEDULE

Body	Meeting Date	Action
Planning Commission	July 23, 2026	Hold required public hearing. Make a recommendation for approval, approval with modifications, or denial of the request. Recommendation is forwarded to City Council.
City Council	August 10, 2026	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission.

SITE DATA

Legal Description	The south 510 feet of the southeast quarter of the southeast quarter of Section 5, Township 29, Range 1 East, EXCEPT the west 254 feet thereof; and EXCEPT the following tract: beginning at the southeast corner of the southeast quarter of the southeast quarter of Section 5; thence west 200.19 feet; thence north 30 feet; thence northeasterly 41.17 feet; thence east 60 feet; thence northeasterly 70.01 feet; thence north 354.28 feet; thence east 50 feet to the east line of the southeast quarter of the southeast quarter; thence south along said east line 443.98 feet to the point of
--------------------------	---

	beginning; further EXCEPT the south 30 feet for the road; and EXCEPT any road located on the east side of the property thereof; and EXCEPT that portion taken by 2015-CV-0179 for right-of-way purposes, Haysville, Sedgwick County, Kansas, 67060.
Existing Zoning	"LC" Light Commercial
Lot Area	481,405 square feet / 11.02 acres
Future Land Use	Commercial
Built Form	Undeveloped

BACKGROUND

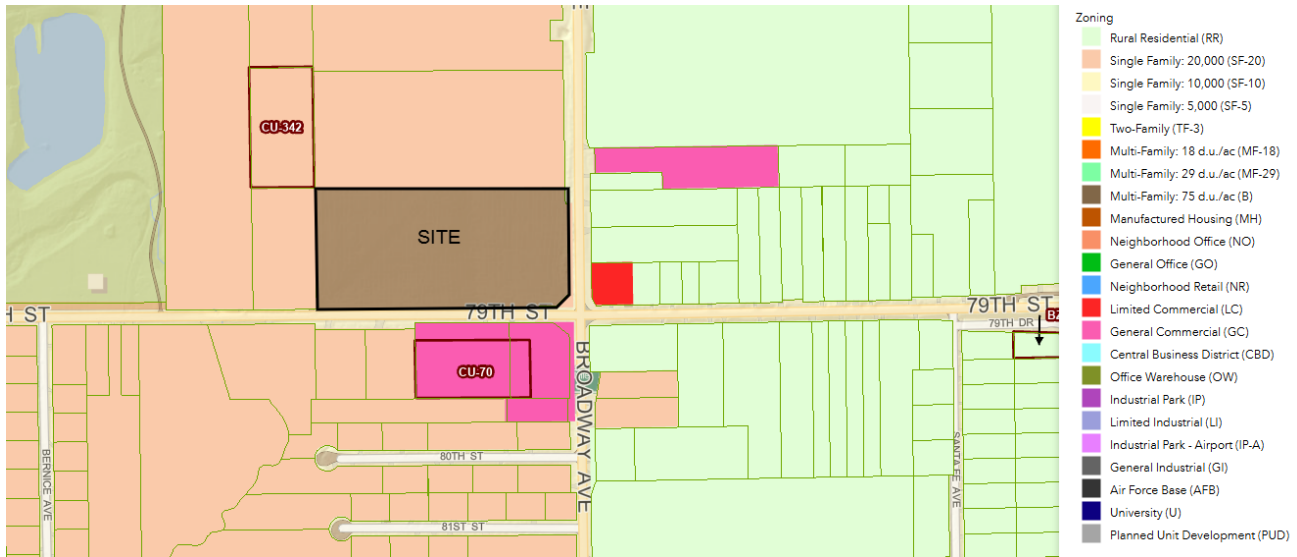
SITE DESCRIPTION AND PRESENT USE. The subject property is located at the northwest corner of W 79th Street S and S Broadway Avenue. It is just over 11 acres and is currently an undeveloped farm field. The property is an island annex to the City of Haysville, meaning all surrounding properties are outside city limits, and is unplatted. There are no known zoning cases associated with the property.

The property does not currently have access to 79th Street or Broadway. Access discussions would take place during the platting process. Water is available along the west side of Broadway and the north side of 79th Street. City sewer would require an extension of services with the nearest sewer line a quarter mile north on E Berlin St.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding neighborhood is mixed use; however, the prominent land use is residential. All adjacent properties are within Sedgwick County limits. Property to the north and west is zoned SF-20 Single-Family Residential and used for agricultural purposes and large lot single-family homes. Property to the south is zoned SF-20 and GC General Commercial and used for large lot single-family homes and an electrician's office. Property to the east is zoned RR Rural Residential, GC General Commercial, and LC Limited Commercial and used for large lot single-family homes and a garden center. Property to the southeast is zoned RR Rural Residential and SF-20 Single-Family Residential and used for large lot single-family homes, food and beverage consulting and propane supply.

ADJACENT ZONING AND LAND USE.

NORTH:	SF-20 Single-Family Residential	Undeveloped field
SOUTH:	SF-20 Single-Family Residential, GC General Commercial, and RR Rural Residential	Large lot single-family, Tracy Electric (electrician), Helix Concessions (food and beverage consultant), and H&S Propane (propane supplier)
EAST:	RR Rural Residential, GC General Commercial and LC Limited Commercial	Large lot single-family homes and 81 Sales (garden center)
WEST:	SF-20 Single-Family Residential	Large lot-single family homes



PROJECT DESCRIPTION. The applicant is requesting this zone change with plans to build a gas station / convenience store on the subject property. The applicant has also expressed interest in a liquor store and strip mall development in addition to the gas station.

PUBLIC COMMENTS. The public hearing notice was published on July 2, 2026. At the time of publication, staff had not received any comment on the conditional use request. Comments received after the publication of this staff report will be distributed at the meeting.

ANALYSIS

CONFORMANCE TO CURRENT PLANS AND POLICIES. The requested conditional use is in conformance with the *City of Haysville's Comprehensive Plan*.

The *City of Haysville's Comprehensive Plan* includes the 2023 Land Use Plan Map. On the map, the subject property is designated as appropriate for Commercial uses. Commercial Uses have been defined as "containing a mix of higher intensity commercial land uses and may include lighter industrial uses, such as warehousing and assembly. Heavy manufacturing and raw material processing is not appropriate." The proposed use, a Gas Station, is a commercial land use and is appropriate given the land use designation.

The South Broadway Corridor Plan also identified the subject property as appropriate for Commercial uses in its proposed land use map.

RESPONSES FROM ADMINISTRATIVE REVIEW AND AFFECTED PROPERTY OWNERS.

There were no comments submitted from utilities or Sedgwick County during the administrative review period for the proposed conditional use. See public comment section above for responses from affected property owners.

FINDINGS. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a conditional use may be developed by the Commission and incorporated into any recommendation in support of the requested conditional use.

1. Access and traffic load and/or flow.

- a. Access. The property does not currently have access to Broadway or 79th St. Access discussions will take place during the platting process, but should be consistent with the Sedgwick County Access Management Policy and KDOT Access Management Policy.
- b. Traffic load. A gas station may increase the traffic load at the subject property and the traffic at the intersection.
- c. Traffic flow. Traffic flow may be impacted. A traffic study may be required to determine if dedicated turn lanes are necessary.

2. Noise, light, and odor. Development will bring additional noise and light to this intersection.

Most noise from this development will likely come from vehicles. The effects can be mitigated by ensuring vehicle speeds are slow when entering and exiting the development (e.g., reducing turn radii). Resources also recommend siting the gas station at least 300 feet away from any established residential properties. However, this would significantly reduce the buildable area of the subject property for the proposed use, so staff is not recommending this as a use condition. See finding 10.c for a map of the reduced buildable area.

The proposed amendment to the Zoning Regulations, will require all exterior lighting fixtures to be shaded so that direct light is directed away from adjacent property. All lighting must also comply with the nuisance lighting provisions in [Section 8-8](#) of the City Code. Further light issues may be mitigated by siting the gas station canopy behind the building, allowing the building to block outdoor lighting towards the intersection. Staff recommends use condition number six.

3. Screening and security fencing. Any non-residential development adjacent to a residential zoning district must have a buffer. [Section 501.E](#) of the Landscaping Regulations require 1 shade tree, or their equivalent in ornamental trees, for every 40 feet of common property line. The trees must be within 15 feet of the property line.

Additional security fencing and screening is not required for this project nor is it expected. Per [Section 411.E.1](#) of the Zoning Regulations, no outdoor storage is permitted in the “LC” Light Commercial district.

4. Parking. [Section 500.C](#) of the Off-Street Parking Regulations require that gas stations provide 1 parking space per 4 gas pumps, with a minimum of 4 spaces required. The subject property should have adequate space; however, staff has not yet seen a site plan for this project.

Parking is required to be screened by a minimum of 3 feet in height vegetation or fencing per [Section 500.F](#) of the Landscaping Regulations.

5. Services.

- a. Water. Water is available along the west side of Broadway and the north side of 79th Street.
- b. Sanitary Sewer. Sanitary sewer is not available and would require an extension of services.
- c. Electricity. Electricity is available provided by Evergy.
- d. Natural Gas. Natural gas is available provided by Kansas One Gas.
- e. Communications. Communications is available provided by Cox or AT&T.

6. Public health and safety. The gas storage tanks associated with gas stations pose an environmental health risk. Leaks can contaminate water sources. Resources recommend gas stations be located a minimum of 500 feet from wells and streams to mitigate the risks. Staff recommends use condition number four. Staff is unaware of the location of private wells in the area and thus cannot provide a map of the buildable area subject to this use condition.
7. Adequacy of facility and lot size. The size of the lot is adequate for the proposed use.
8. Signs. The applicant has not requested any signage at this point in time. The [South Broadway Corridor Plan](#) recommends the use of monument/pylon signs (pg. 84). The image below shows a monument sign on the left and a pylon sign on the right. Staff recommends use condition number five.



9. Review by fire marshal for designation. Sedgwick County Fire District 1 has at least three fire hydrants in the area. Site plan review for fire access will be required at the time of building plan review.
10. Other considerations as appropriate.
 - a. Landscaping. The amount of landscaped street yard for this project will be calculated based on lot depth. Since the subject property is not platted, staff is unable to calculate this amount. Per [Section 501.D.F](#) of the Landscaping Regulations, every 500 feet of landscaped street yard will require the planting of 1 shade tree, or its equivalent in ornamental trees or shrubs.
 - b. Business license. The applicant will be required to submit a business license before opening the gas station.
 - c. Proximity to residential use. Resources recommend a minimum separation distance of 300 feet between gas stations and residential uses. A separation distance of this size would significantly reduce the buildable area of the lot for the proposed use and place the gas station in an awkward location in regards to future development. As such, staff does not recommend this as a use condition. To reduce impacts to the established dwellings, staff instead recommends siting

the gas station canopy behind the building. See use condition number six.



d. **Building Aesthetics.** The [South Broadway Corridor Plan](#) recommends specific aesthetic requirements for commercial properties (pg. 83). These recommendations are as follows:

- i. No metal sided buildings.
- ii. Preferred siding materials are EIFS, stucco, fiber cement board or panel, and masonry. Other siding materials of equal or higher quality may be used upon approval.
- iii. Minimum masonry coverage of 25% required.

Staff recommends these aesthetic considerations be adopted as use condition number three to ensure a high standard of development and mitigate negative effects on property values.

e. **Other Convenience Stores/Gas Stations in the City.** There are three other gas stations in the City of Haysville. Jump Start is located a mile north of the subject property at the intersection of Broadway and Grand. Kwik Stop and Casey's are located at the intersection of Grand and Meridian. There are no other gas stations south of town.

Gas stations in Derby are located on one mile intervals at the intersections of all major arterials, consistent with this application.

RECOMMENDATION

Based upon provided information, planning staff recommends that the conditional use request be **APPROVED**, with the following conditions:

1. Dedicated pedestrian and bicycle access, circulation, and amenities must be provided consistent with New Urbanist development practices and the recommendations from the South Broadway Corridor Plan.
2. The [Sedgwick County Access Management Policy](#) and [KDOT Access Management Policy](#) recommendations for driveway spacing and access opening distance from the intersection must be followed.
3. Aesthetic conditions shall be consistent with the South Broadway Corridor Plan. No buildings may be metal sided. Preferred siding materials are EIFS, stucco, fiber cement board or panel, and masonry.

Other siding materials of equal or higher quality may be used upon approval. There shall be a minimum masonry requirement of 25% for all principal structures associated with the conditional use.

4. The gas station must be located at least 500 feet from any wells and streams to mitigate the risk of water contamination.
5. Signs shall be consistent with the South Broadway Corridor Plan. Billboard and off-premise signs are prohibited. Monument and/or pylon signs are preferred.
6. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and any gas station canopies must be located behind the building.

Important note: *The Planning Commission may establish additional conditions beyond staff's recommendation. Any conditions imposed upon the property must be designed to remedy a harm to the public or to address a need for public services likely to result from the proposed development. The conditions must also be roughly proportionate to the extent of harm or need for services. Additional conditions shall be related to the following:*

1. *Access and traffic load and/or flow;*
2. *Noise, light and odor;*
3. *Screening;*
4. *Parking;*
5. *Services and public utilities;*
6. *Public health and safety;*
7. *Signs;*
8. *Time limitations for establishing the conditional use on the property;*
9. *Sunset provisions; and*
10. *Other considerations as appropriate.*

ATTACHMENTS

1. Aerial Map
2. Land Use Map
3. Site Photos
4. Correspondence from concerned citizens (Benjamin Higerd)

RESOURCES

1. Cyburbia.org, [Regulating Gas Stations](#)
2. CEDs.org, [How to Stop Poorly-Planned Gas Stations and Convenience Stores](#)
3. PostPump.org, [Gas Station Land Use Codes](#)
4. PostPump.org, [Land Use and Zoning](#)



Looking north towards property



Looking south away from property



Looking east away from property



Looking west towards property



Date: July 21, 2026

To: The Haysville Planning Commission & Board of Zoning Appeals
The Haysville City Council
Haysville City Hall,
200 W. Grand Avenue
Haysville, KS 67060

Regarding: Formal Neighborhood Protest and Request for **TOTAL DENIAL** of Proposed Rezoning (LC to HC) / Conditional Use Permit for a Fuel Station & Convenience Store at:

The south 510 feet of the southeast quarter of the southeast quarter of Section 5, Township 29, Range 1 East, EXCEPT the west 254 feet thereof; and EXCEPT the following tract: beginning at the southeast corner of the southeast quarter of Section 5; thence west 200.19 feet; thence north 30 feet; thence northeasterly 41.17 feet; thence east 60 feet; thence northeasterly 70.01 feet; thence north 354.28 feet; thence east 50 feet to the east line of the south east quarter of the south east quarter; thence south along said east line 443.98 feet to the point of the beginning; further EXCEPT the south 30 feet for the road; and EXCEPT any road located on the east side of the property thereof; and EXCEPT that portion taken by 2015-CV-0179 for right of way purposes, Haysville, Sedgwick County, Kansas, 67060.

Dear Chairperson, Commissioners, and Members of the City Council,

We, the undersigned residents, property owners, and stakeholders of the City of Haysville, write to you to register our absolute and unconditional opposition to the proposed development of a gas station and convenience store at the subject location. We formally request that the Planning Commission and the City Council **DENY** the rezoning request to Heavy Commercial (HC) in its entirety and **DENY** any associated Conditional Use Permits.

Furthermore, this document serves as a formal written protest pursuant to Kansas law (**K.S.A. 12-757**). We assert that the signatories below represent owners of a significant portion of the land area located within the legally defined notification boundary of the proposed amendment.

Per the **Code of the City of Haysville, Kansas found in Chapter 16A: Zoning Regulations, Section 101(E)**: the explicit legal intent of the city's zoning code is to "*protect property values*" and, in **101(B)**, to "*establish ... a compatible pattern of land uses and buffer areas which enhance the value of each zone.*" The proposed introduction of a fuel station immediately adjacent to our established properties directly violates these core principles.

We urge the city to completely refuse this application based on the potential impacts on the property owners and households surrounding the potential zoning location.

1. **Character of the Neighborhood:** Our neighborhood is an established, quiet residential area. Upgrading this parcel to Heavy Commercial (HC) to allow a 24-hour fuel station fundamentally destroys this character. It forces regional, high-volume commercial traffic directly into a local community zone.
2. **Suitability of the Subject Property:** The property is already zoned Light Commercial (LC). It is perfectly suited for low-impact, neighborhood-scale uses (such as professional offices or small retail) that coexist peacefully with homes. The developer does not require an HC designation to have reasonable, economic use of their land.

3. **Extent of Detriment to Nearby Property:** Independent real estate data shows that high-intensity commercial uses like gas stations built adjacent to homes can potentially depress surrounding residential property values by 10% in the first year (Zhao et al., 2020, p. 69). Forcing an incompatible, high-impact usage here inflicts severe, permanent financial injury on multiple Haysville families.
4. **Relative Gain to the Public vs. Hardship to the Property Owners:** The City of Haysville is already well-served by existing, properly located fuel and convenience options along major arterial corridors especially with one gas station/convenience store located less than a mile away. The public gain from adding an additional gas station at this specific location is virtually non-existent, while the permanent hardship inflicted upon the immediate neighborhood is catastrophic.
5. **Incompatibility of Land Use:** Upgrading this parcel to Heavy Commercial (HC) permanently strips away neighborhood protections. HC districts are legally designed for regional, high-volume commerce. Forcing an HC designation adjacent to single-family residential properties destroys the intended land-use buffer and introduces incompatible daily disruptions.
6. **Public Safety/Nuisance:** Fuel stations introduce continuous vehicle idling, hazardous fumes of benzene and other air pollutants, 24/7 high-intensity canopy lighting causing light trespass, sale of alcohol and potential increased crime, and increased traffic volume into areas where children play and families live. The “zone of elevated pollution” extends approximately 260-320 feet from the fuel station (Safe Separations, 2025, Dispersion and Distance). The National Library of Medicine ran a study and found that where there was a “10% increase in alcohol outlet access,” a “4.2% increase in violent crime exposure” was seen (Trangenstein et al., 2018).
7. **Environmental Hazard:** According to the EPA, “Even a small amount of petroleum or hazardous substance leaking from an underground storage tank can contaminate surface water, soil, or groundwater, which is the primary source of drinking water for many people living in the United States” (EPA.gov, Underground Storage Tanks). Nationwide, more than **581,000 underground storage tank releases** have been confirmed, and **over 54,000 contaminated sites still require cleanup** today. (EPA.gov, Releases from Underground Storage Tanks). Many of the families in this area rely on private water wells. When our drinking water, our livestock, and our farms depend on groundwater, even a low-probability event deserves careful consideration.

Conclusion and Formal Request:

Pursuant to K.S.A. 12-757(f)(1), if 20% or more of the property owners protest the zoning agreement, and submit a written protest within 14 days following the zoning amendment, the ordinance or resolution of adopting such amendment shall not be passed unless a $\frac{3}{4}$ vote of all members of the governing body vote to pass it. As members of this community, we urge you to consider the impact of rezoning this parcel from LC to HC or through a conditional use permit. Because the purpose of municipal zoning is to manage growth logically while protecting the health, safety, and home equity of its citizens, this proposal fails every legal and community metric. We respectfully request that the Planning Commission issue a recommendation for **TOTAL DENIAL**, and that the City Council refuse this project completely.

Respectfully submitted,
Benjamin Higerd
Property Owner
211 E 79th St S
Haysville, KS 67060

References

- City of Haysville, Kansas. (2021). *Zoning regulations: General provisions and district classifications* (Chapter 16A, Section 101(B) "Purpose"). Municipal Code Portal. <https://haysvilleks.citycode.net/index.html#!artiITitlPurpAuthAndJuri>
- Kansas Zoning Amendment Statute, Kan. Stat. Ann. § 12-757 (1991 & Supp. 2024). https://ksrevisor.gov/statutes/chapters/ch12/012_007_0057.html
- Safe Separations. (2025). *Environmental impacts of fuel stations*. <https://safeseparations.org/environmental-impacts-of-fuel-stations/>
- Trangenstein, P. J., Curriero, F. C., Webster, D., Jennings, J. M., Latkin, C., Eck, R., & Jernigan, D. H. (2018). Outlet type, access to alcohol, and violent crime. *Alcoholism: Clinical and Experimental Research*, 42(11), 2234–2245. <https://pubmed.ncbi.nlm.nih.gov/30256427/>
- U.S. Environmental Protection Agency. (2026). *Releases from Underground Storage Tanks*. <https://www.epa.gov/ust/releases-underground-storage-tanks>
- U.S. Environmental Protection Agency. (2026). *Underground Storage Tank (UST) Finder*. <https://www.epa.gov/land-research/underground-storage-tank-ust-finder>
- Zhao, Q., Liu, M., & Chen, Q. (2020). The impacts of gasoline stations on residential property values: A case study in Xuancheng, China. *Journal of Sustainable Real Estate*, 9(1), 66–85. <https://doi.org/10.1080/10835547.2017.12091901>



CITY OF HAYSVILLE, KANSAS

PLANNING AND ZONING DEPARTMENT – 200 WEST GRAND AVENUE, P.O. BOX 404
HAYSVILLE, KANSAS 67060 – PH (316) 529-5900 | FAX (316) 529-5925

MEMORANDUM

To: Haysville Planning Commission

From: Kailyn Hogan, Planning and Zoning Administrator

Subject: Amending and Restating the Zoning Regulations

Date: July 23, 2026

Background: On July 13, 2026, the above-mentioned amendment to the Zoning Regulations was presented to City Council and ultimately sent back to the Planning Commission for further review. Staff recommended that the City Council return the commission's recommendation to allow further time to research the appropriate interpretations of SB 418, the By-Right Housing Development Act, passed by the state in the middle of the amendment process.

Planning Commission first reviewed these amendments on June 11, 2026. In the June presentation, staff interpreted SB 418 to require that all land zoned for any residential use be zoned for single-family and two-family residential use. Since that meeting, different interpretations from other cities have arisen, suggesting that this interpretation may be incorrect.

Today, staff recommends following the lead of the surrounding Wichita-area cities and interpreting SB 418 to require only single-family residential land use be permitted on all land zoned for any type of residential use. Changes were made to Article 4 (General Regulations), 5 (Residential Zoning Districts), and 6 (Commercial and Mixed-Use Zoning Districts) and Appendix E-507 (By-Right Housing Development) to suit this new interpretation of SB 418. These sections of the Zoning Regulations are attached for your review in two different formats:

1. [Clean draft](#). The proposed changes are not marked.
2. [Redline draft](#). The proposed changes are shown in red. Deletions are struck-through, and additions are underlined.

The changes made since the Planning Commission's initial review on June 11, 2026 are highlighted in yellow. The amendments to the other articles in the Zoning Regulations can be found in the [June 11, 2026](#) Planning Commission packet.

Legal Consideration: The Planning Commission may take one of the following actions when the governing body returns a recommendation for further review:

- Resubmit the original recommendation giving the reasons therefor by a simple majority vote (4 ayes); or
- Submit a new and amended recommendation by a simple majority vote (4 ayes).

The item may not be tabled. If the Planning Commission fails to deliver a recommendation to the governing body following tonight's meeting, the governing body shall treat such inaction as a resubmission of the original recommendation and proceed accordingly.

ARTICLE 4

GENERAL REGULATIONS

SECTION 401. BASE DISTRICTS.

401.A. GENERAL. The zoning districts presented in this article are referred to as “Base Districts” because they establish the basic zoning regulations that apply to all properties classified in, or shown on, the Official Zoning Map as in that zoning district. All land in the City has a base district classification. Base district regulations control the types of uses allowed and the way in which uses, and buildings may be developed on a site. The base district regulations are the default regulations; they always control unless expressly overridden by or pursuant to any applicable Overlay Zoning District regulations.

401.B. BASE DISTRICTS ESTABLISHED. The base districts will be divided as prescribed in [TABLE 401.B.](#)

Table 401.B. Base districts.

District Code	District Name
Residential Base Districts	
SF-15	Single-Family Suburban Residential
SF-5	Single-Family Residential
SF-3	Single-Family Urban Residential
TH	Tiny Home Residential
TF	Two-Family Residential
MF4	Multi-Family Four Residential
MH	Manufactured Home Residential
Commercial and Mixed Use Base Districts	
MU-R	Mixed Use Residential
MU-C	Mixed Use Commercial
LC	Light Commercial
HMC	Hotel and Motel Commercial
HC	Heavy Commercial
Industrial Base Districts	
LI	Light Industrial
HI	Heavy Industrial
Special Base Districts	
P-O	Protective Overlay
HD-O	Original Town Historic Overlay

401.C. BASE DISTRICT HIERARCHY. References in these regulations to less restrictive or more restrictive zoning districts refer to the residential, commercial, and industrial base districts established in [TABLE 401.B](#) and represent a progression from the SF-15 district as the most restrictive base district to the HI district as the least restrictive base district. Special base districts are not included in the hierarchy.

SECTION 402. DISTRICT MAP ADOPTED.

402.A. OFFICIAL ZONING MAP. Boundaries of the base zoning districts set out in [SECTION 401](#) are hereby established as shown on the map designated as the “Official Zoning Map.” The map and all the notations, references and information shown thereon are hereby made as much a part of these regulations as if the same were set forth in full herein. It shall be the duty of the City Clerk to keep in file in his or her office an authentic copy of the map, and all changes, amendments or additions thereto. Duplicate copies thereof shall be kept on file in the office of the Zoning Administrator.

402.B. DISTRICT BOUNDARIES. When definite distances in feet are not shown on the “Official Zoning Map,” the district boundaries are intended to be along existing street, alley, or platted lot lines or extension of the same, and if the exact location of such line is not clear, it shall be determined by the Zoning Administrator, due consideration being given to location as indicated by the scale of the map.

402.C. STREETS. When the streets or alleys on the ground differ from the streets or alleys as shown on the “Official Zoning Map,” the Zoning Administrator may apply the district designations on the map to the streets and alleys on the ground in such manner as to conform to the intent and purpose of these regulations. Whenever any street, alley or other public way is vacated by official action of the governing body, the zoning districts adjoining each side of such street, alley or public way shall automatically extend to the center of such vacation and all the area included in this vacation shall then and thenceforth be subject to all regulations of the extended district.

SECTION 403. ANNEXED TERRITORY.

403.A. ZONING DISTRICT. All land hereafter annexed shall be classified as SF-15, SF-5 or SF-3 and designated as such on the associated annexation ordinance. The property owner, Planning Commission or governing body may file an application initiating a request for a zone change to any other district and/or for a conditional use permit. Such changes may be considered during the process of annexation. The commission may also hold the required public hearing on a zone change or conditional use permit application prior to annexation, however, the effectuating ordinance or resolution for the zone change or conditional use permit cannot be published until the land is first annexed into the city.

403.B. ORDINANCE PUBLICATION. The annexation ordinance must be published before a zone change ordinance or conditional use permit resolution may be published for the same property, even when published on the same day.

SECTION 404. USE STANDARDS; ALL DISTRICTS.

404.A. GENERAL. The following use standards shall apply to all zoning districts.

404.B. NUMBER OF USES ON A LOT. Any combination of permitted or conditional uses and accessory uses may be allowed on a single lot or within a single building in accordance with all applicable requirements of these regulations and building code.

404.C. NONCONFORMING USES. No building or structure or land may be used or changed to be used in any way to not comply with all of the district regulations established by these regulations for the district in which the use is located, except as noted in [ARTICLE 9](#).

404.D. PERMITTED AND CONDITIONAL USES. The principal uses that are allowed in each base district as either a permitted or conditional use are listed in [TABLE 404.D](#).

1. A permitted use is compatible with the other uses allowed in the district, and therefor does not require an additional permit.
2. A conditional use requires approval from the governing body to assess whether the proposed use will be compatible with the character of the area and the other uses allowed in the district. The governing body may place conditions on the proposed use as it deems necessary to ensure compatibility.

404.E. SPECIAL USE STANDARDS. No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable special use standards specified in this section, or unless the special use standards have been modified or waived by the Board of Zoning Appeals or by the Planning Commission pursuant to the zoning permit procedures in [ARTICLE 10](#).

1. Residential uses.

- a. **Accessory dwelling unit (ADU).** In accordance with K.S.A. 12-757, accessory dwelling units shall be permitted by right provided that:
 - i. In the residential zoning districts, ADUs are only allowed on properties developed with a single-family home. ADUs may be detached or attached to the single-family home;
 - ii. In the commercial or mixed use zoning districts, ADUs are only allowed on properties developed with commercial buildings. ADUs are not allowed on properties developed with apartments, live-work buildings, or any other residential building. ADUs must be attached and may only be located above or behind such commercial buildings. They may not be located in front of, below, or detached from commercial buildings; and
 - iii. The floor area of the ADU shall not exceed the floor area of the principal structure or unit it is accessory to.
- b. **Group home.** In accordance with [K.S.A. 12-736](#), group homes shall be permitted by right in all zoning districts where single-family dwellings are permitted conditionally or by-right.

Table 404.D. Use Chart.

Zoning Districts															
Use Type	SF-15	SF-5	SF-3	TH	TF	MF4	MU-R	MH	MU-C	LC	HMC	HC	LI	HI	Special Use Standards
Residential															
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	P	P	P						See 404.E.1.a
Assisted Living		C	C	C	C	P	P	C	P						
Group Home	P	P	P	P	P	P	P	P	C						See 404.E.1.b
Group Residence, Limited					C	P	P	P	P						
Group Residence, General						P	P	P	P						
Live-Work							P		P						
Manufactured Home, Residential-Design	P	P	P	P				P							See 404.E.1.d and Appendix E-504
Manufactured Home								P							See 404.E.1.c
Multi-Family						C	P		P						
Single-Family	P	P	P	P	P	P	P	P	P						See 404.E.1.e
Townhouse			P		P	P	P		P						
Two-Family					P	P	P		P						
Three- and Four-Family					C	P	P		P						
Public and Civic															
Auditorium or Stadium									P	P	P	P	P	P	
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Church or Place of Worship	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Community Assembly	C	P	P	P	P	P	P	P	P	P	P	P	P	P	
Correctional Facility												C	C	C	
Correctional Placement Residence, Limited									C	C		C	C	C	
Correctional Placement Residence, General												C	C	C	
Day Care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day Reporting Center										C	C	C	C	C	
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Government Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital							P		P	P	P	P	P	P	
Library		P	P	P	P	P	P	P	P	P	P	P	P	P	
Neighborhood Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Nursing Facility		C	C	C	C	P	P	C	P	P	P				
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling Collection Station, Private	P	P	P	P	P	P	P	P	C	P	P	P	P	P	See 404.E.2.a
Recycling Collection Station, Public							C	C	C	C	C	P	P	P	See 404.E.2.a
Recycling Processing Center												P	P	P	See 404.E.2.b
Renewable Energy System															
Reverse Vending Machine							P	P	P	P	P	P	P	P	
Safety Service	C	C	C	C	C	C	C	C	P	P	P	P	P	P	

ARTICLE 4. GENERAL REGULATIONS

School, Elementary, Middle & High	C	C	C	C	C	C	C									
University or College	C	C	C	C	C	C	C		C	C	C	C	C	C	C	
Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial																
Adult Entertainment Establishment																
Airport or Airstrip														P	P	
Animal Care, Limited							P		P	P	P	P	P	P	P	
Animal Care, General													P	P	P	
Automated Teller Machine (ATM)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.3.a
Bank or Financial Institution							P		P	P	P	P	P	P	P	
Bed and Breakfast Inn	P	P	P	P	P	P	P		P	P	P					
Broadcast/Recording Studio							P		P	P	P	P	P	P	P	
Car Wash									C	C	C	P	P	P	P	
Construction Sales and Service									P	P	P	P	P	P	P	See 404.E.3.b
Convenience Store							C		C	C	P	P	P	P	P	
Entertainment Establishment							P	P	P	P	P	P	P	P	P	
Event Center	C						P	P	P	P	P	P	P	P	P	
Farmer's Market	P								P	P	P	P	P	P	P	
Funeral Home									P	P	P	P	P	P	P	
Heliport														P	P	
Hotel or Motel							C		C	C	P	P	P	P	P	
Kennel, Hobby									P	P	P	P	P	P	P	
Kennel, Boarding/Breeding/Training							P		P	P	P	P	P	P	P	
Medical Service							P		P	P	P	P	P	P	P	
Microbrewery									P	P	P	P	P	P	P	See 404.E.3.c
Mobile Food Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Monument Sales									P	P	P	P	P	P	P	
Nightclub							P		P	P	P	P	P	P	P	
Nurseries and Garden Centers							P		P	P	P	P	P	P	P	
Office, General							P		C	P	P	P	P	P	P	
Parking Area, Accessory							C	C	C	C	C	C	C	C	C	
Parking Area, Commercial							C		C	C	C	C	C	C	C	
Pawnshop							P		P	P	P	P	P	P	P	
Personal Care Service							P		P	P	P	P	P	P	P	
Personal Improvement Service							P		P	P	P	P	P	P	P	
Post Office Substation							P		P	P	P	P	P	P	P	
Printing and Publishing, General							P		P	P	P	P	P	P	P	
Recreation and Entertainment, Indoor							P		P	P	P	P	P	P	P	
Recreation & Entertainment, Outdoor							P		P	P	P	P	P	P	P	
Recreational Vehicle Campground	C												C	P	P	See 404.E.3.d
Restaurant							P		P	P	P	P	P	P	P	
Retail, General							P		P	P	P	P	P	P	P	
Retail Fulfillment Center									P	P	P	P	P	P	P	See 404.E.3.e
Riding Academy or Stable													P	P	P	
Rodeo													P	P	P	

Secondhand Store						P		P	P	P	P	P	P	
Service Station								P	P	P	P	P	P	See 404.E.3.f
Short-term Residential Rental	P	P	P	P	P	P		P						See 404.E.3.g
Tavern and Drinking Establishment						P		P	P	P	P	P	P	
Teen Club						P		P	P	P	P	P	P	
Vehicle and Equipment Sales, Outdoor										P	P	P	P	See 404.E.3.h
Vehicle Repair, Limited								C	C	P	P	P	P	
Vehicle Repair, General											P	P	P	See 404.E.3.i
Vocational School	C	C	C	C	C	C	C	C	C	C	C	C	C	
Warehouse, Self-Service Storage												C	C	
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	
Industrial, Manufacturing and Extractive														
Asphalt or Concrete Plant, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	
Asphalt or Concrete Plant, General													P	
Basic Industry													P	
Construction Burn Site, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	
Construction Burn Site, General	C	C	C	C	C	C	C	C	C	C	C	C	C	
Freight and/or Truck Terminal													P	
Gas and/or Fuel Storage and Sales													P	
Hazardous Operations														C
Landfill														C
Manufacturing, Light							P		P	P	P	P	P	See 404.E.4.a
Manufacturing, Medium												P	P	
Manufacturing, Heavy													P	
Mining or Quarrying	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.4.b
Oil and Gas Drilling	C	C	C	C	C	C	C	C	C	C	C	C	C	
Research Services												P	P	
Rock Crushing	C	C	C	C	C	C	C	C	C	C	C	C	C	
Solid Waste Incinerator													P	
Storage, Outdoor													C	See 404.E.4.c
Transfer Station													P	
Vehicle Storage Yard													C	See 404.E.4.d
Warehousing												P	P	
Welding or Machine Shop												P	P	
Wholesale or Business Services												P	P	
Wrecking/Salvage Yard														
Agricultural														
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.5.a
Agriculture Processing													P	
Agriculture Research	C											P	P	
Agriculture Sales and Service												P	P	
Grain Storage	P											P	P	

TABLE 404.D. USE CHART

ARTICLE 4. GENERAL REGULATIONS

- c. **Manufactured home.** In accordance with [K.S.A. 12-763](#), manufactured homes shall not be excluded from all zoning districts.
- d. **Residential-design manufactured home.** In accordance with [K.S.A. 12-763](#), residential-design manufactured homes shall be permitted by right in the SF-15, SF-5, and SF-3 zoning districts.
- e. **Single-Family.** In accordance with [K.S.A. 12-757](#), single-family dwelling units shall be permitted by right in all zoning districts that allow any type of residential use provided that they comply with the provisions of [APPENDIX E-507.C](#).

3. Public and civic uses.

- a. **Recycling collection station, private and public.** Public and private recycling collection stations shall be permitted provided that containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind.
- b. **Recycling processing center.** Recycling processing centers shall be permitted provided that:
 - i. Any operation that is not conducted entirely within an enclosed building shall be solidly screened from the view of any adjacent properties of a lesser zoning district and the public right-of-way, pursuant to the maximum fence height permitted in [CHAPTER 4, ARTICLE 11](#) of the City Code; and
 - ii. All items stored outdoors must be placed on an all-weather or hard surface.

4. Commercial uses.

- a. **Automated teller machine (ATM).** Automated teller machines shall only be permitted as an accessory use to a lawfully permitted use. ATMs shall not be permitted as stand-alone, principal structures.
- b. **Construction sales and service.** Construction sales and service shall be permitted provided that all material and equipment stored outdoors shall be located on a hard or all-weather surface and be arranged to permit reasonable inspection and access to all parts of the premises by fire, police, and city authorities. Rock, decorative pavers or statues, and any live plant material shall not require an all-weather surface, but shall be kept in an orderly manner.
- c. **Microbrewery.** Microbreweries shall be permitted, in accordance with [K.S.A. 41-710](#), provided that the following conditions are met:
 - i. No microbrewery shall be located within 200 feet of any public or parochial school or college or church, except that if any such school, college, or church is established within 200 feet of any microbrewery after the premises have been established; and
 - ii. No microbrewery shall be permitted in any district zoned for any purpose except agricultural, commercial, or business purposes.
- d. **Recreational vehicle campground.** Recreational vehicle campgrounds shall be permitted provided that solid screening, in addition to the landscape buffer required in accordance

with [APPENDIX E-501.E.1](#), shall be provided along any common property line with a residential district.

- e. **Retail fulfilment center.** Retail fulfilment centers shall be permitted provided that:
 - i. Existing window transparency shall be maintained up to 50%. No interior items, including solid shelving units, may be used to block visibility into the interior space; however, window film and posters may be utilized.
 - ii. A minimum of door signage must be provided to avoid the appearance of building vacancy.
 - iii. Where delivery vehicles are utilized, proper loading and unloading areas shall be provided on-site. No loading or unloading activities may occur off-site. Such loading and unloading areas shall not impede pedestrian or vehicle traffic.
 - iv. Where some retail activities will be conducted in-person, the retail floor area of the establishment shall comply with the off-street parking requirements for Business and Retail Establishments. Warehouse or fulfilment floor area may be excluded from the off-street parking calculations.
 - v. Where no in-person retail activities will be conducted, the establishment shall be required to provide one off-street parking space per employee.
 - vi. Where this establishment is adjacent to a residential district or residential use, no deliveries, shipping, or other outdoor activities may occur outside standard retail operating hours of 5:00 am to 10:00 p.m.
- f. **Service station.** Service stations shall be permitted provided that the following conditions are met for the outdoor storage of materials.
 - i. Liquids, not to exceed one 300 gallon drum;
 - ii. Tires, to be stored in a container not to exceed 100 square feet located at least 18 inches off the ground; and
 - iii. Scrap metal, to be in a container not to exceed 100 square feet.
- g. **Short-term residential rental.** Short-term residential rentals shall be permitted provided that a permit is submitted and approved by the Zoning Administrator.
- h. **Vehicle and equipment sales, outdoor.** Outdoor vehicle and equipment sales shall be permitted provided that:
 - i. All merchandise displayed is in operable condition;
 - ii. Within the front yard setback, all merchandise shall be displayed on a hard surface. All other merchandise may be displayed on a hard or all-weather surface;
 - iii. Where displayed merchandise will abut a public right-of-way, parking barriers shall be installed to ensure parked merchandise does not encroach onto the public right-of-way;
 - iv. No part or piece storage is displayed outdoors;
 - v. All maintenance (excluding washing and waxing) is conducted indoors; and

ARTICLE 4. GENERAL REGULATIONS

vi. Loading and unloading of merchandise takes place off of public streets.

- i. **Vehicle repair, general.** General vehicle repair shall be permitted provided that no inoperable vehicles are stored or located on site for more than 45 days.

5. Industrial, manufacturing and extractive uses.

- a. **Freight and/or truck terminal.** Freight and/or truck terminals shall be permitted provided that such use is not located on a lot adjacent to an arterial street.
- b. **Manufacturing, light.** Light manufacturing shall be permitted provided that all manufacturing is conducted wholly within a completely enclosed building.
- c. **Mining or Quarrying.** In accordance with [K.S.A. 12-757\(a\)](#), mining, quarrying and other operations subject to K.S.A. 79-601 et seq., shall not be subject to conditional use procedures.
- d. **Storage, outdoor.** Outdoor storage shall be permitted as a principal use provided that:
- i. All items are stored on an all-weather or hard surface; and
 - ii. All storage is solidly screened from the view of any adjacent properties of a lesser zoning district and the public right-of-way, pursuant to the maximum fence height permitted in [CHAPTER 4, ARTICLE 11](#) of the City Code.
- e. **Vehicle storage yard.** Vehicle storage yards shall be permitted provided that:
- i. Outdoor vehicle storage shall occur in an orderly manner with clearly delineated parking stalls;
 - ii. All outdoor vehicle storage areas and drives shall be paved with a hard surface;
 - iii. A security fence shall be installed that solidly screens the yard from the view of any adjacent properties of a lesser zoning district and the public right-of-way, pursuant to the maximum fence height permitted in [CHAPTER 4, ARTICLE 11](#) of the City Code; and
 - iv. Such use is not located on a lot adjacent to an arterial street.

6. Agricultural.

- a. **Agriculture.** In accordance with [K.S.A. 19-2908](#); [19-2921](#); and [12-758](#), these regulations herein shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon so long as such buildings are used for agricultural purposes.

SECTION 405. DIMENSIONAL STANDARDS; ALL DISTRICTS.

405.A. GENERAL. The following dimensional standards shall apply to all zoning districts.

405.B. NUMBER OF PRINCIPAL BUILDINGS ON A LOT. There shall be only one (1) principal structure permitted on each lot in the SF-15, SF-5, and SF-3 districts. Multiple principal buildings on one lot may be permitted in all other districts as follows:

1. Each building must meet the district setbacks and the distance between buildings must be not less than twice the side setback required in the district unless approved under the provisions of a planned unit development, administrative adjustment or variance.
2. Approval of multiple buildings on a lot will not constitute a right to subdivide or separately convey those structures except in accordance with the regulations in effect at the time of the proposed subdivision.

405.C. TYPE OF CONSTRUCTION. Except as specifically noted in these regulations, the type of construction permitted will be governed by the building codes duly adopted and in use in the city.

405.D. YARDS AND COURTS. The yard regulations and the lot area provisions required by these regulations shall be considered minimum regulations for each and every building or structure existing at the time of the effective date of these regulations and for any building or structure hereafter erected or structurally altered.

1. No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be diminished in any way or used, in whole or in part, as a yard, court or other open space for another building.
2. Through lots shall only have front yards and side yards.
3. Corner lots shall have front yards along the primary frontage, as determined by street address or building orientation, and side yards along the secondary frontage.

405.E. NONCONFORMING STRUCTURES. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered in any way to not comply with all of the district regulations established by these regulations for the district in which the building or structure is located, except as noted in [ARTICLE 9](#).

405.F. LANDSCAPING. The street yards of all lots shall be landscaped and maintained in good condition, in accordance with [APPENDIX E-501](#), except for:

1. Lots zoned SF-15, SF-5, SF-3, TF, or TH; or
2. Lots zoned LI or HI located along collector or local streets where all adjacent lots are zoned the same or less restrictive.

405.G. OFF-STREET PARKING. Every building or structure hereafter erected, enlarged or converted to a use which requires off-street parking shall provide garage space or parking space in compliance with all of the district regulations established by these regulations for the district in which the building or structure is located, in accordance with [APPENDIX E-500](#). All principal residential driveways and all approaches must be constructed of concrete.

ARTICLE 4. GENERAL REGULATIONS

405.H. LOADING AND UNLOADING SPACES. Every building or structure hereafter erected, enlarged or converted for commercial or industrial purposes, shall provide reasonable facilities for the loading or unloading of goods in compliance with all the district regulations established by these regulations for the district in which the building, structure or land is located, in accordance with [APPENDIX E-500](#).

405.I. TEMPORARY BUILDINGS AND STRUCTURES. The following temporary buildings or structures may be erected and used in any district:

1. Offices, sheds, warehouses and open-air storages used by building contractors in connection with the building of a principal building or the development of an area, may be erected and used in any district; provided, that they shall be removed from the premises within 10 days after substantial completion of the project or unusual suspension of work, or upon permit expiration, whichever is the earlier date.
2. Tents and other similar structures that are not permanently affixed may be erected and used in any district; provided, that such structures are not located in the public right-of-way, do not block drainage, and are not erected for more than six months in a year.

405.J. SETBACKS.

1. Where there are through lots, front setbacks shall apply to both streets.
2. Where there are corner lots, front setbacks shall apply to the primary frontage, as determined by street address or building orientation. An additional street yard setback shall apply to the secondary frontage.
3. Open, unenclosed porches may extend into a required setback by a maximum of eight feet but shall not encroach upon any platted or recorded easement. For the purposes of these regulations, screened porches shall be considered enclosed.
4. Chimneys, awnings, basement escape windows wells and similar architectural appendages may extend into a required setback by a maximum of thirty-six inches but shall not encroach upon any platted or recorded easement.
5. When recorded plats show setbacks different than the minimum setback requirements prescribed by these regulations, the platted setbacks shall be used unless vacated by the Planning Commission.
6. The entrances to all garages and carports shall have a 20 foot setback to provide for surface parking in front of the garage or carport.

405.K. EASEMENTS. No portion of any building or structure shall be located in any platted or recorded easement or alley.

405.L. HEIGHT. No part of any structure, including a wind energy conversion system, may project through the plane defining maximum height, except for the following structures:

1. Chimneys, flues, stacks, fire escapes, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located.
2. Flagpoles, steeples, bell towers, carillons, monuments, and cupolas.

3. Wireless communication facilities, in accordance with [APPENDIX E-505](#).

405.M. MINIMUM LOT SIZE FOR PRIVATE SEWER. Where private sewer disposal systems will be utilized, such as sewage lagoons or septic tanks, a design professional must determine the minimum lot size to accommodate said private sewer disposal system. The design professional and/or applicant must submit the proposed lot size to the Zoning Administrator for approval. Approval by the Zoning Administrator must be given with the concurrence of the Public Works Director prior to development or installation. The minimum lot size determined by the design professional may differ from that prescribed in [ARTICLE 5](#), [ARTICLE 6](#), and [ARTICLE 7](#) of these regulations.

SECTION 406. TRANSITIONAL GUIDELINES

406.A. PURPOSE. The purpose of these transitional guidelines is to facilitate a predictable and gradual transition between existing and new development with the intent to preserve the character of existing neighborhoods. These guidelines are not obligatory requirements for all development but may be required for certain development at the request of the Zoning Administrator, commission, board or governing body.

406.B. BUILDING HEIGHT. Unless exempt pursuant to [SECTION 406.D](#), these guidelines may apply to all new development on lots located in the SF-5, SF-3, TH, TF, MF4, MU-R, MU-C, LC, HMC and HC zoning districts.

1. Any portion of a building closer than 20 feet from a common property line with an existing building shall be no higher than 10 feet above the highest point of the existing building.
2. Any portion of a building between 20 and 30 feet from a common property line with an existing building shall be no higher than 20 feet above the highest point of the existing building.
3. Any portion of a building more than 30 feet from a common property line with an existing building may be built to the maximum height permitted in the prescribed zoning district.

406.C. LOT WIDTH. Unless exempt pursuant to [SECTION 406.D](#), these guidelines may apply to all new subdivisions located in the SF-5, SFZ, TH, TF and MF4 zoning districts when the new subdivision is adjacent to previously subdivided or platted land located in the SF-5, SFZ, TH, TF and MF4 zoning districts and a street shall be continued into the new subdivision.

1. The width of a lot in a new subdivision shall not be less than 75% nor more than 25% of the width of the adjacent lot, provided that the adjacent lot abuts or is along the same street.
2. Where adjacent lots are irregularly shaped (e.g., flag lots or lots with more or less than four sides) the width of a lot in a new subdivision shall not be less than 75% nor more than 25% of the average width of the four nearest lots on the same street.
3. The width of the adjacent lot(s) shall be taken from the frontage that abuts the same street as the new subdivision, regardless of the location of the primary frontage for the adjacent lot(s).

406.D. EXEMPTIONS. The following are exempt from these guidelines:

1. Infill development, or new development on vacant or underused land surrounded by existing development, shall be exempt from the lot width transitional guidelines in [SECTION 406.C](#). This shall include the further subdivision, replatting, or platting of such vacant or underused land.
2. Any development in the LI and HI zoning districts.

SECTION 407. ACCESSORY USES AND STRUCTURES; ALL DISTRICTS.

407.A. USE STANDARDS; ACCESSORY STRUCTURES. Accessory uses and structures are permitted in connection with any lawfully established principal use and/or structure, except as otherwise expressly provided in these regulations.

407.B. DIMENSIONAL STANDARDS; ACCESSORY STRUCTURES. The following standards shall apply to all accessory structures:

1. **Front setback.** Accessory structures shall not be located nearer to the front property line than the principal structure.
2. **Side and rear setback.** Accessory structures must meet district accessory setback requirements, as prescribed in [TABLE 407.B](#).
3. **Corner lot setback.** Accessory structures shall not be located nearer to the primary frontage than the principal structure and must meet the district street yard setback requirements for the secondary frontage.
4. **Location.** Accessory structures may only be located in the side or rear yards, as prescribed in [TABLE 407.B](#).
5. **Building separation.** Unless attached to the principal structure, accessory structures shall be located at least three feet from the primary structure.
6. **Additional construction.** If an existing accessory structure exists, conforms to current code, and meets setback requirements, a permit may be approved for the construction of an additional accessory structure.
7. **Easements.** Accessory structures shall not encroach on any easement and may not block drainage.

Table 407.B. Accessory Structure Dimensional Standards (in feet, unless otherwise noted)

District	Setback requirements		Location	
	Minimum side yard	Minimum rear yard	Side yard	Rear yard
SF-15	3	3	✓	✓
SF-5	3	3	✓	
SF-3	3	3		
TH	3	3	✓	
TF	3	3		
MF4	3	3		
MH	3	3	✓	
MU-R	3	3		
MU-C	3	3	✓	
LC	3	3	✓	
HMC	3	3		
HC	3 ¹	3 ¹	✓	
LI	3 ¹	3 ¹	✓	
HI	3 ¹	3 ¹	✓	

1. Setbacks shall be 6 feet for combustible structures.

ARTICLE 4. GENERAL REGULATIONS

407.C. USE STANDARDS; AUXILIARY STRUCTURES. Auxiliary uses and structures are permitted in connection with any lawfully established principal use and/or structure, except as otherwise expressly provided in these regulations.

407.D. DIMENSIONAL STANDARDS; AUXILIARY STRUCTURES. There shall be no dimensional standards for auxiliary structures unless a building permit is required for construction or installation; however, auxiliary structures may not encroach on any easement and may not block drainage. If a building permit is required, all dimensional standards for accessory structures shall apply.

407.E. DIMENSIONAL STANDARDS; TEMPORARY STRUCTURES. There shall be no dimensional standards for temporary structures provided the temporary structures are used in conformance with [SECTION 405.I](#).

ARTICLE 5

RESIDENTIAL ZONING DISTRICTS

SECTION 501. SF-15 SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

501.A. PURPOSE. The purpose of this district is to accommodate large lot, single-family residential development and complementary land uses. It is intended for areas where some public services are available and where soils are capable of accommodating septic tanks. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

501.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

501.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 501.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 501.C. SF-15 Dimensional Standards (in feet, unless otherwise noted).

Maximum lot area (sq. ft.)	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
87,120	15,000 ¹	75	100	25	5	15	25	35 ²	N/A

1. Larger minimum lot area may be required for nonresidential uses and uses served by private sewer disposal systems. See [SECTION 501.F.1](#) and [SECTION 501.F.2](#).
2. The maximum building height shall be 45 feet if the structure is located at least 25 feet from all lot lines. There is no maximum height limit for barns, silos, and other similar farm buildings. Heights for conditional uses shall be determined as part of the conditional use approval.

501.D. PARKING REGULATIONS. See [APPENDIX E-500](#).

501.E. LANDSCAPING REGULATIONS. Properties in the SF-15 district are exempt from the landscaping regulations, in accordance with [SECTION 405](#) and [APPENDIX E-501](#).

501.F. SPECIAL SF-15 DISTRICT REGULATIONS. The following special regulations shall apply to all property in the SF-15 district.

1. **Lot size requirements for nonresidential uses.** The minimum lot size for nonresidential uses shall be established by the Zoning Administrator.
2. **Lot size requirements for uses served by private sewer disposal systems.** The minimum lot size requirement for uses served by private sewer disposal systems shall be determined as

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

prescribed in [SECTION 405.L](#). If a lot size larger than the maximum lot size is recommended, the maximum lot size may be adjusted following the variance procedures in [SECTION 1005](#).

3. **Permitted Animals.** The following animals are permitted in the SF-15 district, in accordance with [CHAPTER 2](#) of the City Code:
 - a. Dogs and Cats in accordance with [CHAPTER 2, SECTION 201](#) of the City Code.
 - b. Large and Small Domestic animals including, but not limited to rabbits, fowl, bovine cattle, horses, sheep, and goats, in accordance with each of the following standards:
 - i. Providing at least ten thousand (10,000) square feet of fenced open space per animal if the animal shelter or enclosure is within three hundred (300) feet of any dwelling on adjoining premises.
 - ii. Maintaining the animals within a fenced enclosure.
 - iii. Cleaning the domestic animal shelters at least once each week or as often as necessary to prevent or control odors and fly breeding; provided, however, that this shall not apply to grazing areas.
 - iv. Disposing of collected fecal material and other solid organic waste at a sanitary landfill or fertilizer processing plant or by proper disposal on land used for agricultural purposes.
 - v. Storing grain or protein food in tightly covered, rodent-proof, metal containers or rodent-proof bins.
 - vi. Maintaining the premises free of rodent harborage.
 - vii. Using anticoagulant rodenticides for the control of rodents and organophosphorus insecticides for the control of flies or providing other effective chemical means for the control of rodents and flies.
 - viii. Using soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
 - ix. Constructing and maintaining animal shelters and enclosures, including fences, by the use of dimension materials or other effective means so as to prevent domestic animals from breaking out or causing hazard to persons or property.
 - x. Storing refuse in proper containers or in a manner approved by the health officer and disposing of such refuse at least once each week or as frequently as may be required by the health officer.
 - xi. Storing solid waste accumulated from the cleaning of domestic animal shelters in metal or plastic containers with tightfitting metal or plastic lids and disposing of such solid waste at least once each week.
 - xii. Providing proper drainage so that there is no accumulation of rainfall or liquid waste.

SECTION 502. SF-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

502.A. PURPOSE. The purpose of this district is to accommodate single-family residential development and complimentary land uses. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and is intended for low-density residential neighborhoods.

502.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

502.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 502.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures. For single-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in [TABLE 507.D](#) of [APPENDIX E-507](#).

Table 502.C. SF-5 Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
5,000	45	80	20	5	10	10	45 ¹	600

1. Heights for conditional uses shall be determined as part of the conditional use approval.

502.D. PARKING REGULATIONS. See [APPENDIX E-500](#).

502.E. LANDSCAPING REGULATIONS. Properties in the SF-5 district are exempt from the landscaping regulations, in accordance with [SECTION 405](#) and [APPENDIX E-501](#).

SECTION 503. SF-3 SINGLE-FAMILY URBAN RESIDENTIAL DISTRICT

503.A. PURPOSE. The purpose of this district is to accommodate smaller lot, single-family residential development and complimentary land uses. Permitted development includes townhouses, or attached single-family homes; detached single-family homes; and patio homes. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and is intended to provide infill development in core neighborhoods and urban development in new neighborhoods. The SF-3 district can also serve as a buffer between low-density residential neighborhoods and higher-density residential or mixed use neighborhoods.

503.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

503.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 503.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 503.C. SF-3 Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
2,750	25	80	20	0 ¹	10	10	45 ²	600

1. When a side yard setback is provided, a minimum distance of 5 feet shall be required.
2. Heights for conditional uses shall be determined as part of the conditional use approval.

503.D. PARKING REGULATIONS. See [APPENDIX E-500](#).

503.E. LANDSCAPING REGULATIONS. Properties in the SF-3 district are exempt from the landscaping regulations, in accordance with [SECTION 405](#) and [APPENDIX E-501](#).

503.F. SPECIAL SF-3 DISTRICT REGULATIONS. The following special regulations shall apply to all property in the SF-3 district.

1. Exterior materials must be constructed of fire-rated materials of at least two hours when structures will share an exterior wall.
2. There shall be no windows or doors allowed on the zero-setback side of a structure.

SECTION 504. TH TINY HOME RESIDENTIAL DISTRICT

504.A. PURPOSE. The purpose of this district is to accommodate tiny home residential development and complimentary land uses. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

504.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

504.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 504.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 504.C. TH Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Maximum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
2,100	30	70	10	5	10	15	25 ¹	599

1. Heights for conditional uses shall be determined as part of the conditional use approval.

504.D. PARKING REGULATIONS. Each dwelling shall have adequate space for one automobile in the driveway area or a parking lot(s) may be established within the subdivision and include one off-street parking space per residential lot. The driveway area or parking lot must be a hard surface of either concrete or asphalt. When off-street parking is provided in the driveway, all properties shall have an approach per the Standard Drive Entrance requirements with an amended minimum width being 10 feet. See [APPENDIX E-500](#) for the full parking regulations.

504.E. LANDSCAPING REGULATIONS. Properties in the TH district are exempt from the landscaping regulations, in accordance with [SECTION 405](#) and [APPENDIX E-501](#).

505.F. SPECIAL TH DISTRICT REGULATIONS. The following special regulations shall apply to property in the TH District.

1. For each subdivision located in the “TH” Tiny Home Residential District, a property owners’ or homeowners’ association shall be established for the purpose of ownership, maintenance, and management of any and all open spaces, common areas, and private streets in accordance with K.S.A. 58-4601 et seq.
2. Land used for a “TH” District shall, as a condition of zoning, be platted according to City Subdivision Regulations with specific attention given to drainage or utility easements which may be created by the particular design concept.
3. Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he/she shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment in an underground system may be

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

placed above ground but not in the public right-of-way. The planning commission may recommend and City Council may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical.

4. In the event that within two years following approval by the governing body, the applicant does not initiate construction in accordance with the plans and conditions so approved, the planning commission may initiate action to change the zoning district classification of the property. A public hearing shall be held at which time the applicant shall be given any opportunity to show why construction has been delayed. Following the hearing, the planning commission shall make findings of fact and an appropriate recommendation to the governing body for official action.

504.G. BUILDING REGULATIONS. These building regulations are intended to be the minimum requirements.

1. All structures are to be constructed with a foundation to include anchoring that meets the requirements of the current International Residential Code as adopted.
2. Primary structures shall be designed with current plumbing standards that meet plumbing code requirements including, connection to the City of Haysville's potable water system.
3. The primary structure shall include a minimum four (4) inch sewer pipe connected to the City of Haysville wastewater system, in accordance with current city code.
4. The primary structure is to include bathing facilities with a toilet and handwashing sink as well as an approved method to remove moisture in accordance with the adopted mechanical code, and a GFCI outlet within three (3) feet of any source of water.
5. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.
6. The primary structure must have a side hinged front door and an approved egress window located in the rear of the structure. Egress roof access windows in lofts used as sleeping rooms shall be installed where the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the currently adopted International Residential Code.
7. Primary electricity shall be required from the approved franchised electrical provider. Structures may utilized solar panels as a secondary source.
8. Heating & cooling may be obtained through standard means and practices and shall meet the ability to reach 70° Fahrenheit three (3) feet above the finished floor. Liquefied Petroleum Gas (LPG) used as a means to heat any structure is not permitted.
9. No Heating or cooling units are to be placed in such a way that they encroach upon any setback requirements.
10. Loft – is a floor level located more than 30 inches above the main floor and open to the area below on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.
 - a. The minimum area for lofts shall not be less than 35 square feet and the minimum dimensions shall not be less than 5 feet in any horizontal dimension.
 - b. Loft access – The access to and primary egress from lofts shall be any type described in Sections AQ104.2.1 through AQ104.2.4 of the currently adopted International

Residential Code.

- c. Stairways accessing lofts shall comply with Appendix Q or with Sections AQ104.2.1.1 through AQ104.2.1.5 of the currently adopted International Residential Code.
- d. Width – Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall not be less than 20 inches.
- e. Headroom – The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
- f. Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height.
- g. Landing platforms – The top tread and riser of stairways accessing lofts shall be constructed as a landing platform. The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, 16 to 18 inches in height measured from the landing platform to the loft floor.
- h. Handrails shall comply with Section R311.7.8 of the currently adopted International Residential Code.
- i. Stairway guards – Guards at open sides of stairways shall comply with Section R312.1. of the currently adopted International Residential Code.
- j. Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2 of the currently adopted International Residential Code.
- k. Size and capacity – Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200-pound load on any rung. Rung spacing shall be uniform within 3/8-inch.
- l. Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
- m. Alternating tread devices accessing lofts shall comply with Section R311.7.11.1 of the currently adopted International Residential Code.
- n. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2 of the currently adopted International Residential Code. The clear width at and below handrails shall not be less than 20 inches.
- o. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches in height or one-half of the clear height to the ceiling, whichever is less.

504.H. STREET REGULATIONS. Streets shall be platted according to the City's Subdivision Regulations. As a condition of zoning they shall be:

- 1. Considered private and maintained by the homeowner's association;
- 2. Constructed of asphalt or concrete; and
- 3. Have a minimum width of 21 feet face to face curb, and a minimum width of 50 feet for street right-of way.

SECTION 505. TF TWO-FAMILY RESIDENTIAL DISTRICT

505.A. PURPOSE. The purpose of this district is to accommodate single-family and two-family residential development and complimentary land uses. Permitted development includes detached and attached single-family homes and duplexes. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and is intended to provide infill development in core neighborhoods and urban development in new neighborhoods. The TF district can also serve as a buffer between low-density residential neighborhoods and higher-density residential or mixed use neighborhoods.

505.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

505.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 505.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 505.C TF Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750	25	80	20	0 ²	10	10	45 ³	600
Single-Family ¹	4,500	45	80	20	5				
Stacked Two-Family ¹	4,500	45	80	20	5				
Side-by-Side Two-Family ¹	6,050	55	80	20	5				
Non-Residential	5,000	45	80	20	5				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in [TABLE 507.D](#) of [APPENDIX E-507](#).
2. When a side yard setback is provided, a minimum distance of 5 feet shall be required.
3. Heights for conditional uses shall be determined as part of the conditional use approval.

505.D. PARKING REGULATIONS. See [APPENDIX E-500](#).

505.E. LANDSCAPING REGULATIONS. Properties in the TF district are exempt from the landscaping regulations, in accordance with [SECTION 405](#) and [APPENDIX E-501](#).

SECTION 506. MF4 MULTI-FAMILY FOUR RESIDENTIAL DISTRICT

506.A. PURPOSE. The purpose of this district is to accommodate various types of single-family and multi-family residential development and complimentary land uses. Permitted development includes detached and attached single-family homes, duplexes, triplexes and fourplexes. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and can serve as a buffer between low-density residential neighborhoods and higher-density residential or mixed use neighborhoods.

506.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

506.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 506.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 506.C. MF4 Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750	25	80	20	0 ¹	10	10	45 ²	600
Single-Family ¹	4,500	45	80	20	5				
Stacked Two-Family ¹	4,500	45	80	20	5				
Side-by-side Two-Family ¹	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Non-Residential	5,000	35	80	20	5				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in [TABLE 507.D](#) of [APPENDIX E-507](#).

- When a side yard setback is provided, a minimum distance of 5 feet shall be required.
- Heights for conditional uses shall be determined as part of the conditional use approval.

506.D. PARKING REGULATIONS. See [APPENDIX E-500](#).

506.E. LANDSCAPING REGULATIONS. See [APPENDIX E-501](#).

SECTION 507. MH MANUFACTURED HOME RESIDENTIAL DISTRICT

507.A. PURPOSE. The purpose of this district is to accommodate manufactured home development and complimentary land uses. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

507.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

507.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 507.C.1](#) and [TABLE 507.C.2](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 507.C.1 Manufactured Home Park Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements					Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard (public street)	Front yard (private street)	Side yard	Street yard	Rear yard		
3,200	40	80	25	10	10	10	10	35	600

Table 507.C.2 Manufactured Home Subdivision Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements					Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard (public street)	Front yard (private street)	Side yard	Street yard	Rear yard		
5,000	40	80	25	25	6	25	20	35	600

507.D. PARKING REGULATIONS. See [APPENDIX E-500](#).

507.E. LANDSCAPING REGULATIONS. See [APPENDIX E-501](#).

507.F. SPECIAL MH DISTRICT REGULATIONS.

1. Street and parking regulations.

- a. All manufactured home park spaces shall abut upon a park roadway or private street, with no manufactured home/mobile home having its direct access from a public street or highway unless such manufactured home/mobile home is located in a manufactured home subdivision, and unless in unusual circumstances the city deems that manufactured home/mobile homes shall have direct access from a public street or highway. All roadways and private streets shall have unobstructed

access to a public street or highway, with all dead-end roadways being provided an adequate vehicular turn around (cul-de-sac) with a diameter of not less than 80 feet. All roadways shall meet the following requirements:

- i. **Widths.** All manufactured home spaces shall abut a private street or park roadway which maintains a street easement width of 50 feet and a paved width of 30 feet.
 - ii. **Curbs and gutters.** All private streets and park roadways shall have curbs and gutters on each side.
 - iii. **Parking and layout.** Spaces shall be laid out in such a manner as to accommodate easy access for service and emergency vehicles. Private streets and park roadways shall be plainly marked as to speed, traffic control, and other similar items.
 - iv. **Surface.** All park roadways and private streets shall be surfaced with concrete, asphaltic concrete or asphalt in accordance with the city of Haysville's standard for paving and drainage improvements.
- b. Surfaced off-street parking shall be provided for each manufactured home/mobile home space. Off-street parking should be surfaced with concrete or similar material upon approval by the Zoning Administrator, City Inspector or their designee.
 - c. Each manufactured home/mobile home space shall be allowed one detached carport or similar structure for protected off-street parking coverage, provided that such structure shall not project into the front yard setback more than 5 feet, and provided that no off-street parking accessory structure shall be located in a dedicated easement. Such structure shall be constructed from a non-combustible material and shall be unenclosed with the exception of a roof.

2. **Recreations, landscape, and screening**

- a. Each manufactured home park shall devote an area of land not to exceed 10 percent of the tract for developed recreational area (e.g. parks, playgrounds, and/or sidewalks). Individual recreational areas shall not be less than 5,000 square feet. Except for sidewalk improvements, required setbacks, driveways, and off-street parking spaces shall not be considered as recreational space.
- b. Manufactured home parks shall be screened from all zoning districts other than the Manufactured Home Park or Manufactured Home Subdivision district. Screening shall be a solid or semi-solid fence or wall which is a minimum of six feet and a maximum of eight feet high.
- c. In lieu of such a fence or wall, a landscape buffer may be provided not less than 25 feet in width and shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used, the buffer shall not be considered as any part of a required rear yard for a manufactured home space. The fence, wall or landscape buffer shall be properly maintained by the owner.

ARTICLE 6

COMMERCIAL AND MIXED USE ZONING DISTRICTS

SECTION 601. MU-R MIXED USE RESIDENTIAL DISTRICT REGULATIONS

601.A. PURPOSE. The purpose of this district is to accommodate and promote a vertical mix of residential and commercial uses while maintaining the residential character of the neighborhood. Permitted development includes detached and attached single-family homes, duplexes, triplexes, fourplexes, multiplexes, live-work spaces and multi-family developments with or without ground floor retail. Permitted commercial uses are intended to serve the needs of the surrounding neighborhood. This district is generally compatible with the “Residential” and “Neighborhood Mixed Use” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and can serve as a buffer between residential and commercial districts.

601.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

601.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 601.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 601.C. MU-R Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750	25	80	20	0 ²	10	10	55 ³	See 601.F.1
Single-Family ¹	4,500	45	80	20	5				
Stacked Two-Family ¹	4,500	45	80	20	5				
Side-by-Side Two-Family ¹	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Multiplex	10,000	80	80	20	5				
Apartment	14,175	105	80	10	0 ²				
Live-Work	3,150	35	80	10	0 ²				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

including the area of basements and garages), the dimensional standards shall be as prescribed in [TABLE 507.D](#) of [APPENDIX E-507](#).

2. When a side setback is provided, a minimum distance of 5 feet shall be required.
3. Heights for conditional uses shall be determined as part of the conditional use approval.

601.D. PARKING REGULATIONS. See [APPENDIX E-500](#) for the full parking regulations.

1. Access to parking is to be provided from a side street or shared driveway, wherever possible.
2. Vehicles stored or retained on the site overnight must be stored out of sight from the public right-of-way, typically in the rear of the building or an enclosed garage, unless parked in the street or in a residential driveway. In this district, fences are not recommended as a solution to screen vehicles from the public right-of-way unless used in combination with trees or other plantings.

601.E. LANDSCAPING REGULATIONS. See [APPENDIX E-501](#).

601.F. SPECIAL MU-R DISTRICT REGULATIONS. The following special regulations shall apply to property in the MU-R District.

1. The minimum area of dwelling, based on unit type, shall be:
 - a. Studio apartments-minimum livable area of 300 sq. feet.
 - b. One-bedroom apartments-minimum livable area of 400 sq. feet.
 - c. Two-bedroom apartments-minimum livable area of 600 sq. feet.
 - d. Three-bedroom apartments-minimum livable area of 800 sq. feet.
2. Non-residential uses are only permitted in conjunction with residential uses. Such permitted non-residential uses may only be located on the first and second stories of principal structures. Residential uses may be located above or on the same floor level as non-residential uses, including the ground floor; however, they may not be located below non-residential uses.
3. No individual business shall occupy more than 5,000 square feet of floor area; provided, however, an exception to this limitation may be granted by the Board of Zoning Appeals pursuant to the Special Exception procedures in [SECTION 1006](#) and subject to the following conditions:
 - a. A basement area, not exceeding the area used for office or sales use, which is used only for storage, records, mechanical equipment or other non-person uses.
 - b. Such area shall be determined to be non-traffic generating and deemed to be exempt from all off-street parking requirements.
 - c. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of these regulations.
4. No non-residential use shall store any items, goods or equipment outside of an enclosed building, except:
 - a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and

- b. Items, goods and equipment that are for retail sale and placed immediately adjacent to the principal structure.
5. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with [CHAPTER 8, ARTICLE 8](#) of the City Code.

601.G. MU-R DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the MU-R district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.
5. The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

SECTION 602. MU-C MIXED USE COMMERCIAL DISTRICT REGULATIONS

602.A. PURPOSE. The purpose of this district is to accommodate and promote a horizontal and vertical mix of residential and commercial uses while maintaining the commercial character of the neighborhood. Permitted development includes triplexes, fourplexes, multiplexes, live-work spaces, multi-family development with or without ground floor retail and general commercial development. This district is generally compatible with the “Neighborhood Mixed Use” and “Commercial” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

602.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

602.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 602.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 602.C. MU-C Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Non-Residential	3,150	35	80	10	0 ²	10	10	55 ³	See 601.F.1
Townhouse	2,750	25	80	20	0 ²				
Single-Family ¹	4,500	45	80	20	5				
Stacked Two-Family ¹	4,500	45	80	20	5				
Side-by-Side Two-Family ¹	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Multiplex	10,000	80	80	20	5				
Apartment	14,175	105	80	10	0 ²				
Live-Work	3,150	35	80	10	0 ²				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in [TABLE 507.D](#) of [APPENDIX E-507](#).
2. When a side setback is provided, a minimum distance of 5 feet shall be required.
3. Heights for conditional uses shall be determined as part of the conditional use approval.

602.D. PARKING REGULATIONS. See [APPENDIX E-500](#) for the full parking regulations.

1. Access to parking is to be provided from a side street or shared driveway, wherever possible.
2. Vehicles stored or retained on the site overnight must be stored out of sight from the public right-of-way, typically in the rear of the building or an enclosed garage, unless parked in the street. In this district, fences are not recommended as a solution to screen vehicles from the public right-of-way unless used in combination with trees or other plantings.
3. The parking of Recreational Vehicles is not allowed.

602.E. LANDSCAPING REGULATIONS. See [APPENDIX E-501](#).

602.F. SPECIAL MU-C DISTRICT REGULATIONS. The following special regulations shall apply to property in the MU-C District.

1. Residential uses may be located above or on the same floor level as non-residential uses, including the ground floor; provided, however, residential uses may not be located in front of or below a non-residential use.
2. No items, goods or equipment shall be stored outside of an enclosed building, except:
 - a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and
 - b. Items, goods and equipment that are for retail sale and placed immediately adjacent to the principal structure.
3. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with [CHAPTER 8, ARTICLE 8](#) of the City Code.

602.G. MU-C DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the MU-C district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.
5. The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

SECTION 603. LC LIGHT COMMERCIAL DISTRICT REGULATIONS

603.A. PURPOSE. The purpose of this district is to accommodate for the general commercial and retail development that serves the needs and activities of the community. Permitted development includes spaces for retail, offices, restaurants, medical services and other complimentary land uses. This district is generally compatible with the “Commercial” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

603.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

603.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 603.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 603.C. LC Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
3,150	35	80	10	0 ¹	10	10	55 ²

1. When a side setback is provided, a minimum distance of 5 feet shall be required.
2. Heights for conditional uses shall be determined as part of the conditional use approval.

603.D. PARKING REGULATIONS. See [APPENDIX E-500](#) for the full parking regulations.

1. Access to parking is to be provided from a side street or shared driveway, wherever possible.

603.E. LANDSCAPING REGULATIONS. See [APPENDIX E-501](#).

603.F. SPECIAL LC DISTRICT REGULATIONS. The following special regulations shall apply to property in the LC District.

1. No items, goods or equipment shall be stored outside of an enclosed building, except:
 - a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and
 - b. Items, goods and equipment that are for retail sale and placed immediately adjacent to the principal structure.
2. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with [CHAPTER 8, ARTICLE 8](#) of the City Code.

603.G. LC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the LC district and are used to evaluate the acceptability of a project’s design. Where a standard uses the word “recommended” such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.
5. The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

SECTION 604. HMC HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS

604.A. PURPOSE. The purpose of this district is to accommodate for the attraction, hospitality, and entertainment of transient guests. Permitted development includes hotels, motels, event centers, indoor entertainment and other complimentary land uses. This district is generally compatible with the “Commercial” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

604.B. Use Standards. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

604.C. Dimensional Standards. The dimensional standards shall apply to all principal structures in this district as listed in [TABLE 604.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

Table 604.C. HMC Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
10,000	80	80	20	5	20	20	55 ¹

1. Heights for conditional uses shall be determined as part of the conditional use approval.

604.D. PARKING REGULATIONS. See [APPENDIX E-500](#) for the full parking regulations.

1. In addition to any required off-street parking, an off-street area must be provided for guests to load and unload private and public vehicles (cars, vans, buses, etc.).
2. Access to parking is to be provided from a side street or shared driveway, wherever possible.

604.E. LANDSCAPING REGULATIONS. See [APPENDIX E-501](#).

604.F. Special HMC District Regulations. The following special regulations shall apply to property in the HMC District.

1. **Dwelling unit regulations:**
 - a. Each dwelling unit shall contain a primary room with a minimum of 150 square feet of floor area.
 - b. Other habitable rooms in each dwelling unit shall contain not less than 70 square feet each.
 - c. Each dwelling unit shall contain a separate bathroom containing a water closet, lavatory and tub or shower.
 - d. When housekeeping units are included, the primary room shall contain a minimum of 220 square feet of floor area.
 - e. At a minimum, the kitchen area will be of sufficient size to accommodate a cupboard, countertop and provide a sink, cooking appliance, refrigerator and clear

working area of 30 inches.

- f. No habitable room shall have less than a seven-foot length or width dimension.
2. **Zone change requirements.** An approved screening plan will be required before final approval of any zone change to the HMC District. Such plan shall contain:
 - a. A detailed plan to screen the site from adjacent, lesser zoned property.
 - b. Type and kind of screening material. If living screen (trees and/or shrubs) is to be used, not only the type and location of planting, but also the anticipated growth time to maturity is to be included. A maintenance plan for the screening will be required.
 - c. The effectiveness of such planned visual and/or sound barriers.
 - d. The schedule for completion of the screening plan.
3. **Outdoor storage.** All items stored outdoors must be kept on a hard or all-weather surface. No non-residential use shall store any items, goods or equipment outside of an enclosed building, except:
 - a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and
 - b. Items, goods and equipment that are for retail sale or rent. Provided, that if the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may only be located on hard surface areas within the front yard setback. Outside of the front yard setback, the display of such vehicles or equipment may be located on an all-weather surface.
 - c. Vehicles stored or retained on the site overnight and associated with said non-residential use. This includes the overnight storage of transient guests' vehicles and vehicles displayed for rent or sale.
4. **Lighting.** Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with [CHAPTER 8, ARTICLE 8](#) of the City Code.

604.G. HMC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the HMC district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

5. The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

SECTION 605. HC HEAVY COMMERCIAL DISTRICT REGULATIONS

605.A. PURPOSE. The purpose of this district is to accommodate commercial development that requires larger lots than other commercial development and may be oriented towards and draw more motor vehicle traffic. Permitted development includes home improvement centers, car washes, financial institutions, vehicle sales yard, outdoor recreation, service centers and other complimentary land uses. This district is generally compatible with the “Commercial” and “Commercial Mixed Use” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

605.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in [TABLE 404.D](#), in accordance with [SECTION 404](#).

605.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in [TABLE 605.C](#), in accordance with [SECTION 405](#). See [SECTION 407](#) for the dimensional standards for accessory structures.

605.C. HC Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
6,000	50	80	20	10	20	20	55 ¹

1. Heights for conditional uses shall be determined as part of the conditional use approval.

605.D. PARKING REGULATIONS. See [APPENDIX E-500](#) for the full parking regulations.

1. Access to parking is to be provided from a side street or shared driveway, wherever possible.

605.E. LANDSCAPING REGULATIONS. See [APPENDIX E-501](#).

605.F. SPECIAL HC DISTRICT REGULATIONS. The following special regulations shall apply to all property in the HC district.

1. No outdoor operations, display or storage is permitted within the front yard setback, except:
 - a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way.
 - b. Items, goods and equipment that are for retail sale or rent. Provided, that if the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may only be located on hard surface areas within the front yard setback.
 - c. Required and accessory customer and employee vehicle parking and parking for vehicles used in conjunction with the business occupying the zoning lot is permitted in the front yard setback.
5. All items stored outdoors must be kept on a hard or all-weather surface.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

6. All outdoor operations and storage shall occur within solid screened areas and shall not be visible from any adjacent non-elevated street nor from ground level view in any adjacent lot that is a lesser zoning district.
7. Operations or products must not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
8. Any illumination shall be so arranged as to reflect the light away from adjoining premises and shall be in conformance with [CHAPTER 8, ARTICLE 8](#) of the City Code.

605.G. HC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the HC district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.

APPENDIX E.

SITE DEVELOPMENT REGULATIONS

SECTION 507. BY-RIGHT HOUSING DEVELOPMENT

507.A. PURPOSE. The purpose of this section is to promote the development of housing by streamlining the approval process for certain types of housing development in certain zoning districts in accordance with [K.S.A 12-757](#). By facilitating the construction of additional housing units, this section aims to address housing shortages and promote affordability.

507.B. DEFINITIONS. For this purposes of this section, certain terms or words used herein shall be interpreted as follows:

1. Development application. Means a building permit or subdivision plat.
2. Floor area. Means the sum of the square footage of all of the floors of a structure or building, excluding the areas of basements, attached garages or space used for off-street parking or loading, breezeways, enclosed or unenclosed porches, and accessory structures.

507.C. APPLICABILITY. By-right housing development includes single-family homes, two-family homes, townhouses, and accessory dwelling units (ADUs). All by-right housing development must be approved without discretionary review or approval from the Planning Commission, Board of Zoning Appeals, or governing body if such development:

1. Complies with the special use standards outlined in [SECTION 404.E](#) of the Zoning Regulations;
2. Is a permitted use in the requested zoning district, in accordance with [TABLE 404.D](#) of the Zoning Regulations;
3. Does not require federal or state discharge permits or stormwater drainage studies;
4. Has a maximum of 12 attached units as part of any townhouse project;
5. Complies with the condition that the construction of public infrastructure extensions or improvements:
 - a. Is not required for the development;
 - b. Has been completed; or
 - c. Is a condition of approval of the application that has been agreed to by the applicant;
6. Will not increase impervious surface in a manner that adversely affects drainage into a special flood hazard area as defined by any adopted floodplain management ordinance, as designated by the Kansas department of agriculture's division of water resources or other office designated by the governor or by law; and
7. Is not located within a district listed on the national register of historic places or otherwise subject to historic preservation review under applicable state, federal, or local law.

507.D. DIMENSIONAL STANDARDS. The following standards, as listed in [TABLE 507.D](#) and in accordance with [SECTION 405](#) of the Zoning Regulations, shall apply to all single-family homes, two-family homes, and townhouses with a floor area of less than 2,500 sq. ft. (excluding the area of basements and garages). When the floor area is greater than 2,500 sq. ft. (excluding the area of basements and garages), the dimensional standards of the applicable zoning district shall apply. See [SECTION 407](#) of the Zoning Regulations for the dimensional standards for ADUs.

Table 507.D. Dimensional Standards for Single-Family, Two-Family, and Townhouses with a Floor Area less than 2,500 sq. ft. (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750	25	80	20	0 ¹	10	10	<i>See district max</i>	600
Single-Family	3,000	30	80	20	5				
Stacked Two-Family	3,000	30	80	20	5				
Side-by-side Two-Family	3,000	35	80	20	5				

1. When a side yard setback is provided, a minimum distance of 5 feet shall be required.

507.E. DENIAL TIMELINES. A complete building permit application for a by-right housing development shall be deemed approved unless the application is denied within a certain time frame. Applications for subdivision plats shall be deemed approved if they comply with the Subdivision Regulations and all applicable subdivision statutes adopted pursuant to [K.S.A. 12-752](#), and amendments thereto, and are not denied within a certain time frame. The time frames are as follows:

1. For building permits, applications shall be deemed approved unless denied within 30 days of submission.
2. For small plats with less than 40 lots, applications shall be deemed approved unless denied within 60 days of submission.
3. For large plats with more than 40 lots, applications shall be deemed approved unless denied within 90 days of submission.

507.F. APPEAL OF A DENIED APPLICATION. When denied by the Zoning Administrator, an appeal of a denied by-right development application shall adhere to the provisions of [SECTION 1007](#) of the Zoning Regulations. When denied by any other party, an appeal shall adhere to the provisions of [K.S.A. 12-760](#), and amendments thereto.

DRAFT**ARTICLE 43.
GENERAL REGULATIONS****SECTION 4301. — BASE DISTRICTS**

401.A. GENERAL. The zoning districts presented in this article are referred to as “Base Districts” because they establish the basic zoning regulations that apply to all properties classified in, or shown on, the Official Zoning Map as in that zoning district. All land in the City has a base district classification. Base district regulations control the types of uses allowed and the way in which uses, and buildings may be developed on a site. The base district regulations are the default regulations; they always control unless expressly overridden by or pursuant to any applicable Overlay Zoning District regulations.

401.B. BASE DISTRICTS ESTABLISHED. The base districts will be divided as follows prescribed in TABLE 401.B.:

Table 401.B. Base districts.

District Code	District Name
Residential Base Districts	
SF-15	Single-Family Suburban Residential
SF-5	Single-Family Residential
SF-3	Single-Family Urban Residential
TH	Tiny Home Residential
TF	Two-Family Residential
MF4	Multi-Family Four Residential
MH	Manufactured Home Residential
Commercial and Mixed Use Base Districts	
MU-R	Mixed Use Residential
MU-C	Mixed Use Commercial
LC	Light Commercial
HMC	Hotel and Motel Commercial
HC	Heavy Commercial
Industrial Base Districts	
LI	Light Industrial
HI	Heavy Industrial
Special Base Districts	
P-O	Protective Overlay
HD-O	Original Town Historic Overlay

1. A. — Residential — SF15, SF, SFZ, TH, TF, MF4, MFA, MH;

ARTICLE 4. GENERAL REGULATIONS

2. ~~B. Commercial – HMC, OC, LC, HC;~~

3. ~~C. Industrial – LI, HI;~~

401.C. BASE DISTRICT HIERARCHY. References in these regulations to less restrictive or more restrictive zoning districts refer to the residential, commercial, and industrial base districts established in TABLE 401.B and represent a progression from the SF-15 district as the most restrictive base district to the HI district as the least restrictive base district. Special base districts are not included in the hierarchy.

Commented [KH1]: An established hierarchy is important as the Planning Commission is able to recommend lower zoning districts during zone change hearings if a hierarchy published.

Commented [KH2R1]: This is also accompanied by the Zoning Classification Chart available on the Planning and Zoning page of the city website.

ARTICLE 4. GENERAL REGULATIONS

~~SECTION 301~~ — ~~DISTRICT MAP ADOPTED~~ 402. DISTRICT MAP ADOPTED.

402.A. OFFICIAL ZONING MAP. Boundaries of the ~~base~~ zoning districts set out in ~~SECTION 43010~~ are hereby established as shown on the map designated as the ~~“Official Zoning Mmap.”~~ The map and all the notations, references and information shown thereon are hereby made as much a part of ~~these regulations is chapter~~ as if the same were set forth in full herein. It shall be the duty of the ~~Ceity~~ ~~C~~lerk to keep in file in his or her office an authentic copy of the map, ~~and~~ all ~~chan~~rge, amendments or additions thereto, ~~and~~ ~~D~~uplicate copies thereof shall be kept on file in the ~~zoning~~ office ~~of the Zoning Administrator~~.

402.B. DISTRICT BOUNDARIES. When definite distances in feet are not shown on the ~~“Official Zzoning district-Mmap,”~~ the district boundaries are intended to be along existing street, alley, or platted lot lines or extension of the same, and if the exact location of such line is not clear, it shall be determined by the ~~Zzoning A~~administrator, due consideration being given to location as indicated by the scale of the ~~zoning district~~ map.

402.C. STREETS. — When the streets or alleys on the ground differ from the streets or alleys as shown on the ~~“Official Zzoning district-Mmap,”~~ the ~~Zzoning A~~administrator may apply the district designations on the map to the streets and alleys on the ground in such manner as to conform to the intent and purpose of the ~~zoning regulations~~ ~~se regulations~~. Whenever any street, alley or other public way is vacated by official action of the governing body, the zoning districts adjoining each side of such street, alley or public way shall automatically extend to the center of such vacation and all the area included in this vacation shall then and thenceforth be subject to all regulations of the extended district

ARTICLE 4. GENERAL REGULATIONS

SECTION 403. ANNEXED TERRITORY.

~~D. — While both ordinances may be published on the same day, the annexation ordinance must be published first if they are published on separate days.~~

403.AE. ZONING DISTRICT. — All land hereafter annexed shall be classified as ~~SF15~~SF-15, SFSF-5 or SFZSF-3; ~~as and~~ designated as such by on the associated annexation ordinance. The property owner, Planning Commission or governing body may file an application initiating a request for a change in zoning classification~~zone change~~ to any other district and/or for a conditional use permit. Such changes may be considered during the process of annexation. ~~T-While the Planning Commission~~commission may also hold the required public hearing on a rezoning zone change or conditional use permit application prior to annexation, however, the effectuating ordinance or resolution for the zone change or conditional use permit cannot be published until the land is first annexed into the city. ~~While a zone change or conditional use ordinance and annexation ordinance may be published on the same day, the annexation ordinance must be published first if they are published on separate days. Whenever any street, alley or other public way is vacated by official action of the governing body, the zoning districts adjoining each side of such street, alley or public way shall automatically extend to the center of such vacation and all the area included in this vacation shall then and thenceforth be subject to all regulations of the extended district.~~

403.B. ORDINANCE PUBLICATION. The annexation ordinance must be published before a zone change ordinance or conditional use permit resolution may be published for the same property, even when published on the same day.

302 — BOUNDARIES OF DISTRICTS

~~The boundaries of the districts are, unless otherwise indicated, the centerline of streets and alleys.~~

ARTICLE 4. GENERAL REGULATIONS

SECTION 303 — REGULATIONS; ALL DISTRICTS 404. USE STANDARDS; ALL DISTRICTS.

The rules and regulations governing all zoning districts in the city shall be as follows:

404.A. GENERAL. The following use standards shall apply to all zoning districts.

404.B. NUMBER OF USES ON A LOT. Any combination of permitted or conditional uses and accessory uses may be allowed on a single lot or within a single building in accordance with all applicable requirements of these regulations and building code.

404.C. NONCONFORMING USES. No building or structure or land may be used or changed to be used in any way to not comply with all of the district regulations established by these regulations for the district in which the use is located, except as noted in ARTICLE 9.

404.D. PERMITTED AND CONDITIONAL USES. The principal uses that are allowed in each base district as either a permitted or conditional use are listed in TABLE 404.D.

1. A permitted use is compatible with the other uses allowed in the district, and therefor does not require an additional permit.
2. A conditional use requires approval from the governing body to assess whether the proposed use will be compatible with the character of the area and the other uses allowed in the district. The governing body may place conditions on the proposed use as it deems necessary to ensure compatibility.

404.E. SPECIAL USE STANDARDS. No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable special use standards specified in this section, or unless the special use standards have been modified or waived by the Board of Zoning Appeals or by the Planning Commission pursuant to the zoning permit procedures in ARTICLE 10.

1. Residential uses.

- a. **Accessory dwelling unit (ADU).** In accordance with K.S.A. 12-757, aAccessory dwelling units shall be permitted by right provided that:
 - i. In the residential zoning districts, ADUs are only allowed on properties developed with a single-family home. ADUs may be detached or attached to the single-family home;
 - ii. In the commercial or mixed use zoning districts, ADUs are only allowed on properties developed with commercial buildings. ADUs are not allowed on properties developed with apartments, live-work buildings, or any other residential building. ADUs must be attached and may only be located above or behind such commercial buildings. They may not be located in front of, below, or detached from commercial buildings; and
 - iii. The floor area of the ADU shall not exceed the floor area of the principal structure or unit it is accessory to. in the MFA, MH, HMC, LC, HC, LI and HI districts when used for security purposes only. Any other use of an accessory

Commented [KH3]: New special use standards were added due to the signing of SB 418, a senate bill that requires ADUs to be permitted by-right. ADUs will only be reviewed by the commission or governing body if they do not meet these use standards.

ARTICLE 4. GENERAL REGULATIONS

~~dwelling unit in the above referenced districts shall require a conditional use permit.~~

- b. **Group home.** In accordance with K.S.A. 12-736, group homes shall be permitted by right in all zoning districts where single-family dwellings are permitted conditionally or by-right.

ARTICLE 4. GENERAL REGULATIONS

Table 404.D. Use Chart.

															Zoning Districts										
Use Type	SF-15	SF-5	SF-3	TH	TF	MF4	MU-R	MH	MU-C	LC	HMC	HC	LI	HI	Special Use Standards										
Residential																									
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	P	P	P						See 404.E.1.a										
Assisted Living		C	C	C	C	C	P	C	P																
Group Home	P	P	P	P	P	P	P	P	C						See 404.E.1.b										
Group Residence, Limited					C	P	P	P	P																
Group Residence, General						P	P	P	P																
Live-Work							P		P																
Manufactured Home, Residential-Design	P	P	P	P				P							See 404.E.1.d and Appendix E-504										
Manufactured Home								P							See 404.E.1.c										
Multi-Family						C	P		P																
Single-Family	P	P	P	P	P	P	P	P	P						See 404.E.1.e										
Townhouse			P		P	P	P		P																
Two-Family					P	P	P		P																
Three- and Four-Family					C	P	P		P																
Public and Civic																									
Auditorium or Stadium									P	P	P	P	P	P	-										
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-										
Church or Place of Worship	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-										
Community Assembly	C	P	P	P	P	P	P	P	P	P	P	P	P	P	-										
Correctional Facility												C	C	C	-										
Correctional Placement Residence, Limited									C	C		C	C	C	-										
Correctional Placement Residence, General												C	C	C	-										
Day Care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-										
Day Reporting Center										C	C	C	C	C	-										
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-										
Government Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-										
Hospital							P		P	P	P	P	P	P	-										
Library		P	P	P	P	P	P	P	P	P	P	P	P	P	-										
Neighborhood Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-										
Nursing Facility		C	C	C	C	P	P	C	P	P	P				-										
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-										
Recycling Collection Station, Private	P	P	P	P	P	P	P	P	C	P	P	P	P	P	See 404.E.2.a										
Recycling Collection Station, Public							C	C	C	C	C	P	P	P	See 404.E.2.a										
Recycling Processing Center												P	P	P	See 404.E.2.b										
Renewable Energy System															-										
Reverse Vending Machine							P	P	P	P	P	P	P	P	-										
Safety Service	C	C	C	C	C	C	C	C	P	P	P	P	P	P	-										

ARTICLE 4. GENERAL REGULATIONS

<u>School, Elementary, Middle & High</u>	C	C	C	C	C	C	C									-	
<u>University or College</u>	C	C	C	C	C	C	C		C	C	C	C	C	C		-	
<u>Utility, Major</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C		-	
<u>Utility, Minor</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P		-	
Commercial																	
<u>Adult Entertainment Establishment</u>																-	
<u>Airport or Airstrip</u>														P	P	-	
<u>Animal Care, Limited</u>							P		P	P	P	P	P	P		-	
<u>Animal Care, General</u>												P	P	P		-	
<u>Automated Teller Machine (ATM)</u>		P	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.3.a	
<u>Bank or Financial Institution</u>							P		P	P	P	P	P	P		-	
<u>Bed and Breakfast Inn</u>	P	P	P	P	P	P	P		P	P	P					-	
<u>Broadcast/Recording Studio</u>							P		P	P	P	P	P	P		-	
<u>Car Wash</u>									C	C	C	P	P	P	P	-	
<u>Construction Sales and Service</u>									P	P	P	P	P	P	P	See 404.E.3.b	
<u>Convenience Store</u>							C		C	C	P	P	P	P		-	
<u>Entertainment Establishment</u>						P	P		P	P	P	P	P	P		-	
<u>Event Center</u>	C					P	P		P	P	P	P	P	P		-	
<u>Farmer's Market</u>	P								P	P	P	P	P	P		-	
<u>Funeral Home</u>									P	P	P	P	P	P		-	
<u>Heliport</u>														P	P	-	
<u>Hotel or Motel</u>							C		C	C	P	P	P	P		-	
<u>Kennel, Hobby</u>									P	P	P	P	P	P		-	
<u>Kennel, Boarding/Breeding/Training</u>							P		P	P	P	P	P	P		-	
<u>Medical Service</u>							P		P	P	P	P	P	P		-	
<u>Microbrewery</u>									P	P	P	P	P	P	P	See 404.E.3.c	
<u>Mobile Food Unit</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P		-	
<u>Monument Sales</u>									P	P	P	P	P	P		-	
<u>Nightclub</u>							P		P	P	P	P	P	P		-	
<u>Nurseries and Garden Centers</u>							P		P	P	P	P	P	P		-	
<u>Office, General</u>							P		C	P	P	P	P	P		-	
<u>Parking Area, Accessory</u>						C	C	C	C	C	C	C	C	C		-	
<u>Parking Area, Commercial</u>							C		C	C	C	C	C	C		-	
<u>Pawnshop</u>							P		P	P	P	P	P	P		-	
<u>Personal Care Service</u>							P		P	P	P	P	P	P		-	
<u>Personal Improvement Service</u>									P	P	P	P	P	P		-	
<u>Post Office Substation</u>							P		P	P	P	P	P	P		-	
<u>Printing and Publishing, General</u>							P		P	P	P	P	P	P		-	
<u>Recreation and Entertainment, Indoor</u>							P		P	P	P	P	P	P		-	
<u>Recreation & Entertainment, Outdoor</u>							P		P	P	P	P	P	P		-	
<u>Recreational Vehicle Campground</u>	C											C	P	P		See 404.E.3.d	
<u>Restaurant</u>							P		P	P	P	P	P	P		-	
<u>Retail, General</u>							P		P	P	P	P	P	P		-	
<u>Retail Fulfillment Center</u>									P	P	P	P	P	P		See 404.E.3.e	
<u>Riding Academy or Stable</u>												P	P	P		-	
<u>Rodeo</u>												P	P	P		-	

Commented [KH4]: BZA Case 2026-001 classified online auction houses as retail fulfillment centers.

ARTICLE 4. GENERAL REGULATIONS

Secondhand Store						P		P	P	P	P	P	P	-	
Service Station								P	P	P	P	P	P	See 404.E.3.f	
Short-term Residential Rental	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.3.g	
Tavern and Drinking Establishment								P	P	P	P	P	P		
Teen Club						P		P	P	P	P	P	P		
Vehicle and Equipment Sales, Outdoor										P	P	P	P	See 404.E.3.h	
Vehicle Repair, Limited								C	C	P	P	P	P		
Vehicle Repair, General										P	P	P	P	See 404.E.3.i	
Vocational School	C	C	C	C	C	C	C	C	C	C	C	C	C	-	
Warehouse, Self-Service Storage												C	C	-	
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	-	
Industrial, Manufacturing and Extractive															
Asphalt or Concrete Plant, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	-	
Asphalt or Concrete Plant, General												P	P	-	
Basic Industry												P	P	-	
Construction Burn Site, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	-	
Construction Burn Site, General	C	C	C	C	C	C	C	C	C	C	C	C	C	-	
Freight and/or Truck Terminal												P	P	-	
Gas and/or Fuel Storage and Sales												P	P	-	
Hazardous Operations													C	-	
Landfill													C	-	
Manufacturing, Light							P		P	P	P	P	P	See 404.E.4.a	
Manufacturing, Medium												P	P		
Manufacturing, Heavy													P		
Mining or Quarrying	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.4.b	
Oil and Gas Drilling	C	C	C	C	C	C	C	C	C	C	C	C	C	-	
Research Services												P	P	-	
Rock Crushing	C	C	C	C	C	C	C	C	C	C	C	C	C	-	
Solid Waste Incinerator												P	P	-	
Storage, Outdoor												C	P	See 404.E.4.c	
Transfer Station												P	P	-	
Vehicle Storage Yard												C	P	See 404.E.4.d	
Warehousing												P	P	-	
Welding or Machine Shop												P	P		
Wholesale or Business Services												P	P	-	
Wrecking/Salvage Yard														-	
Agricultural															
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.5.a	
Agriculture Processing												P	P		
Agriculture Research	C											P	P	C	
Agriculture Sales and Service												P	P		
Grain Storage	P											P	P		

Commented [KH5]: Reducing restrictions to support the 2025 Community & Economic Development Survey where the second most supported new business in Haysville was a bar and grill. This survey garnered roughly 180 responses with a fairly even split between all age cohorts above 25. Only three responses came from the 18-24 age cohort. Put out through Survey Monkey, on social media, chamber of commerce.

TABLE 404.D. USE CHART

ARTICLE 4. GENERAL REGULATIONS

c. **Manufactured home.** In accordance with K.S.A. 12-763, manufactured homes shall not be excluded from all zoning districts.

d. **Residential-design manufactured home.** In accordance with K.S.A. 12-763, residential-design manufactured homes shall be permitted by right in the SF-15, SF-5, and SF-3 zoning districts.

~~1.~~ **Single-Family.** In accordance with K.S.A. 12-757, single-family dwelling units shall be permitted by right in all zoning districts that allow any type of residential use provided that they comply with the provisions of APPENDIX E-507.C.

~~e.~~

3. **Public and civic uses.**

a. **Recycling collection station, private and public.** Public and private recycling collection stations shall be permitted provided that containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind.

~~a-b.~~ **Recycling processing center.** Recycling processing centers shall be permitted ~~by right~~ provided that:

- i. Any operation that is not conducted entirely within an enclosed building shall be solidly screened from the view of any adjacent properties of a arterial streets and any lesser zoning district and the public right-of-ways adjacent to the property, pursuant to the maximum fence height permitted in CHAPTER 4, ARTICLE 11 of the City Code; and;
- ii. All items stored outdoors must be placed on an all-weather or hard surface.

4. **Commercial uses.**

a. **Automated teller machine (ATM).** Automated teller machines shall only be permitted as an accessory use to a lawfully permitted use. ATMs shall not be permitted as stand-alone, principal structures.

b. **Construction sales and service.** Construction sales and service shall be permitted ~~by right~~ provided that all material and equipment stored outdoors shall be located on a hard or all-weather surface and be arranged to permit reasonable inspection and access to all parts of the premises by fire, police, and city authorities. Rock, decorative pavers or statues, and any live plant material shall not require an all-weather surface, but shall be kept in an orderly manner.

c. **Microbrewery.** Microbreweries shall be permitted, in accordance with K.S.A. 41-710, provided that the following conditions are met.

- i. No microbrewery shall be located within 200 feet of any public or parochial school or college or church, except that if any such school, college, or church is established within 200 feet of any microbrewery after the premises have been established; and

~~b-ii.~~ No microbrewery shall be permitted in any district zoned for any purpose except agricultural, commercial, or business purposes.

Commented [KH6]: Language added to clarify the meaning behind "adequately" and "solidly" screened in regards to fence height.

ARTICLE 4. GENERAL REGULATIONS

d. **Recreational vehicle campground.** Recreational vehicle campgrounds shall be permitted ~~by right~~ provided that solid screening, in addition to the landscape buffer required in accordance with APPENDIX E-501.E.1, shall be provided along any common property line with a residential district.

e. **Retail fulfillment center.** Retail fulfillment centers shall be permitted provided that:

- i. Existing window transparency shall be maintained up to 50%. No interior items, including solid shelving units, may be used to block visibility into the interior space; however, window film and posters may be utilized.
- ii. A minimum of door signage must be provided to avoid the appearance of building vacancy.
- iii. Where delivery vehicles are utilized, proper loading and unloading areas shall be provided on-site. No loading or unloading activities may occur off-site. Such loading and unloading areas shall not impede pedestrian or vehicle traffic.
- iv. Where some retail activities will be conducted in-person, the retail floor area of the establishment shall comply with the off-street parking requirements for Business and Retail Establishments. Warehouse or fulfillment floor area may be excluded from the off-street parking calculations.
- v. Where no in-person retail activities will be conducted, the establishment shall be required to provide one off-street parking space per employee.
- vi. Where this establishment is adjacent to a residential district or residential use, no deliveries, shipping, or other outdoor activities may occur outside standard retail operating hours of 5:00 am to 10:00 p.m.

e.f. **Service station.** Service stations shall be permitted ~~by right~~ provided that the following conditions are met for the outdoor storage of materials.

- ~~d.i.~~ Liquids, not to exceed one 300 gallon drum;
- e.ii. Tires, to be stored in a container not to exceed 100 square feet located at least 18 inches off the ground; and
- ~~f.iii.~~ Scrap metal, to be in a container not to exceed 100 square feet.

g. **Short-term residential rental.** Short-term residential rentals shall be permitted ~~by right~~ provided that a permit is submitted and approved by the Zoning Administrator.

h. **Vehicle and equipment sales, outdoor.** Outdoor vehicle and equipment sales shall be permitted ~~by right~~ provided that:

- i. All merchandise displayed is in operable condition;
- ~~i.ii.~~ Within the front yard setback, all merchandise shall be displayed on a hard surface. All other merchandise may be displayed on a hard or all-weather surface;
- iii. Where displayed merchandise will abut a public right-of-way, parking barriers shall be installed to ensure parked merchandise does not encroach onto the public right-of-way;
- ~~ii.iv.~~ No part or piece storage is displayed outdoors;

ARTICLE 4. GENERAL REGULATIONS

~~iii-v.~~ All maintenance (excluding washing and waxing) is conducted indoors; and

~~iv-vi.~~ Loading and unloading of merchandise takes place off of public streets.

- i. **Vehicle repair, general.** General vehicle repair shall be permitted ~~by right~~ provided that no inoperable vehicles are stored or located on site for more than 45 days.

5. Industrial, manufacturing and extractive uses.

a. **Freight and/or truck terminal.** Freight and/or truck terminals shall be permitted provided that such use is not located on a lot adjacent to an arterial street.

b. **Manufacturing, light.** Light manufacturing shall be permitted ~~by right~~ provided that all manufacturing is conducted wholly within a completely enclosed building.

c. **Mining or Quarrying.** In accordance with K.S.A. 12-757(a), mining, quarrying and other operations subject to K.S.A. 79-601 et seq., shall not be subject to conditional use procedures.

~~i-d.~~ **Storage, outdoor.** Outdoor storage shall be permitted ~~by right~~ as a principal use provided that:

i. All items are stored on an all-weather or hard surface; ~~and~~

~~ii.~~ All storage is solidly screened from ~~the view of any~~ adjacent properties of a lesser zoning district ~~and the public right-of-way, pursuant to the maximum fence height permitted in CHAPTER 4, ARTICLE 11 of the City Code; and~~

~~iii-ii.~~ ~~All storage is solidly screened from the view of any public right of way.~~

~~j-e.~~ **Vehicle storage yard.** Vehicle storage yards shall be permitted ~~by right~~ provided that:

i. Outdoor vehicle storage shall occur in an orderly manner with clearly delineated parking stalls;

ii. All outdoor vehicle storage areas and drives shall be paved with a hard surface;

iii. A security fence shall be installed that solidly screens the yard from the view of ~~any adjacent properties of a lesser zoning district and the public right-of-way, pursuant to the maximum fence height permitted in CHAPTER 4, ARTICLE 11 of the City Code; and~~

iv. Such use is not located on a lot adjacent to an arterial street.

6. Agricultural.

a. **Agriculture.** In accordance with K.S.A. 19-2908; 19-2921; and 12-758, these regulations herein shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon so long as such buildings are used for agricultural purposes.

ARTICLE 4. GENERAL REGULATIONS

SECTION 405. DIMENSIONAL STANDARDS; ALL DISTRICTS.

405.A. GENERAL. The following dimensional standards shall apply to all zoning districts.

405.B. NUMBER OF PRINCIPAL BUILDINGS ON A LOT. There shall be only one (1) principal structure permitted on each lot in the SF-15, SF-5, and SF-3 districts. Multiple principal buildings on one lot may be permitted in all other districts as follows:

1. Each building must meet the district setbacks and the distance between buildings must be not less than twice the side setback required in the district unless approved under the provisions of a planned unit development, administrative adjustment or variance.
2. Approval of multiple buildings on a lot will not constitute a right to subdivide or separately convey those structures except in accordance with the regulations in effect at the time of the proposed subdivision.

405.C. TYPE OF CONSTRUCTION. A. — Except as specifically noted in these regulations is article, the type of construction permitted will be governed by the building codes duly adopted and in use in the city.

405.D. YARDS AND COURTS. The yard regulations and the lot area provisions required by these regulations shall be considered minimum regulations for each and every building or structure existing at the time of the effective date of these regulations and for any building or structure hereafter erected or structurally altered.

- ~~4.~~ No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations is chapter shall be diminished in any way or again used, in whole or in part, as a yard, court or other open space for another building.

~~1.~~

2. Through lots shall only have front yards and side yards.

3. Corner lots shall have front yards along the primary frontage, as determined by street address or building orientation, and side yards along the secondary frontage.

C. — Except as hereinafter provided:

405.E. NONCONFORMING STRUCTURES. 1. — No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered for use, nor shall any building or structure or land to be used or changed in use in any way to not comply with all of the district regulations established by this these chapter regulations for the district in which the building or structure or land is located, except as noted in Article ARTICLE 96.

No land required for yards or for lot area provisions now in use for an existing building or structure hereafter erected or structurally altered shall be considered as a minimum for a yard or lot area for any other building or structure.

Commented [KH7]: Moved here from 405.J. Setbacks section.

ARTICLE 4. GENERAL REGULATIONS

405.F. LANDSCAPING. The ~~street yards~~~~required front and side yard areas~~ of all lots shall be landscaped and maintained in good condition, in accordance with APPENDIX E-501, except for:

1. Lots zoned SF-15, SF-5, SF-3, TF, or TH; or
2. Lots zoned LI or HI located along collector or local streets where all adjacent lots are zoned the same or less restrictive. unless such lot is zoned "LI" Light Industrial or "HI" Heavy Industrial, and all adjacent lots are zoned the same.

Commented [KH8]: Added to match provisions regulations as listed in the Landscaping Regulations.

405.G. OFF-STREET PARKING. 3. ~~Every building or structure hereafter erected, enlarged or converted to a use which requires off-street parking shall provide garage space or parking space in compliance with all of the district regulations established by these regulations is chapter for the district in which the building or structure is located, in accordance with APPENDIX E-500. All principal residential driveways and all approaches must be constructed of concrete.~~

405.H. LOADING AND UNLOADING SPACES. 4. ~~Every building or structure hereafter erected, enlarged or converted for commercial or industrial purposes, shall provide reasonable facilities for the loading or unloading of goods in compliance with all the district regulations established by these regulations is chapter for the district in which the building, structure or land is located, in accordance with APPENDIX E-500.~~

405.I. TEMPORARY BUILDINGS AND STRUCTURES. The following temporary buildings or structures may be erected and used in any district:

1. ~~D.~~ Offices, sheds, warehouses and open-air storages used by building contractors in connection with the building of a principal building or the development of an area, may be erected and used in any district; provided, that they shall be removed from the premises within 10 days after substantial completion of the project or unusual suspension of work, or upon permit expiration, whichever is the earlier date.

~~Tents and other similar structures that are not permanently affixed may be erected and used in any district; provided, that such structures are not located in the public right-of-way, do not block drainage, and are not erected for more than six months in a year. (See Section 704 for permit procedure.)~~

2. ~~E.~~ It shall be unlawful to remove minerals from the ground except in "HI" Heavy Industrial Districts (excluding water).

Commented [KH9]: K.S.A. 757a and K.S.A. 74-623 restrict the city's ability to regulate mining activities.

~~F.~~ It shall be unlawful to use a manufactured home as a dwelling structure or habitation except in "MH" Manufactured Home Parks or Subdivisions and in compliance with all the regulations and requirements contained in the current ordinance regulating manufactured homes in Section 408.

Commented [KH10]: K.S.A. 12-763 restricts the city's ability to regulate manufactured homes.

~~H.~~ Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the

ARTICLE 4. GENERAL REGULATIONS

department or other officer to designate, delegate and authorize subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Commented [KH11]: Moved to Article 1. Section 102.
Rules of Interpretation

405.J. I-SETBACKS.

1. ~~Where there are through lots, front yard requirements-front setbacks~~ shall apply to both streets.
2. ~~Where there are corner lots, front setbacks shall apply to the primary frontage, as determined by street address or building orientation. An additional street yard setback shall apply to the secondary frontage.~~
3. ~~Open, unenclosed porches may extend into a required setback by a maximum of eight feet but shall not encroach upon any platted or recorded easement. For the purposes of these regulations, screened porches shall be considered enclosed.~~
4. ~~Chimneys, awnings, basement escape windows wells and similar architectural appendages may extend into a required setback by a maximum of thirty-six inches but shall not encroach upon any platted or recorded easement.~~
5. ~~When recorded plats show setbacks greater-different than the minimum setback requirements prescribed by these regulations, --the greater-platted setbacks shall be used unless vacated by the Planning Commission.~~
6. ~~The entrances to all garages and carports shall have a 20 foot setback to provide for surface parking in front of the garage or carport.~~
1. ~~A side yard setback of 25 feet shall be provided for all schools, libraries,~~
3. ~~churches, community houses and other public and semi public buildings on the~~

~~side of the lot adjoining another building site.~~**405.K. EASEMENTS.** No portion of any building or structure shall be located in any platted or recorded easement or alley.

~~**405.L. HEIGHT. N**~~ ~~—~~ No part of any structure, including a wind energy conversion system, may project through the plane defining maximum height, except for the following structures:

1. ~~1.~~ ~~Chimneys, flues, stacks, fire escapes, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located.~~
2. ~~2.~~ ~~Flagpoles, steeples, bell towers, carillons, monuments, and cupolas.~~
3. ~~3.~~ ~~Wireless communication facilities, must be in accordance with Appendix APPENDIX section E-505.~~

~~Wireless Communications.~~

405.M. MINIMUM LOT SIZE FOR PRIVATE SEWER. ~~Where private sewer disposal systems will be utilized, such as sewage lagoons or septic tanks, a design professional must determine the minimum lot size to accommodate said private sewer disposal system. The design professional and/or applicant must submit the proposed lot size to the Zoning Administrator for approval. Approval by the Zoning Administrator must be given with the concurrence of the Public Works Director prior to development or installation. The minimum lot size determined by the design professional may differ from that prescribed in ARTICLE 5, ARTICLE 6, and ARTICLE 7 of these regulations.~~

ARTICLE 4. GENERAL REGULATIONS

SECTION 406. TRANSITIONAL GUIDELINES

406.A. PURPOSE. The purpose of these transitional guidelines is to facilitate a predictable and gradual transition between existing and new development with the intent to preserve the character of existing neighborhoods. These guidelines are not obligatory requirements for all development but may be required for certain development at the request of the Zoning Administrator, commission, board or governing body.

406.B. BUILDING HEIGHT. Unless exempt pursuant to SECTION 406.D, these guidelines may apply to all new development on lots located in the SF-5, SF-3, TH, TF, MF4, MU-R, MU-C, LC, HMC and HC zoning districts.

1. Any portion of a building closer than 20 feet from a common property line with an existing building shall be no higher than 10 feet above the highest point of the existing building.
2. Any portion of a building between 20 and 30 feet from a common property line with an existing building shall be no higher than 20 feet above the highest point of the existing building.
3. Any portion of a building more than 30 feet from a common property line with an existing building may be built to the maximum height permitted in the prescribed zoning district.

406.C. LOT WIDTH. Unless exempt pursuant to SECTION 406.D, these guidelines may apply to all new subdivisions located in the SF-5, SFZ, TH, TF and MF4 zoning districts when the new subdivision is adjacent to previously subdivided or platted land located in the SF-5, SFZ, TH, TF and MF4 zoning districts and a street shall be continued into the new subdivision.

1. The width of a lot in a new subdivision shall not be less than 75% nor more than 25% of the width of the adjacent lot, provided that the adjacent lot abuts or is along the same street.
2. Where adjacent lots are irregularly shaped (e.g., flag lots or lots with more or less than four sides) the width of a lot in a new subdivision shall not be less than 75% nor more than 25% of the average width of the four nearest lots on the same street.
3. The width of the adjacent lot(s) shall be taken from the frontage that abuts the same street as the new subdivision, regardless of the location of the primary frontage for the adjacent lot(s).

406.D. EXEMPTIONS. The following are exempt from these guidelines:

1. Infill development, or new development on vacant or underused land surrounded by existing development, shall be exempt from the lot width transitional guidelines in SECTION 406.C. This shall include the further subdivision, replatting, or platting of such vacant or underused land.
2. Any development in the LI and HI zoning districts.

SECTION 304 — ACCESSORY USES AND STRUCTURES, ALL DISTRICTS
ACCESSORY USES AND STRUCTURES; ALL DISTRICTS.

407.A. — ACCESSORY USES STANDARDS; ACCESSORY STRUCTURES AND STRUCTURES. Accessory uses and structures are ~~permitted~~ in connection with any lawfully established ~~principal use and/or structure~~, except as otherwise expressly provided in these ~~Zoning Regulations~~ regulations.

407.B. DIMENSIONAL STANDARDS; ACCESSORY STRUCTURES. The following standards shall apply to all accessory structures:

1. ~~1.~~ **Front setback.** Accessory structures shall not be located nearer to the front property line than the principal structure.
2. ~~2.~~ **Side and rear setback.** Accessory structures ~~must~~ meet district accessory setback requirements, ~~as prescribed in TABLE 407.B.~~
- ~~3.~~ **Corner lot setback.** Accessory structures shall not be located nearer to the primary frontage than the principal structure and must meet the district street yard setback requirements for the secondary frontage.
- ~~2-4.~~ **2. — Location.** Accessory structures ~~may~~ can only be located in the side or rear yards, ~~as prescribed in TABLE 407.B.~~
- ~~3-5.~~ **3. — Building separation.** Unless attached to the principal structure, accessory structures ~~shall not~~ be located ~~closer at least than~~ three feet from the primary structure.
4. ~~4.~~ **Additional construction.** If an existing ~~detached~~ accessory structure ~~exists~~, conforms to current code, and meets setback requirements, a permit may be approved for ~~the additional construction of an additional accessory structure.~~
6. ~~5-7.~~ **5. — Easements.** Accessory structures ~~shall~~ not encroach on any easement and may not block drainage.

Table 407.B. Accessory Structure Dimensional Standards (in feet, unless otherwise noted)

District	Setback requirements		Location	
	Minimum side yard	Minimum rear yard	Side yard	Rear yard
SF-15	3	3	✓	✓
SF-5	3	3	✓	
SF-3	3	3		
TH	3	3	✓	
TF	3	3		
MF4	3	3		
MH	3	3	✓	
MU-R	3	3		
MU-C	3	3	✓	
LC	3	3	✓	
HMC	3	3		
HC	3 ¹	3 ¹	✓	

ARTICLE 4. GENERAL REGULATIONS

<u>LI</u>	<u>3¹</u>	<u>3¹</u>	<u>✓</u>	
<u>HI</u>	<u>3¹</u>	<u>3¹</u>	<u>✓</u>	

1. Setbacks shall be 6 feet for combustible structures.

8. ~~Allowed Accessory Structure Location by District.~~

1. ~~SF15 – Side and/or rear yard.~~
2. ~~SF – Side and/or rear yard.~~
3. ~~SFZ – Rear yard.~~
4. ~~TH – Rear yard, only two accessory structures are allowed, 5 feet setback from side/rear lot line.~~
5. ~~TF, MF4, MFA – Rear yard.~~
1. ~~6. MH – Side and/or rear yard, 3 feet setback from the side or rear lot line.~~
7. ~~HMC, OC – Rear yard.~~
8. ~~LC & HC – Side and/or rear yard.~~
9. ~~LI & HI – Side and/or rear yard.~~

407.C. USE STANDARDS; AUXILIARY STRUCTURES. Auxiliary uses and structures are permitted in connection with any lawfully established principal use and/or structure, except as otherwise expressly provided in these regulations.

407.D. DIMENSIONAL STANDARDS; AUXILIARY STRUCTURES. There shall be no dimensional standards for auxiliary structures unless a building permit is required for construction or installation; however, auxiliary structures may not encroach on any easement and may not block drainage. If a building permit is required, all dimensional standards for accessory structures shall apply.

407.E. DIMENSIONAL STANDARDS; TEMPORARY STRUCTURES. There shall be no dimensional standards for temporary structures provided the temporary structures are used in conformance with SECTION 405.I.

Commented [KH12]: Auxiliary structures are defined as structures no more than 99 sq. ft. Building permits are only required for structures that are 100 sq. ft. or more. Since no permit is required, no site plans are submitted, and it is nearly impossible to regulate their location. If the sq. ft. regulation for building permits were ever to change, I have added in that the accessory structure standards shall apply to regulate the construction.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

ARTICLE 54

RESIDENTIAL ZONING DISTRICTS

Commented [KH1]: OVERVIEW: The dimensional standards herein were modified to reflect the standards exemplified by Missing Middle. The updates to the residential zoning districts support the housing assessment from 2023 by increasing a variety of housing types allowed and decreasing lot sizes so there is a less of a barrier to construction and purchase. Allowing for smaller lots will also allow our community to continue growing even with geographic constraints (floodplain, agricultural borders, etc.).

SECTION 501. SF-15 SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

Commented [KH2]: OVERVIEW: A maximum lot size was added to this section. That is the extent of the changes.

501.A. PURPOSE. The purpose of this district is to accommodate large lot, single-family residential development and complementary land uses. It is intended for ~~and~~ areas where some public services are available and where soils are capable of accommodating septic tanks. This district is generally compatible with the "Residential" designations of the Official Land Use Map adopted in the City of Haysville Comprehensive Plan.

501.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

501.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 501.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 501.C. SF-15 Dimensional Standards (in feet, unless otherwise noted).

Maximum lot area (sq. ft.)	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
<u>87,120</u>	15,000 ¹	75	100	25	<u>56</u>	15	25	35 ²	N/A

1. Larger minimum lot area may be required for nonresidential uses and uses served by ~~septic tanks and private sewer disposal systems~~ water supplies. See SECTION 501.F.1 and SECTION 501.F.2.

1-2. ~~The maximum~~ building height shall be 45 feet if the structure is located at least 25 feet from all lot lines. ~~There is no~~ maximum height limit for barns, silos, and other similar farm buildings. Heights for conditional uses shall be determined as part of the conditional use approval.

501.D. -PARKING REGULATIONS. See ~~Appendix~~ APPENDIX E-500.

501.E. LANDSCAPING REGULATIONS. Properties in the SF-15 district are exempt from the landscaping regulations, in accordance with SECTION 405 and APPENDIX E-501.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

501.F. –SPECIAL “SF-15” DISTRICT REGULATIONS. The following special regulations shall apply to all property in the SF-15 district.

~~1. 1. —~~ Lot size requirements for nonresidential uses ~~and uses served by private water supply.~~

~~a. a. —~~ The minimum lot size requirement for residential uses served by private water supply shall be 40,000 square feet.

~~b. 1. b. —~~ The minimum lot size for nonresidential uses shall be established by the ~~Z~~ zoning Administrator.

~~2. 2. —~~ Lot size requirements for uses served by ~~private sewer disposal systems~~ ~~sewage lagoons.~~

~~3. 2. a. —~~ The minimum lot size requirement for uses served by ~~sewage lagoons shall be five acres.~~ private sewer disposal systems shall be determined as prescribed in SECTION 405.L. If a lot size larger than the maximum lot size is recommended, the maximum lot size may be adjusted following the variance procedures in SECTION 1005.

~~4. 3. 3. —~~ **Permitted Animals.** The following animals are permitted in the SF-15 district, in accordance with CHAPTER 2 of the City Code:-

a. ~~a. —~~ Dogs and Cats in accordance with CHAPTER 2, SECTION 201 of the City Code.

b. ~~b. —~~ Large and Small Domestic animals including, but not limited to rabbits, fowl, bovine cattle, horses, sheep, and goats, in accordance with each of the following standards:

- i. ~~i. —~~ Providing at least ten thousand (10,000) square feet of fenced open space per animal if the animal shelter or enclosure is within three hundred (300) feet of any dwelling on adjoining premises.
- ii. ~~ii. —~~ Maintaining the animals within a fenced enclosure.
- iii. ~~iii. —~~ Cleaning the domestic animal shelters at least once each week or as often as necessary to prevent or control odors and fly breeding; provided, however, that this shall not apply to grazing areas.
- iv. ~~iv. —~~ Disposing of collected fecal material and other solid organic waste at a sanitary landfill or fertilizer processing plant or by proper disposal on land used for agricultural purposes.
- v. ~~v. —~~ Storing grain or protein food in tightly covered, rodent-proof, metal containers or rodent-proof bins.
- vi. ~~vi. —~~ Maintaining the premises free of rodent harborage.
- vii. ~~vii. —~~ Using anticoagulant rodenticides for the control of rodents and organophosphorus insecticides for the control of flies or providing other effective chemical means for the control of rodents and flies.
- viii. ~~viii. —~~ Using soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
- ix. ~~ix. —~~ Constructing and maintaining animal shelters and enclosures, including fences, by the use of dimension materials or other effective means so as to

Commented [KH3]: Private water supply, i.e., wells, do not require large amounts of space.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

prevent domestic animals from breaking out or causing hazard to persons or property.

- x. ~~xi.~~ Storing refuse in proper containers or in a manner approved by the health officer and disposing of such refuse at least once each week or as frequently as may be required by the health officer.
- xi. ~~xi.~~ Storing solid waste accumulated from the cleaning of domestic animal shelters in metal or plastic containers with tightfitting metal or plastic lids and disposing of such solid waste at least once each week.
- ~~xii.~~ ~~xii.~~ Providing proper drainage so that there is no accumulation of rainfall or liquid waste.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

SECTION 502. SF-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

502.A. PURPOSE. The purpose of this district is to accommodate single-family residential development and complimentary land uses. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and is intended for low-density residential neighborhoods.

502.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

502.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 502.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures. For single-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.D of APPENDIX E-507.

Table 502.C. SF-5 Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
5,0006,000	4550	8090	2025	56	1510	1020	45 ¹	600

1. Heights for conditional uses shall be determined as part of the conditional use approval.

502.D. PARKING REGULATIONS. See APPENDIXAPPENDIX E-500.

502.E. LANDSCAPING REGULATIONS. Properties in the SF-5 district are exempt from the landscaping regulations, in accordance with SECTION 405 and APPENDIX E-501.

Commented [KH4]: OVERVIEW: The dimensional standards were changed to reduce lot size, width, depth, and setbacks.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

SECTION 503. SF-3 SINGLE-FAMILY/ZERO LOT LINE URBAN RESIDENTIAL DISTRICT

503.A. PURPOSE. The purpose of this district is to accommodate smaller lot, single-family residential development and complimentary land uses. Permitted development includes townhouses, or attached single-family homes; detached single-family homes; and patio homes. This district is generally compatible with the "Residential" designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and is intended to provide infill development in core neighborhoods and urban development in new neighborhoods. The SF-3 district can also serve as a buffer between low-density residential neighborhoods and higher-density residential or mixed use neighborhoods.

503.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

503.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 503.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 503.C. SF-3 Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
5,000-2,750	50-25	80	15-20	0 ¹	15-10	15-10	45-35 ²	600

1. When a side yard setback is provided, a minimum distance of 5-10 feet shall be required between structures.

2. Heights for conditional uses shall be determined as part of the conditional use approval.

503.D. PARKING REGULATIONS. See APPENDIX E-500.

503.E. PARKING REGULATIONS/LANDSCAPING REGULATIONS. Properties in the SF-3 district are exempt from the landscaping regulations, in accordance with SECTION 405 and APPENDIX E-501.

503.F. SPECIAL SF-3 DISTRICT REGULATIONS. The following special regulations shall apply to all property in the SF-3 district.

1. Exterior materials must be constructed of fire-rated materials of at least two hours when structures will share an exterior wall.
2. There shall be no windows or doors allowed on the zero-setback side of a structure.

Commented [KH5]: OVERVIEW: The purpose of this section was changed to accommodate townhouse development (identified as a need in the 2023 Housing Assessment), a type of development not previously feasible in the city. The dimensional standards were changed to reflect this; the lot size, width, and rear setback were reduced.

Commented [KH6]: Matching SF-5 requirement

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

SECTION 504. TH TINY HOME RESIDENTIAL DISTRICT

504.A. PURPOSE. The purpose of this district is to accommodate tiny home residential development and complimentary land uses. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

504.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

504.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 504.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 504.C. TH Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Maximum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
2,100	30	70	10	5	10	15	25 ¹	599

¹. Heights for conditional uses shall be determined as part of the conditional use approval.

~~F.~~ **504.D. PARKING REGULATIONS.** Each dwelling shall have adequate space for one automobile in the driveway area or a parking lot(s) may be established within the subdivision and include one off-street parking space per residential lot. The driveway ~~area or parking lot~~ must be a hard surface of either concrete or asphalt. ~~All measurements shall be within the property line boundaries. When off-street parking is provided in the driveway, a~~ All properties shall have an approach per the Standard Drive Entrance requirements with an amended minimum width being 10 feet⁴. See ~~Appendix APPENDIX E, Section 500 for the full parking regulations. A parking lot(s) may be established within the subdivision and include two stalls per residential lot in the Tiny Home Subdivision and measure 8 1/2' X 19' per stall to provide additional parking.~~

504.E. LANDSCAPING REGULATIONS. Properties in the TH district are exempt from the landscaping regulations, in accordance with SECTION 405 and APPENDIX E-501.

505.F. SPECIAL TH DISTRICT REGULATIONS. The following special regulations shall apply to property in the TH District.

~~1.~~ For each subdivision located in the “TH” Tiny Home Residential District, a property owners’ or homeowners’ association shall be established for the purpose of ownership, maintenance, and management of any and all open spaces, common areas, and private streets in accordance with K.S.A. 58-4601 et seq.

1.

~~2.~~ Land used for a “TH” District ~~s.~~ Shall, as a condition of zoning, be platted according to City Subdivision Regulations with specific attention given to drainage or utility easements which may be created by the particular design concept.

Commented [KH7]: No changes were made to this section. Any redline is the cause of reformatting the section, rewording some lines, and moving the parking regulations.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

2.

3. Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he/she shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment in an underground system may be placed above ground but not in the public right-of-way. The planning commission may recommend and City Council may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical.

3.

B. In the event that within two years following approval by the governing body, the applicant does not initiate construction in accordance with the plans and conditions so approved, the planning commission may initiate action to change the zoning district classification of the property. A public hearing shall be held at which time the applicant shall be given any opportunity to show why construction has been delayed. Following the hearing, the planning commission shall make findings of fact and an appropriate recommendation to the governing body for official action.

4.

C.

D. **504.G. BUILDING REGULATIONS.** These building regulations are intended to be the minimum requirements.

1. All structures are to be constructed with a foundation to include anchoring that meets the requirements of the current International Residential Code as adopted.
2. Primary structures shall be designed with current plumbing standards that meet plumbing code requirements including, connection to the City of Haysville's potable water system.
3. The primary structure shall include a minimum four (4) inch sewer pipe connected to the City of Haysville wastewater system, in accordance with current city code.
4. The primary structure is to include bathing facilities with a toilet and handwashing sink as well as an approved method to remove moisture in accordance with the adopted mechanical code, and a GFCI outlet within three (3) feet of any source of water.
5. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.
6. The primary structure must have a side hinged front door and an approved egress window located in the rear of the structure. Egress roof access windows in lofts used as sleeping rooms shall be installed where the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the currently adopted International Residential Code.

7. Primary electricity shall be required from the approved franchised electrical

a-7. provider. Structures may utilized solar panels as a secondary source.

Commented [KH8]: The section references for the International Residential Code on tiny homes have changed.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

8. Heating & cooling may be obtained through standard means and practices and shall meet the ability to reach 70° Fahrenheit three (3) feet above the finished floor. Liquefied Petroleum Gas (LPG) used as a means to heat any structure is not permitted.
9. No Heating or cooling units are to be placed in such a way that they encroach upon any setback requirements.

~~10.~~ Loft – is a floor level located more than 30 inches above the main floor and open to the area below on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.

10.

- a. The minimum area for lofts shall not be less than 35 square feet and the minimum dimensions shall not be less than 5 feet in any horizontal dimension.
- b. Loft access – The access to and primary egress from lofts shall be any type described in Sections ~~D-10-L~~ AQ104.2.1 through AQ104.2.4 of the currently adopted International Residential Code.
- c. Stairways accessing lofts shall comply with Appendix Q this code or with Sections ~~D-10-D~~ AQ104.2.1.1 through AQ104.2.1.5 of the currently adopted International Residential Code.
- d. Width – Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall not be less than 20 inches.
- e. Headroom – The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
- f. Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height.
- g. Landing platforms – The top tread and riser of stairways accessing lofts shall be constructed as a landing platform. The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, 16 to 18 inches in height measured from the landing platform to the loft floor.
- h. Handrails shall comply with Section R311.7.8 of the currently adopted International Residential Code.
- i. Stairway guards – Guards at open sides of stairways shall comply with Section R312.1. of the currently adopted International Residential Code.
- j. Ladders accessing lofts shall comply with Sections AQ104.2.1 ~~D-10-C~~ and AQ104.2.2 of the currently adopted International Residential Code ~~D-10-J~~.
- ~~a-k.~~ Size and capacity – Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200-pound load on any rung. Rung spacing shall be uniform within 3/8-inch.
- ~~b-l.~~ Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
- ~~k-m.~~ Alternating tread devices accessing lofts shall comply with Section

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

R311.7.11.1 of the currently adopted International Residential Code.

—Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2 of the currently adopted International Residential Code. The clear width at and below handrails shall not be less than 20 inches.

n.

—Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches in height or one-half of the clear height to the ceiling, whichever is less.

o. ~~Parking Regulations. See Appendix.~~

~~G. —~~ **504.H. STREET REGULATIONS.** Streets shall be platted according to the City's Subdivision Regulations. As a condition of zoning they shall be: ~~(See Section 5. of the Subdivision Regulations for Haysville, Kansas)~~

~~Streets, as a condition of zoning, shall be platted according to the City's Subdivision Regulations, shall~~

- ~~1. C~~ be considered private and maintained by the homeowner's association;
- ~~2. C~~ shall be constructed of asphalt or concrete; and
- ~~3. Have a~~ be a minimum width of 21 feet face to face curb, and a minimum width of 50 feet for street right-of way.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

SECTION 505. TF TWO-FAMILY RESIDENTIAL DISTRICT

505.A. PURPOSE. The purpose of this district is to accommodate single-family and two-family residential development and complimentary land uses. Permitted development includes detached and attached single-family homes and duplexes. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and is intended to provide infill development in core neighborhoods and urban development in new neighborhoods. The TF district can also serve as a buffer between low-density residential neighborhoods and higher-density residential or mixed use neighborhoods.

505.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

505.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 505.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 505.C TF Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750 ^{6,000} ₀	25 ⁵⁰	80 ⁹⁰	20 ²⁵	0 ²⁶				
Single-Family	4,500	45	80	20	5				
Stacked Two-Family	4,500	45	80	20	5	10	10 ²⁰	45 ³⁵	600
Side-by-Side Two-Family	6,050	55	80	20	5				
Non-Residential	5,000	45	80	20	5				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.D of APPENDIX E-507.
2. When a side yard setback is provided, a minimum distance of 5 feet shall be required.
3. Heights for conditional uses shall be determined as part of the conditional use approval.

505.D. PARKING REGULATIONS. See Appendix APPENDIX E-500.

505.E. LANDSCAPING REGULATIONS. Properties in the TF district are exempt from the landscaping regulations, in accordance with SECTION 405 and APPENDIX E-501.

Commented [KH9]: OVERVIEW: Dimensional standards were developed to allow for the most diversity in lot sizes and ease infill development. Such dimensional standards are based on use. The standards were developed using the principles of Missing Middle Housing.

Commented [KH10]: Matching SF-5 requirement.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

SECTION 506. MF4 MULTI-FAMILY FOUR RESIDENTIAL DISTRICT

506.A. PURPOSE. The purpose of this district is to accommodate various types of single-family and multi-family residential development and complimentary land uses. Permitted development includes detached and attached single-family homes, duplexes, triplexes and fourplexes. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and can serve as a buffer between low-density residential neighborhoods and higher-density residential or mixed use neighborhoods.

506.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

506.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 506.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 506.C. MF4 Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750 6,000	25 50	80 90	20 25	0 6 ¹				
Single-Family	4,500	45	80	20	5				
Stacked Two-Family	4,500	45	80	20	5				
Side-by-side Two-Family	6,050	55	80	20	5	15 10	10 20	45 35 ²	600
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Non-Residential	5,000	35	80	20	5				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.D of APPENDIX E-507.

2. When a side yard setback is provided, a minimum distance of 5 feet shall be required.

3. Heights for conditional uses shall be determined as part of the conditional use approval.

506.D. PARKING REGULATIONS. See Appendix APPENDIX E-500.

506.E. LANDSCAPING REGULATIONS. See APPENDIX E-501.

Commented [KH11]: OVERVIEW: Dimensional standards were developed to allow for the most diversity in lot sizes and ease infill development. Such dimensional standards are based on use. The standards were developed using the principles of Missing Middle Housing.

Commented [KH12]: Matching SF-5 requirement

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

SECTION 507. MH MANUFACTURED HOME ~~PARK~~ RESIDENTIAL DISTRICT

507.A. PURPOSE. The purpose of this district is to accommodate manufactured home development and complimentary land uses. This district is generally compatible with the “Residential” designations of the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

507.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

507.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 507.C.1 and TABLE 507.C.2, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 507.C.1 Manufactured Home Park Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements					Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard (public street)	Front yard (private street)	Side yard	Street yard	Rear yard		
3,200	40	80	25	10	10	10	10	35	600

Table 507.C.2 Manufactured Home Subdivision Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements					Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard (public street)	Front yard (private street)	Side yard	Street yard	Rear yard		
5,000	40	80	25	25	6	25	20	35	600

507.D. PARKING REGULATIONS. See APPENDIX E-500.

507.E. LANDSCAPING REGULATIONS. See APPENDIX E-501.

507.F. SPECIAL MH DISTRICT REGULATIONS.

~~1.~~—

1. Street and parking regulations.

- a.—All manufactured home park spaces shall abut upon a park roadway or private street, with no manufactured home/mobile home having its direct access from a public street or highway unless such manufactured home/mobile home is located in a manufactured home subdivision, and unless in unusual circumstances the city deems that manufactured home/mobile homes shall have direct access from a

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

public street or highway. All roadways and private streets shall have unobstructed access to a public street or highway, with all dead-end roadways being provided an adequate vehicular turn around (cul-de-sac) with a diameter of not less than 80 feet. All roadways shall meet the following requirements:

a.

~~i.~~

~~ii.~~ **Widths.** All manufactured home spaces shall abut a private street or park roadway which maintains a street easement width of 50 feet and a paved width of 30 feet.

~~i.~~

~~iii.~~

~~iv.~~ **Curbs and gGutters.** All private streets and park roadways shall have curbs and gutters on each side.

~~ii.~~

~~v.~~

~~vi.~~ **Parking and LLayout.** Spaces shall be laid out in such a manner as to accommodate easy access for service and emergency vehicles. Private streets and park roadways shall be plainly marked as to speed, traffic control, and other similar items.

~~iii.~~

~~vii.~~

~~viii.~~ **Surface.** All park roadways and private streets shall be surfaced with concrete, asphaltic concrete or asphalt in accordance with the city of Haysville's standard for paving and drainage improvements.

~~iv.~~

~~ix.~~

~~b.~~ ~~There shall be no on street parking allowed on any private or public street located in the Manufactured Home Park and Manufactured Home Subdivision district.~~

Surfaced off-street parking shall be provided for each manufactured home/mobile home space. Off-street parking should be surfaced with concrete or similar material upon approval by the ~~Planning and~~ Zoning Administrator, City Inspector or their designee. ~~Asphalt is a prohibited material for off street parking.~~

b.

~~c.~~

~~d.~~ Each manufactured home/mobile home space shall be allowed one detached carport or similar structure for protected off-street parking coverage, provided that such structure shall not project into the front yard setback more than 5 feet, and provided that no off-street parking accessory structure shall be located in a dedicated easement. Such structure shall be constructed from a non-combustible material and shall be unenclosed with the exception of a roof.

ARTICLE 5. RESIDENTIAL ZONING DISTRICTS

e.c.

~~2.~~ **Recreations, Landscape, and Screening**

3-2.

~~a.~~ Each manufactured home park shall devote an area of land not to exceed 10 percent ~~(10%)~~ of the tract for developed recreational area (e.g.- parks, playgrounds, and/or sidewalks). Individual recreational areas shall not be less than 5,000 square feet. Except for sidewalk improvements, required setbacks, driveways, and off-street parking spaces shall not be considered as recreational space.

b-a.

~~c.~~ Manufactured home parks shall be screened from all zoning districts other than the Manufactured Home Park or Manufactured Home Subdivision district. Screening shall be a solid or semi-solid fence or wall which is a minimum of six feet and a maximum of eight feet high.

~~4.~~

b.

~~a.~~ In lieu of such a fence or wall, a landscape buffer may be provided not less than 25 feet in width and shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used, the buffer shall not be considered as any part of a required rear yard for a manufactured home space.

~~b.~~

c. The fence, wall or landscape buffer shall be properly maintained by the owner.

ARTICLE 6**COMMERCIAL AND MIXED USE ZONING DISTRICTS****SECTION 601. MFA MULTI-FAMILY APARTMENT DISTRICT REGULATIONS MU-R MIXED USE RESIDENTIAL DISTRICT REGULATIONS**

601.A. PURPOSE. The purpose of this district is to accommodate and promote a vertical mix of residential and commercial uses while maintaining the residential character of the neighborhood. Permitted development includes detached and attached single-family homes, duplexes, triplexes, fourplexes, multiplexes, live-work spaces and multi-family developments with or without ground floor retail. Permitted commercial uses are intended to serve the needs of the surrounding neighborhood. This district is generally compatible with the "Residential" and "Neighborhood Mixed Use" designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan* and can serve as a buffer between residential and commercial districts.

601.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

601.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 601.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 601.C. MU-R Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750	25	80	20	0 ²				
Single-Family	4,500	45	80	20	5				
Stacked Two-Family	4,500	45	80	20	5				
Side-by-Side Two-Family	6,050	55	80	20	5	15 ¹⁰	10 ²⁰	55 ³	See 601.F.1
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Multiplex	10,000 ^{6,000}	80 ⁵⁰	80 ⁹⁰	20 ²⁵	5 ⁶				

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

Apartment	14,175	105	80	10	0 ²				
Live-Work	3,150	35	80	10	0 ²				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.D of APPENDIX E-507.
2. When a side setback is provided, a minimum distance of 5 feet shall be required.
—Heights for conditional uses shall be determined as part of the conditional use approval.
- 3.

601.D. PARKING REGULATIONS. See Appendix APPENDIX E-500 for the full parking regulations.

1. Access to parking is to be provided from a side street or shared driveway, wherever possible.
2. Vehicles stored or retained on the site overnight must be stored out of sight from the public right-of-way, typically in the rear of the building or an enclosed garage, unless parked in the street or in a residential driveway. In this district, fences are not recommended as a solution to screen vehicles from the public right-of-way unless used in combination with trees or other plantings.

601.E. LANDSCAPING REGULATIONS. See Appendix APPENDIX E-501.

601.F. SPECIAL MU-R DISTRICT REGULATIONS. The following special regulations shall apply to property in the MU-R District.

1. The minimum area of dwelling, based on unit type, shall be: ~~Minimum areas of each dwelling.~~
 - a. Studio apartments-minimum livable area of 300 sq. feet.
 - b. One-bedroom apartments-minimum livable area of 400 sq. feet.
 - c. Two-bedroom apartments-minimum livable area of 600 sq. feet.
 - d. Three-bedroom apartments-minimum livable area of 800 sq. feet.
2. Non-residential uses are only permitted in conjunction with residential uses. Such permitted non-residential uses may only be located on the first and second stories of principal structures. Residential uses may be located above or on the same floor level as non-residential uses, including the ground floor; however, they may not be located below non-residential uses.
3. No individual business shall occupy more than 5,000 square feet of floor area; provided, however, an exception to this limitation may be granted by the Board of Zoning Appeals pursuant to the Special Exception procedures in SECTION 1006 and subject to the following conditions:
 - a. A basement area, not exceeding the area used for office or sales use, which is used only for storage, records, mechanical equipment or other non-person uses.
 - b. Such area shall be determined to be non-traffic generating and deemed to be exempt from all off-street parking requirements.

Commented [KH1]: Allowed closer to the street as these have/will likely have ground floor commercial spaces and won't need the space to accommodate front porches.

Commented [KH2]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

- c. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of these regulations.
- 4. No non-residential use shall store any items, goods or equipment outside of an enclosed building, except:
 - a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and
 - b. Items, goods and equipment that are for retail sale and placed immediately adjacent to the principal structure.
- 5. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

601.G. MU-R DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the MU-R district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

- 1. It is recommended that the primary entrance to the principal structure face the street.
- 2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
- 3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
- 4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.
- 5. The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

Commented [KH3]: Adopted from the OC district regulations. This will help ensure commercial uses in this mixed use zoning districts are smaller and generally compatible with associated residential uses.

Commented [KH4]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

Commented [KH5]: Respondents prioritized shade in pedestrian areas in the South Meridian Corridor Plan (page 60).

SECTION 602. MU-C MIXED USE COMMERCIAL DISTRICT REGULATIONS

602.A. PURPOSE. The purpose of this district is to accommodate and promote a horizontal and vertical mix of residential and commercial uses while maintaining the commercial character of the neighborhood. Permitted development includes triplexes, fourplexes, multiplexes, live-work spaces, multi-family development with or without ground floor retail and general commercial development. This district is generally compatible with the “Neighborhood Mixed Use” and “Commercial” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

602.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

602.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 602.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 602.C. MU-C Dimensional Standards (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Non-Residential	3,150	35	80	10	0 ²				
Townhouse	2,750	25	80	20	0 ²				
Single-Family	4,500	45	80	20	5				
Stacked Two-Family	4,500	45	80	20	5				
Side-by-Side Two-Family	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5	10	10	55 ³	See 601.F.1
Fourplex	7,800	60	80	20	5				
Multiplex	10,000	80	80	20	5				
Apartment	14,175	105	80	10	0 ²				
Live-Work	3,150	35	80	10	0 ²				

1. For single-family homes and two-family homes with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.D of APPENDIX E-507.

2. When a side setback is provided, a minimum distance of 5 feet shall be required.

3. Heights for conditional uses shall be determined as part of the conditional use approval.

Commented [KH6]: Moving to before HMC in heirarchy. HMC is for larger lot development than MU-C.

Commented [KH7]: According to SB 418, single-family dwellings must be permitted in all districts that allow any time of residential use.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

602.D. PARKING REGULATIONS. See APPENDIX E-500 for the full parking regulations.

1. Access to parking is to be provided from a side street or shared driveway, wherever possible.
2. Vehicles stored or retained on the site overnight must be stored out of sight from the public right-of-way, typically in the rear of the building or an enclosed garage, unless parked in the street. In this district, fences are not recommended as a solution to screen vehicles from the public right-of-way unless used in combination with trees or other plantings.
3. The parking of Recreational Vehicles is not allowed.

Commented [KH8]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

602.E. LANDSCAPING REGULATIONS. See APPENDIX E-501.

602.F. SPECIAL MU-C DISTRICT REGULATIONS. The following special regulations shall apply to property in the MU-C District.

1. Residential uses may be located above or on the same floor level as non-residential uses, including the ground floor; provided, however, residential uses may not be located in front of or below a non-residential use.
2. No items, goods or equipment shall be stored outside of an enclosed building, except:
 - a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and
 - b. Items, goods and equipment that are for retail sale and placed immediately adjacent to the principal structure.
3. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

602.G. MU-C DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the MU-C district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.
- 4-5. The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

Commented [KH9]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

Commented [KH10]: Respondents prioritized shade in pedestrian areas in the South Meridian Corridor Plan (page 60).

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

SECTION 603. LC LIGHT COMMERCIAL DISTRICT REGULATIONS

Commented [KH11]: Moving to before HMC in heirarchy. HMC is for larger lot development than MU-C.

603.A. PURPOSE. The purpose of this district is to accommodate for the general commercial and retail development that serves the needs and activities of the community. Permitted development includes spaces for retail, offices, restaurants, medical services and other complimentary land uses. This district is generally compatible with the “Commercial” designations on the Official Land Use Map adopted in the City of Haysville Comprehensive Plan.

603.B. USE STANDARDS. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

603.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 603.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 603.C. LC Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
6,000-3,150	50-35	90-80	35-10	60 ¹	35-10	10	55-45 ²

1. When a side setback is provided, a minimum distance of 5 feet shall be required.
2. Heights for conditional uses shall be determined as part of the conditional use approval.

603.D. PARKING REGULATIONS. See APPENDIX E-500 for the full parking regulations.

1. Access to parking is to be provided from a side street or shared driveway, wherever possible.

Commented [KH12]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

603.E. LANDSCAPING REGULATIONS. See APPENDIX E-501.

603.F. SPECIAL LC DISTRICT USE LIMITATION REGULATIONS. The following special regulations shall apply to property in the LC District.

1. No items, goods or equipment shall be stored outside of an enclosed building, except: outdoor storage is permitted, except for the display of goods for sale as a temporary use (no more than 45 days) except as otherwise allowed or approved in accordance with these regulations or approved by written permission from the Zoning Administrator for one year.
 - 1-a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and
 - 2-b. Items, goods and equipment that are Merchandise that is for retail sale may be displayed in and placed areas immediately adjacent to the building principal structure.
3. No required off street parking space or loading area shall be utilized for storage or the display of vehicles or items for sale.
4. Storage shall occur within a solid screened areas and shall not be visible from any adjacent

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

non-elevated street nor from ground level view in any adjacent lot except as otherwise allowed or approved in accordance with these regulations.

5. ~~There shall be no manufacture, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises.~~
6. ~~Operations or products are no objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.~~
7. ~~Vending machines and newspaper displays may be displayed outside.~~
2. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

603.G. LC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the LC district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.
1. ~~The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.~~
5.

Commented [KH13]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

Commented [KH14]: Respondents prioritized shade in pedestrian areas in the South Meridian Corridor Plan (page 60).

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

SECTION ~~603~~604. HMC HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS

604.A. PURPOSE. The purpose of this district is to accommodate for the attraction, hospitality, and entertainment of transient guests. Permitted development includes hotels, motels, event centers, indoor entertainment and other complimentary land uses. This district is generally compatible with the “Commercial” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.

604.B. Use Standards. The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.

604.C. Dimensional Standards. The dimensional standards shall apply to all principal structures in this district as listed in TABLE 604.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 604.C. HMC Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
10,000	80	80 100	20 35	5 6 ¹	20 35	20	None 55 ¹

1. ~~If zero lot line development is allowed, or any portion of the building is more than 150 feet from a public street, dedicated fire lanes shall be provided on at least two sides of the building.~~ Heights for conditional uses shall be determined as part of the conditional use approval.

604.D. ~~_____~~ PARKING REGULATIONS. See APPENDIX E-500 for the full parking regulations.

1. In addition to ~~the any~~ required off-street parking, an off-street area must be provided for guests to load and unload private and public vehicles (cars, vans, buses, etc.).
2. Access ~~to parking is to be provided from a side street or shared driveway, wherever possible.~~

604.E. LANDSCAPING REGULATIONS. See APPENDIX E-501.

604.F. Special HMC District Regulations. The following special regulations shall apply to property in the HMC District.

1. Dwelling unit regulations:

Commented [KH15]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

- a. Each dwelling unit shall contain a primary room with a minimum of 150 square feet of floor area.
- b. Other habitable rooms in each dwelling unit shall contain not less than 70 square feet each.
- c. Each dwelling unit shall contain a separate bathroom containing a water closet, lavatory and tub or shower.

~~d.~~ When housekeeping units are included, ~~t:~~

~~e.d.~~ The primary room shall contain a minimum of 220 square feet of floor area.

~~f.e.~~ At a minimum, the kitchen area will be of sufficient size to accommodate a cupboard, countertop and provide a sink, cooking appliance, refrigerator and clear working area of 30 inches.

~~g.f.~~ No habitable room shall have less than a seven-foot length or width dimension.

- 2. **Zone change requirements.** An approved screening plan will be required before final approval of any zone change to the HMC District. Such plan shall contain:
 - a. A detailed plan to screen the site from adjacent, lesser zoned property.
 - b. Type and kind of screening material. If living screen (trees and/or shrubs) is to be used, not only the type and location of planting, but also the anticipated growth time to maturity is to be included. A maintenance plan for the screening will be required.
 - c. The effectiveness of such planned visual and/or sound barriers.
 - ~~d.~~ The schedule for completion of the screening plan.

3. **Outdoor storage.** All items stored outdoors must be kept on a hard or all-weather surface. No non-residential use shall store any items, goods or equipment outside of an enclosed building, except:

- a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and
- b. Items, goods and equipment that are for retail sale or rent. Provided, that if the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may only be located on hard surface areas within the front yard setback. Outside of the front yard setback, the display of such vehicles or equipment may be located on an all-weather surface.
- c. Vehicles stored or retained on the site overnight and associated with said non-residential use. This includes the overnight storage of transient guests' vehicles and vehicles displayed for rent or sale.

4. **Lighting.** Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

604.G. HMC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the HMC district and are used to evaluate the acceptability of a project's design. Where

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

a standard uses the word “recommended” such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
3. Entrances must be recessed into the face of the building or be sheltered by an architectural projection creating a protected entryway not less than 15 square feet in area.
4. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.
5. The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

Commented [KH16]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

401. ~~COMMERCIAL; "OC" OFFICE COMMERCIAL DISTRICT REGULATIONS~~

~~The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself.~~

~~A. Principal Uses. As allowed by right and permitted by conditional use per Section 400.~~

~~B. Accessory Uses and Structures. See Section 304.~~

~~C. Lot Size Requirements~~

- ~~1. Minimum Lot Size: 12,500~~
- ~~2. Minimum Lot Width: 60 feet~~
- ~~3. Minimum Lot Depth: 90 feet~~

~~D. Bulk Regulations:~~

- ~~1. Front Yard Setback: 20 feet~~
- ~~2. Side Yard Setback: 6 feet~~
- ~~3. Rear Setback yard: 10 feet~~
- ~~4. Height limit: 35 feet~~
- ~~5. Rear Yard Accessory Setback: 3 feet~~

~~E. All uses listed as permitted uses below shall be permitted in the "OC" Office Commercial District provided they comply with the following limitations:~~

- ~~1. No individual business shall occupy more than 5,000 square feet of floor area; provided, however, an exception to this limitation may be granted by the Haysville governing body subject to the following conditions:~~
 - ~~a. A basement area, not exceeding the area used for office or sales use, which is used only for storage, records, mechanical equipment or other non-person uses.~~
 - ~~b. Such area shall be determined to be non-traffic generating and deemed to be exempt from all off-street parking requirements.~~
 - ~~c. Required off-street parking shall be determined to be not less than that required by the floor area used for office and sales purposes.~~
 - ~~d. Any exception to the floor area granted by the governing body shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of these regulations.~~
- ~~2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.~~

Commented [KH17]: The OC district has gone largely unutilized since its adoption in the Zoning Regulations. Previous amendments have made the difference between the OC and MU-C districts negligible.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

- ~~3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sale that do not require the use of vehicles and heavy equipment in the operation of the business other than for the delivery of goods or services to the home; e.g. florist truck, etc. Vehicles stored or retained on the site overnight shall be stored within the main structure, or an enclosed detached garage as approved by the Planning Commission.~~
 - ~~4. No business shall display or store goods or equipment outside of an enclosed building.~~
 - ~~5. No business establishments shall offer goods or services by way of drive up windows or directly to customers' parked motor vehicles.~~
 - ~~6. Motor vehicles or heavy equipment parts, service or fuels shall not be displayed in this district.~~
 - ~~7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.~~
 - ~~8. The use is limited to offices and limited retail and service uses which are considered to be compatible with and not unduly burdensome upon adjacent residential properties or residential areas located nearby.~~
 - ~~9. The use is compatible to other businesses located nearby within the district itself.~~
 - ~~10. The nature of any use located within the district shall be smaller, less intense uses.~~
 - ~~11. Any business within the zone shall not generate more traffic per day upon its abutting streets than may be accommodated within its permitted parking areas.~~
- ~~F. Parking and loading regulations: Parking space and loading space to be provided equal to two spaces per employee.~~

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

SECTION ~~604~~**605. HC HEAVY COMMERCIAL DISTRICT REGULATIONS**

605.A. PURPOSE. ~~The purpose of this district is to accommodate commercial development that requires larger lots than other commercial development and may be oriented towards and draw more motor vehicle traffic. Permitted development includes home improvement centers, car washes, financial institutions, vehicle sales yard, outdoor recreation, service centers and other complimentary land uses. This district is generally compatible with the “Commercial” and “Commercial Mixed Use” designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan*.~~

605.B. USE STANDARDS. ~~The permitted and conditional uses allowed in this district are listed in TABLE 404.D, in accordance with SECTION 404.~~

605.C. DIMENSIONAL STANDARDS. ~~The following standards shall apply to all principal structures in this district as listed in TABLE 605.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.~~

605.C. HC Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
6,000	50	80 90	20 35	10 ¹	20 35	20	55 ¹

~~If zero lot line development is allowed, or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided on the rear yard of at least two sides of the building.~~

~~1. Heights for conditional uses shall be determined as part of the conditional use approval.~~

~~1. 605.D. PARKING REGULATIONS.~~ See APPENDIX E-500 for the full parking regulations.

~~1. Access to parking is to be provided from a side street or shared driveway, wherever possible.~~

605.E. LANDSCAPING REGULATIONS. See APPENDIX E-501.

605.F. SPECIAL HC DISTRICT REGULATIONS. The following special regulations shall apply to all property in the HC district.

~~1. No outdoor storage is permitted, except for display of goods for sale as temporary use (no more than 45 days) except as otherwise allowed or approved in accordance with these regulations or approved by written permission from the Zoning Administrator for one year.~~

~~1. No outdoor operations, display and/or storage are prohibited permitted within the front yard setback, except:~~

~~a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way.~~

Commented [KH18]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

ARTICLE 6. COMMERCIAL AND MIXED USE ZONING DISTRICTS

- b. Items, goods and equipment that are for retail sale or rent. Provided, that if the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may only be located on hard surface areas within the front yard setback.
- c. Required and accessory customer and employee vehicle parking and parking for vehicles used in conjunction with the business occupying the zoning lot is permitted in the front yard setback.

2.

- 3. No required off street parking space or loading area shall be utilized for storage or the display of vehicles or items for sale.

- 5. All items stored outdoors must be kept on a hard or all-weather surface.

- 4.6. ~~Business activities~~ All outdoor operations ~~and~~ storage shall occur within ~~fully enclosed structures or~~ solid screened areas and shall not be visible from any adjacent non-elevated street nor from ground level view in any adjacent lot ~~that is a lesser zoning district, except as otherwise allowed or approved in accordance with these regulations.~~

- 5. ~~There shall be no manufacture, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises.~~

- 6.7. Operations or products ~~are~~ must not ~~be~~ objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

- Any illumination shall be so arranged as to reflect the light away from adjoining premises ~~and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.~~

8.

605.G. HC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the HC district and are used to evaluate the acceptability of a project's design. Where a standard uses the word "recommended" such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

- 1. It is recommended that the primary entrance to the principal structure face the street.
- 2. It is recommended that separated pedestrian access be provided from the public sidewalk or street to the primary entrance.
- 3. It is recommended that buildings be built to the required front yard setback line to create a strong street wall.

Commented [KH19]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

APPENDIX E.

SITE DEVELOPMENT REGULATIONS

SECTION 507. BY-RIGHT HOUSING DEVELOPMENT

507.A. PURPOSE. The purpose of this section is to promote the development of housing by streamlining the approval process for certain types of housing development in certain zoning districts in accordance with K.S.A 12-757. By facilitating the construction of additional housing units, this section aims to address housing shortages and promote affordability.

507.B. DEFINITIONS. For this purposes of this section, certain terms or words used herein shall be interpreted as follows:

1. Development application. Means a building permit or subdivision plat.
2. Floor area. Means the sum of the square footage of all of the floors of a structure or building, excluding the areas of basements, attached garages or space used for off-street parking or loading, breezeways, enclosed or unenclosed porches, and accessory structures.

507.C. APPLICABILITY. By-right housing development includes single-family homes, two-family homes, townhouses, and accessory dwelling units (ADUs). All by-right housing development must be approved without discretionary review or approval from the Planning Commission, Board of Zoning Appeals, or governing body if such development:

1. Complies with the special use standards outlined in SECTION 404.E of the Zoning Regulations;
2. Is a permitted use in the requested zoning district, in accordance with TABLE 404.D of the Zoning Regulations;
3. Does not require federal or state discharge permits or stormwater drainage studies;
4. Has a maximum of 12 attached units as part of any townhouse project;
5. Complies with the condition that the construction of public infrastructure extensions or improvements:
 - a. Is not required for the development;
 - b. Has been completed; or
 - c. Is a condition of approval of the application that has been agreed to by the applicant;
6. Will not increase impervious surface in a manner that adversely affects drainage into a special flood hazard area as defined by any adopted floodplain management ordinance, as designated by the Kansas department of agriculture's division of water resources or other office designated by the governor or by law; and
7. Is not located within a district listed on the national register of historic places or otherwise subject to historic preservation review under applicable state, federal, or local law.

507.D. DIMENSIONAL STANDARDS. The following standards, as listed in TABLE 507.D and in accordance with SECTION 405 of the Zoning Regulations, shall apply to all single-family homes, two-family homes, and townhouses with a floor area of less than 2,500 sq. ft. (excluding the area of basements and garages). When the floor area is greater than 2,500 sq. ft. (excluding the area of basements and garages), the dimensional standards of the applicable zoning district shall apply. See SECTION 407 of the Zoning Regulations for the dimensional standards for ADUs.

Table 507.D. Dimensional Standards for Single-Family, Two-Family, and Townhouses with a Floor Area less than 2,500 sq. ft. (in feet, unless otherwise noted).

<u>Use</u>	<u>Minimum lot area (sq. ft.)</u>	<u>Minimum lot dimensions</u>		<u>Minimum setback requirements</u>				<u>Max building height</u>	<u>Min area of dwelling (sq. ft.)</u>
		<u>Width</u>	<u>Depth</u>	<u>Front yard</u>	<u>Side yard</u>	<u>Street yard</u>	<u>Rear yard</u>		
<u>Townhouse</u>	<u>2,750</u>	<u>25</u>	<u>80</u>	<u>20</u>	<u>0¹</u>	<u>10</u>	<u>10</u>	<u>See district max</u>	<u>600</u>
<u>Single-Family</u>	<u>3,000</u>	<u>30</u>	<u>80</u>	<u>20</u>	<u>5</u>				
<u>Stacked Two-Family</u>	<u>3,000</u>	<u>30</u>	<u>80</u>	<u>20</u>	<u>5</u>				
<u>Side-by-side Two-Family</u>	<u>3,000</u>	<u>35</u>	<u>80</u>	<u>20</u>	<u>5</u>				

1. When a side yard setback is provided, a minimum distance of 5 feet shall be required.

507.E. DENIAL TIMELINES. A complete building permit application for a by-right housing development shall be deemed approved unless the application is denied within a certain time frame. Applications for subdivision plats shall be deemed approved if they comply with the Subdivision Regulations and all applicable subdivision statutes adopted pursuant to K.S.A. 12-752, and amendments thereto, and are not denied within a certain time frame. The time frames are as follows:

1. For building permits, applications shall be deemed approved unless denied within 30 days of submission.
2. For small plats with less than 40 lots, applications shall be deemed approved unless denied within 60 days of submission.
3. For large plats with more than 40 lots, applications shall be deemed approved unless denied within 90 days of submission.

507.F. APPEAL OF A DENIED APPLICATION. When denied by the Zoning Administrator, an appeal of a denied by-right development application shall adhere to the provisions of SECTION 1007 of the Zoning Regulations. When denied by any other party, an appeal shall adhere to the provisions of K.S.A. 12-760, and amendments thereto.