HAYSVILLE PLANNING COMMISSION
& BOARD OF ZONING APPEALS

Agenda
May 14, 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 April 23, 2026

IV. Public Forum

V. Old Business

A. *(Postponed from April 23, 2026)* Consideration of a Home Occupation at 414 Peach Tree Lane

B. *(Postponed from April 23, 2026)* Public Hearing for a Conditional Use Request to allow a Self-Service Storage Warehouse generally located at 7474 South Broadway Avenue

C. *(Postponed from April 23, 2026)* Public Hearing to consider amending and restating the Zoning Regulations

TO BE TABLED UNTIL JUNE 11, 2026

D. *(Postponed from April 23, 2026)* Annual Review of the Master Park Plan

E. *(Postponed from April 23, 2026)* Annual Review of the Bike and Pedestrian Plan

VI. New Business

VII. Correspondence

A. Staff Memo on SB 418 – By-Right Housing Development Act

VIII. Off Agenda

A. Next Meeting Date

IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS
Minutes
April 23, 2026

The regular Planning Commission meeting was called to order by Vice-Chairperson Debbie Coleman at 6:08 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand Ave., Haysville, KS 67060.

The members present were Debbie Coleman, Jared Mortensen, and Jeff Blood. Also present was Planning and Zoning Administrator Kailyn Hogan.

Coleman stated that there was no quorum. All items were postponed until the next regularly scheduled meeting on May 14, 2026.

The first item of business was the minutes of April 9, 2026.

There was no one to speak under public forum.

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

Under new business was a Public Hearing for a Conditional Use Request to allow a Self-Service Storage Warehouse generally located at 7474 South Broadway Avenue.

Under new business was a Consideration of a Home Occupation at 414 Peach Tree Lane.

Under new business was the Annual Review of the Master Park Plan.

Under new business was the Annual Review of the Bike and Pedestrian Plan.

There was no correspondence.

Under off agenda was the next meeting date: Thursday, May 14, 2026.

No action was taken on any agenda item.

Motion by Blood, Second by Mortensen.
To adjourn tonight's meeting.
Coleman aye, Mortensen aye, Blood aye.
Motion carried.

The meeting adjourned at 6:09 p.m.

DRAFT

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Haysville Planning Commission Staff Report

CASE SUMMARY

Property Location:	414 North Peach Tree Lane
Applicant:	Bubba's BBQ (business) / Angela and Ryan Beehler (property owner)
Request:	To operate a food processing business as a home occupation
Reason for Request:	Food processing is not permitted by right as a home occupation and requires Planning Commission approval
Prepared By:	Kailyn Hogan, Planning and Zoning Administrator
Meeting Date:	April 23, 2026
Public Hearing:	Not required. No notices were sent.
Required Applications:	Business License Application

ANTICIPATED MEETING SCHEDULE

Body	*Meeting Date*	*Action*
Planning Commission	April 23, 2026	Approve or deny the requested home occupation.

SITE DATA

Legal Description	Lot 21, Block B, Timberlane Village Addition
Existing Zoning	"SF" Single-Family Residential
Lot Area	14,631 square feet / 0.336 acres
Future Land Use	Residential
Built Form	Single-Family Dwelling

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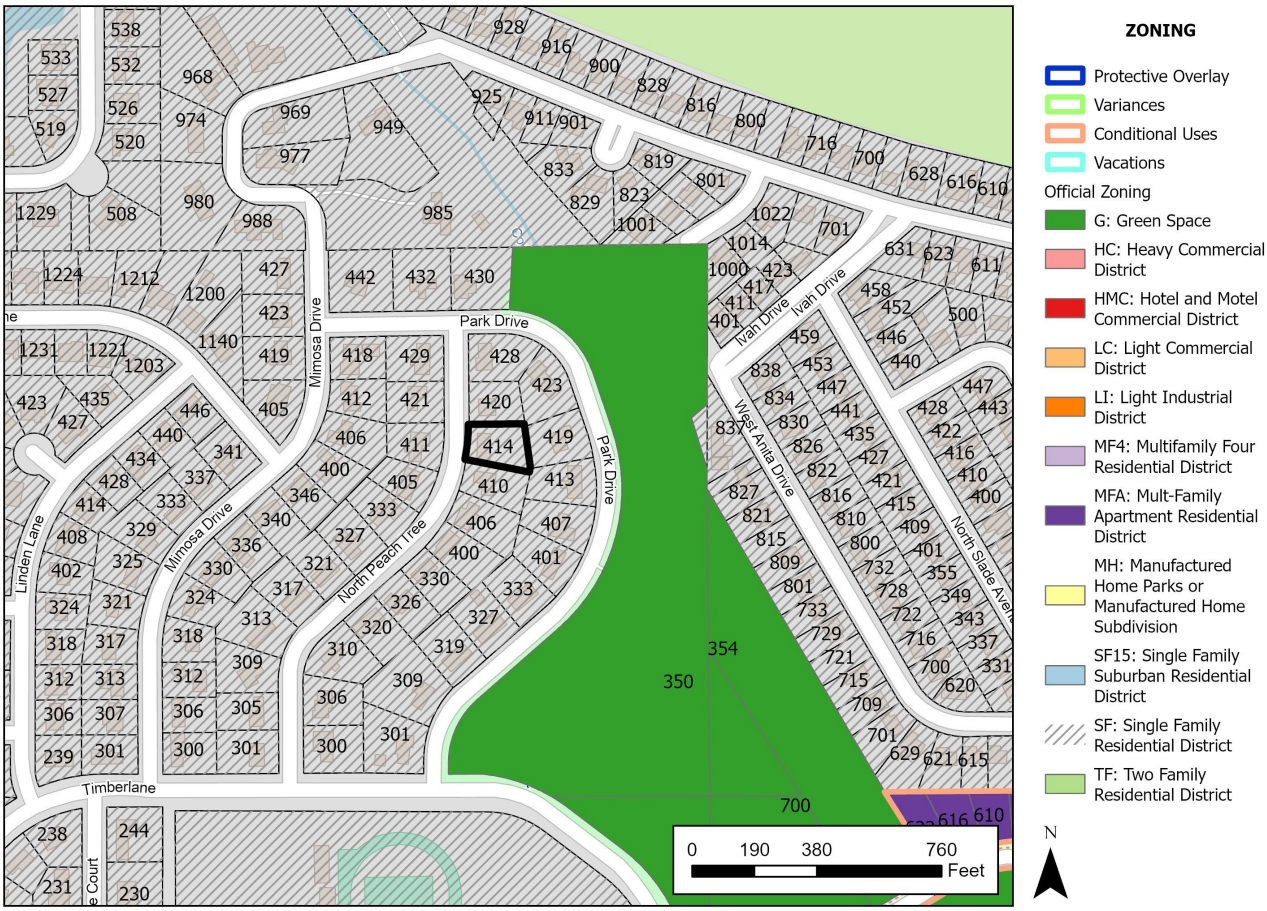
BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site, generally known as 414 North Peach Tree Lane, is currently developed with a single-family home. It was platted as the Timberlane Village Addition to Haysville in 1966. There are no other known zoning cases associated with the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The character of the neighborhood is residential. All surrounding properties are zoned "SF" Single-Family Residential and developed with single-family homes. There is another home occupation in this neighborhood approximately ¼ mile south of the subject property on Timberlane Court. This other home occupation is an office for a locksmith and did not require special approval from the Planning Commission.

ADJACENT ZONING AND LAND USE.

NORTH:	"SF" Single-Family Residential	Single-family dwelling
SOUTH:	"SF" Single-Family Residential	Single-family dwelling
EAST:	"SF" Single-Family Residential	Single-family dwelling
WEST:	"SF" Single-Family Residential	Single-family dwelling



PROJECT DESCRIPTION. The applicant is requesting approval to operate a food processing business as a home occupation. Food processing is not permitted by right as a home occupation. In accordance with Appendix E-502.A, all home occupations not permitted by right shall be approved by the Planning Commission.

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Currently, the applicant has been operating within their home but only selling their products at farmers' markets and thus has not been required to register as a business. They plan to expand their business into e-commerce (online sales) and physically expand their operations by constructing an accessory building in their backyard. They have submitted plans to Public Works for this accessory building. Additionally, there are special regulations that the applicant will have to meet at the state level with the Kansas Department of Agriculture to operate as a licensed food processor.

PUBLIC COMMENTS. A public hearing notice was not required for this case. No comments have been received for the requested home occupation.

ANALYSIS

FINDINGS. The following special regulations for home occupations have been considered by staff in the recommendation to the Planning Commission for this home occupation. These special regulations apply to all home occupations permitted by right and are listed in Appendix E-502.C.

Special Regulation for All Home Occupations	Finding
No alteration of the principal building or premises shall be made which changes the character or appearance (Appendix E-502.C.1.a).	The proposed accessory building will not be visible from the street and is completely behind the applicant's house. The character or appearance of the property will not change as a result.
The home occupation shall not occupy more floor area than the floor area devoted to the primary use as a residence (Appendix E-502.C.1.b).	The proposed accessory building is 768 sq. ft. The total floor area of the home, including the basement, is 2,496 sq. ft. The home occupation will not occupy more floor area.
No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particular matter emission, power demands or odors (Appendix E-502.C.1.c).	A pellet smoker is used to cook the peanuts the applicant sells. The smoker will give off an odor and smoke, but staff does not foresee a noxious effect, nor should the emissions be undue, or excessive. The applicant stated that their neighbors are aware of the business and seem supportive. Neighbors were not contacted for this consideration, as a public hearing is not required. Staff spoke with code enforcement and confirmed that no recent complaints have been made about this property.
There shall be no outside storage of equipment or materials used in the home occupation in the front setback. There shall be no overnight parking of vehicles rated over one ton in the front setback (Appendix E-502.C.1.d).	The applicant shall be informed of this requirement. Any violation will be handled through zoning enforcement.
No more than two persons shall be engaged in such home occupation other than a person occupying such dwelling unit as his or her residence (Appendix E-502.C.1.e).	The applicant does not have any employees aside from themselves. If they need to hire additional employees, they will be limited to two unless granted a variance from the Board of Zoning Appeals.

The home occupation shall be conducted entirely within an enclosed structure (Appendix E-502.C.1.f).	The home occupation will be operated entirely out of the applicant's home and the proposed accessory building.
Signs shall be permitted in accordance with the Sign Regulations in Appendix D (Appendix E-502.C.1.g).	The applicant has not requested any signage at this time. Any future signage will be handled through the sign permit procedures.
Home occupations shall not be permitted if explicitly restricted in any restrictive covenants of record (Appendix E-502.C.1.h).	There are no restrictive covenants on record for Timberlane Village Addition.
No more than two vehicles used to advertise or operate the business shall be parked in the front setback at the home occupation at one time (Appendix E-502.C.1.i).	The applicant shall be informed of this requirement. Any violation will be handled through zoning enforcement.
Other considerations (not included in Appendix E): Off-Street Parking and Deliveries and Shipping.	*Off-Street Parking:* No additional off-street parking is necessary for this home occupation since there will be no increase in traffic for customers or employees. Additionally, the home occupation regulations do not require conformance to any off-street parking regulations aside from those required for the principal dwelling unit, and on-street parking is permitted and available on Peach Tree Lane. *Deliveries and Shipping:* The applicant has stated that no excessive traffic for deliveries or shipping is expected. Staff does not foresee this home occupation generating more traffic than any other e-commerce based home occupation in the City. Generally, e-commerce home occupations are permitted by right without special Planning Commission approval.

RECOMMENDATION

Based upon the provided information, staff recommends **APPROVAL** of the requested home occupation. Appendix E-502.C has not granted the Planning Commission authority to establish special conditions for home occupations, so the commission's available actions are to approve or deny as presented.

ATTACHMENTS

1. Aerial Map
2. Letter from the Applicant
3. Excerpt of Appendix E detailing the home occupations permitted by right and those explicitly prohibited

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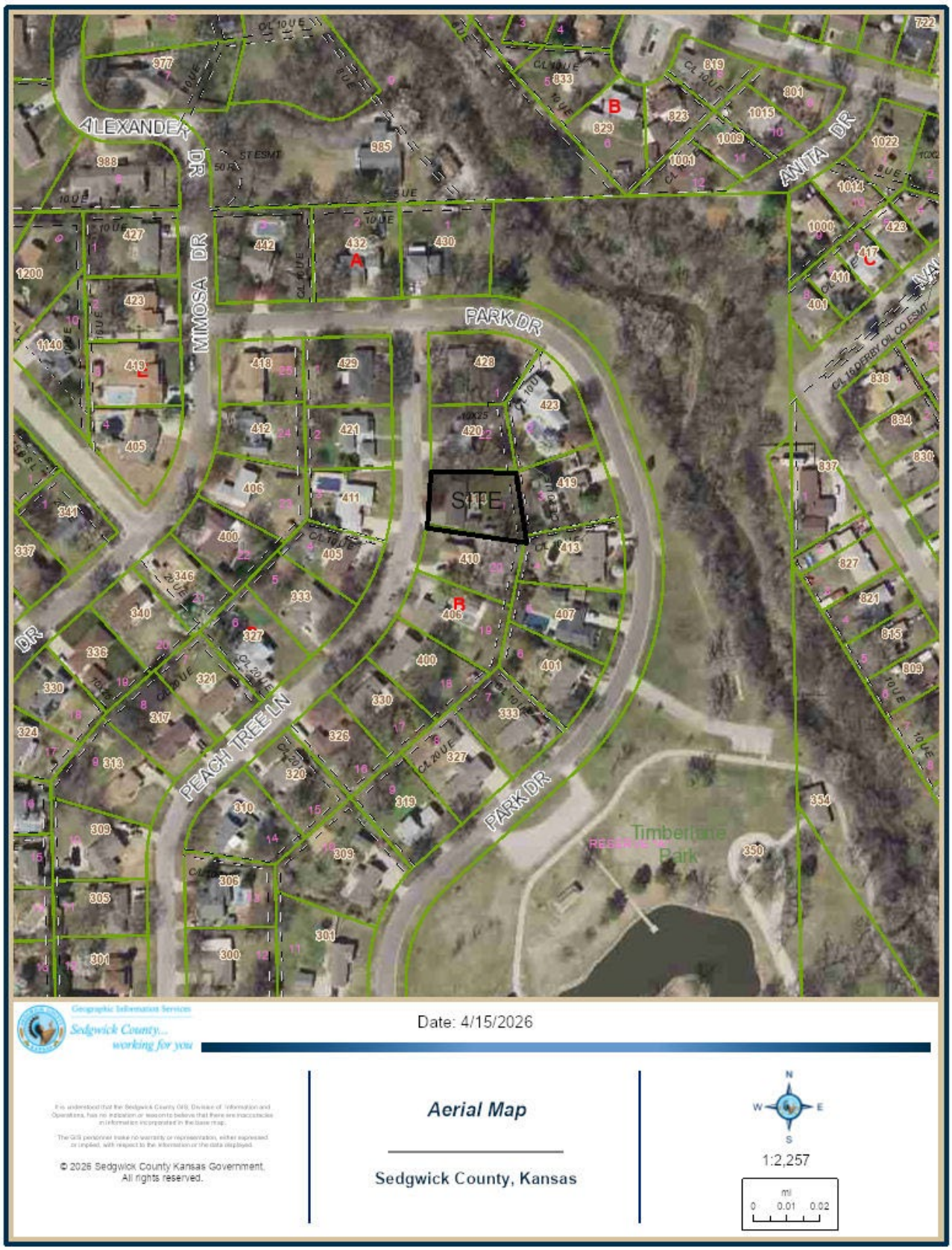

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Bubba Nation LLC
Bubba's BBQ Nation
414 Peach Tree Ln
Haysville, Kansas 67060
bubbasbbqnation@cox.net

April 14, 2026

RE: Business License Application

Good Afternoon,

This letter is to be used as additional information/clarification to aid with our Business License Application.

Bubba Nation LLC. Does business under Bubba's BBQ Nation. We are a home-based business that produces seasoned smoked peanuts and our blends of BBQ Rubs and Seasonings. We currently operate under the Kansas Food Cottage Laws as our products are shelf stable and currently sell our products at Farmer's Markets, Fairs and Festivals as we are set up to be Direct to Consumer. We are working to become a licensed food manufacturer utilizing our 24x32 (768 sq ft) accessory building at our residence that will meet and exceed requirements for our business.

I believe our business is unique as we have not been able to find a product like ours. We currently have two different product types. Our seasoning blends and rubs as well as our Seasoned Smoked Peanuts. The seasoning/Rub side of the house are all hand blended and bottled, labeled and sealed for safety. The Peanuts through our process are seasoned, smoked and packaged. Then boxed up and ready for an event.

As a home-based business we are very small and are just a Husband/Wife owned and operated. Our employee base is simply the two of us and we currently hold 9-5 daily jobs. As growth occurs (looking at on-line sales platform) we may employee family members to help with packaging and sorting details.

Bubba's BBQ Nation has considered the impact as a business to our neighborhood from a nuisance point, risk mitigation from our Local Emergency Services, whether it is Law Enforcement, Paramedics and Fire Department. Our current situation and our future are as follows:

- We are not and do not plan to ever be a storefront.
- There will not be additional neighborhood traffic for the business
- Additional Parking is not necessary for customers or employees
- Deliveries would consist of your normal FedEx, UPS, and Amazon delivering. Not more than traffic already in play.
- Shipments from Online Sales or other would-be hand delivered to same platforms as deliveries.
- Smoker usage- Our main cooking source is the use of a pellet smoker. We just purchased a larger cabinet style smoker for capacity, meaning less time running, fuel conservation. The smoke scent is faint and should not be a nuisance. Our immediate neighbors know what we are doing as well and seem supportive.
- There would not be additional risk/stress on the Emergency Services and Law Enforcement—the smokers are pellet grills, and are small, contained fires.
- The shop is a new facility, Metal Post building, with new up to code water and electric.

We thank you for your consideration for the approval of our business license application and look forward to being part of the growing Haysville community. If you find you have additional questions, concerns or comments, please feel free and reach out to us.

Respectfully,
Ryan and Angie Beehler
Bubba's BBQ Nation
414 Peach Tree Ln
Haysville, Kansas

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502. HOME OCCUPATIONS

Home occupations shall consist of the following:

A. …

B. …

C. …

D. Home Occupations Permitted. Home occupations include the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections (B) and (C) of this section:

1. Artists, authors or composers, dancers, music teachers, aerobics, martial arts, and other similar artists, including instruction thereof, provided that instruction shall be limited to not more than five pupils at a time.
2. Home crafts, such as model making, rug weaving, etc.
3. Ministers, rabbis, priests for counseling purposes only.
4. Office facilities for sales persons, sales representatives, manufacturer's representatives, when no retailing or wholesaling is made or transacted on the premises.
5. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
6. Office facilities for service type business such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
7. Personal services such as dressmakers, seamstresses, tailors, barbershops, beauty shops.
8. Gunsmithing and gun sales as a hobby, if no more than 36 guns are sold per year. Ammunition or ammunition components for sale must be stored in a lockable, fireproof container that meets UL approval.
9. Child Care as governed by state law.
10. Massage Therapy

E. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event, be deemed to include:

1. Animal hospitals.
2. Auto and/or other vehicle repair.
3. Funeral homes.
4. Kennels and/or stables, unless specifically permitted by the district regulations.
5. Medical and/or dental clinics or hospitals.
6. Renting of trailers, cars or other equipment.
7. Restaurants.
8. Occupations listed in any less restrictive zone or district.

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Haysville Planning Commission Staff Report

CON2026-003

CASE SUMMARY

Property Location:	Generally located at 7470 and 7474 South Broadway Avenue
Applicant:	Tyler Carselowey (property owner)
Request:	To allow a Self-Service Storage Warehouse in the "LI" Light Industrial District
Reason for Request:	To open a self-service storage business
Prepared By:	Kailyn Hogan, Planning and Zoning Administrator
Meeting Date:	April 23, 2026
Public Hearing:	Required, to be held by the Planning Commission

Required Applications:

Conditional Use	To allow a Self-Service Storage Warehouse in the "LI" Light Industrial District
Preliminary and Final Plat	Platting is required to be issued a building permit per state statute and the City's Subdivision Regulations

ANTICIPATED MEETING SCHEDULE

Body	***Meeting Date***	***Action***
Planning Commission	April 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	May 11, 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;

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	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
Lot Area	40,427 square feet / 0.928 acres (combined)
Future Land Use	Commercial Mixed Use
Built Form	Vacant / Outdoor storage area

BACKGROUND

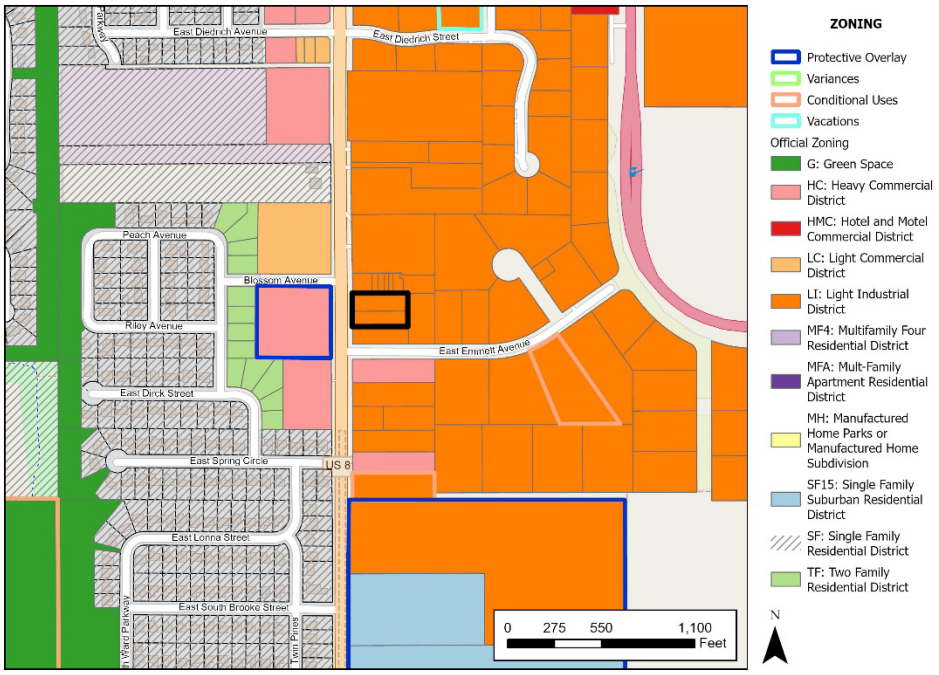
SITE DESCRIPTION AND PRESENT USE. The applicant is requesting a conditional use to operate a Self-Service Storage Warehouse at property generally known as 7470 and 7474 South Broadway Avenue, approximately ¼ mile south of Grand Avenue. The subject properties are a combined 0.928 acres and are zoned "LI" Light Industrial. The subject properties are not platted and are currently used to store the applicant's personal items. There is a building on each property; however, the applicant plans to demolish both.

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



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PROJECT DESCRIPTION. The applicant is requesting a conditional use for a Self-Service Storage Warehouse.

A Self-Service Storage Warehouse is defined as "an enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for dead storage of their household goods or personal property." This definition can be found in Section 16A-202 of the City Code.

The applicant plans to construct the requested self-service storage warehouse using cargo containers as the storage units. The placement of the cargo containers will require building permits to ensure they are properly secured and anchored to the ground. At present, the applicant plans to bring ninety-four cargo containers onto the lot, though placement may be done in stages. Each cargo container will be 8 feet x 20 feet. A site plan for the layout of the containers is attached.

According to Appendix E-506.3, when used in the "LI" Light Industrial district, cargo containers may not be stored in public rights-of-way, in fire access lanes, in landscaped or front setback areas, or in areas visible from the property's primary street. The attached site plan shows compliance with the first three requirements; however, the applicant is requesting an exception to not screen the cargo containers from the view of South Broadway Avenue. Self-Service Storage Warehouses themselves are not required to be screened. The requirement for screening is solely because the applicant plans to use cargo containers as the storage units.

PUBLIC COMMENTS. The public hearing notice was published on April 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. 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.

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.* Access to the subject property will be from South Broadway Avenue, a two-lane paved arterial. The exact location of access will be confirmed with KDOT during the platting process. The access approach shall be paved with a hard surface to meet City specifications.

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b. *Traffic load.* Staff does not foresee an increase in traffic load due to this project.

c. *Traffic flow*. The front yard setback for this property is 35 feet, which provides sufficient space for vehicles to turn off of South Broadway Avenue and enter the storage facility without disrupting traffic flow.

2. *Noise, light, and odor.* There is no anticipated negative increase in odor, dust, smoke, noise, vibration, or light from this facility.

   Requirements per Section 16A-413.E.5. Zoning Regulations for "LI" Light Industrial: "Operations or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes."

3. *Screening and security fencing.* The applicant is required to screen the cargo containers from the view of South Broadway Avenue. This would require installing solid screening along the entire front of the property, the entire north property line, and the first 60 feet of the south property line. The cargo containers are just over 8 feet in height, so the fence would be required to be constructed to a minimum height of 9 feet and a maximum height of 10 feet. The applicant is requesting an exception to this requirement. He plans to instead install a chain link fence around the perimeter of the cargo containers with a security gate for access. Screening is not required for Self-Service Storage Warehouses. Screening is only required in this instance because the applicant plans to use cargo containers as storage units.

   Requirements per Appendix E-506.3. Special Use for Conditions for Cargo Containers: "In industrial zoning districts, cargo containers shall not be stored…in an area visible from the property's primary street."

4. *Parking.* No off-street parking is required for the proposed use; however, the applicant shall provide adequate space between the rows of cargo containers to drive and park in front of each unit. The drive aisles may be an all-weather surface. Parking requirements can be found in Appendix E-500.

5. *Services.*

   a. *Water.* Water is available on the north side of East Emmett Avenue and the west side of South Broadway Avenue.

   b. *Sanitary Sewer.* Sanitary sewer is available on the south side of East Emmett Avenue.

   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.* There is no anticipated detrimental effect to the public health or safety from the proposed use. The subject site is in a logical location for the proposed use in terms of surrounding properties' zoning and uses.

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.

9. *Review by fire marshal for designation.* Sedgwick County Fire District 1 had no comment.

10. *Other considerations as appropriate.*

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a. *Landscaping.* In accordance with the Landscaping Regulations in Appendix E-501, the applicant is required to provide 1,540 sq. ft. of landscaped street yard along South Broadway Avenue. Within the landscaped street yard, the applicant must plant four shade trees, or their equivalent in ornamental trees or shrubbery. There is one tree in the fence line on the northwest corner of the property that can count towards the required number of trees, if salvageable. Please note that the applicant cannot be required to spend more than 10% of their total construction costs on landscaping, so these amounts may be reduced.

b. *Business license.* The applicant will be required to submit a business license following the approval of this conditional use.

c. *Other Self-Service Storage Warehouses in the City.* There are twelve licensed self-service storage facilities in the City, the majority of which are along South Broadway and West Grand Avenue. Nearly half were constructed in the early 1980s when self-service storage warehouses became mainstream. The others, staff has presumed, were constructed as a result of the 1991 and 1999 tornadoes. Self-service storage warehouses were made a conditional use with the 1997 zoning regulation amendment. A new self-service storage warehouse has not been built in the City since 2003. There is at least one other storage warehouse in the City that uses cargo containers as storage units; however, that storage warehouse also has traditionally built units.

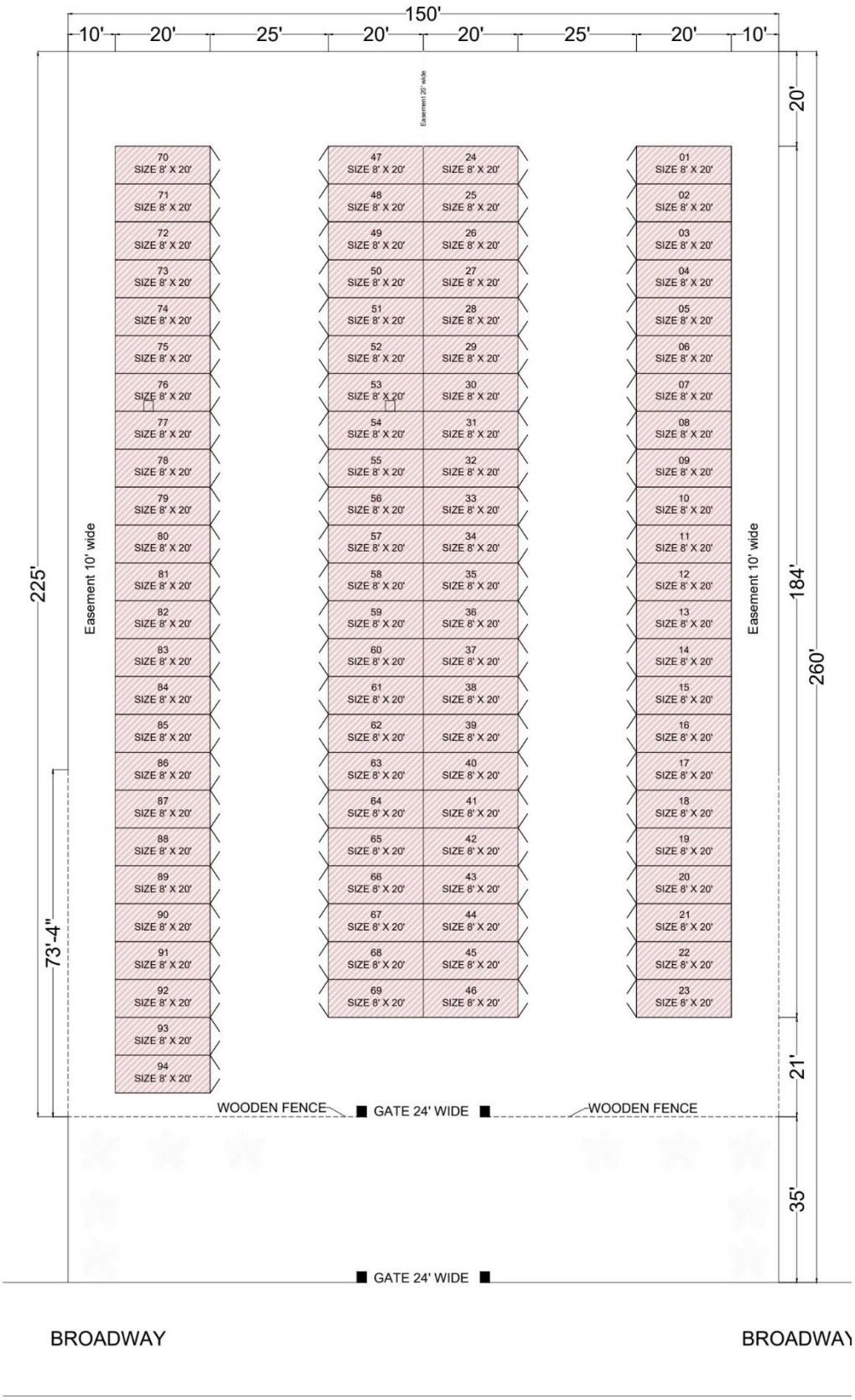
RECOMMENDATION

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

1. To achieve a harmonious and organized appearance, all cargo containers must be painted the same color, or grouped in rows or sections by color.
2. The cargo containers may be exempt from the screening requirements prescribed in Appendix E-506.3.

ATTACHMENTS

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



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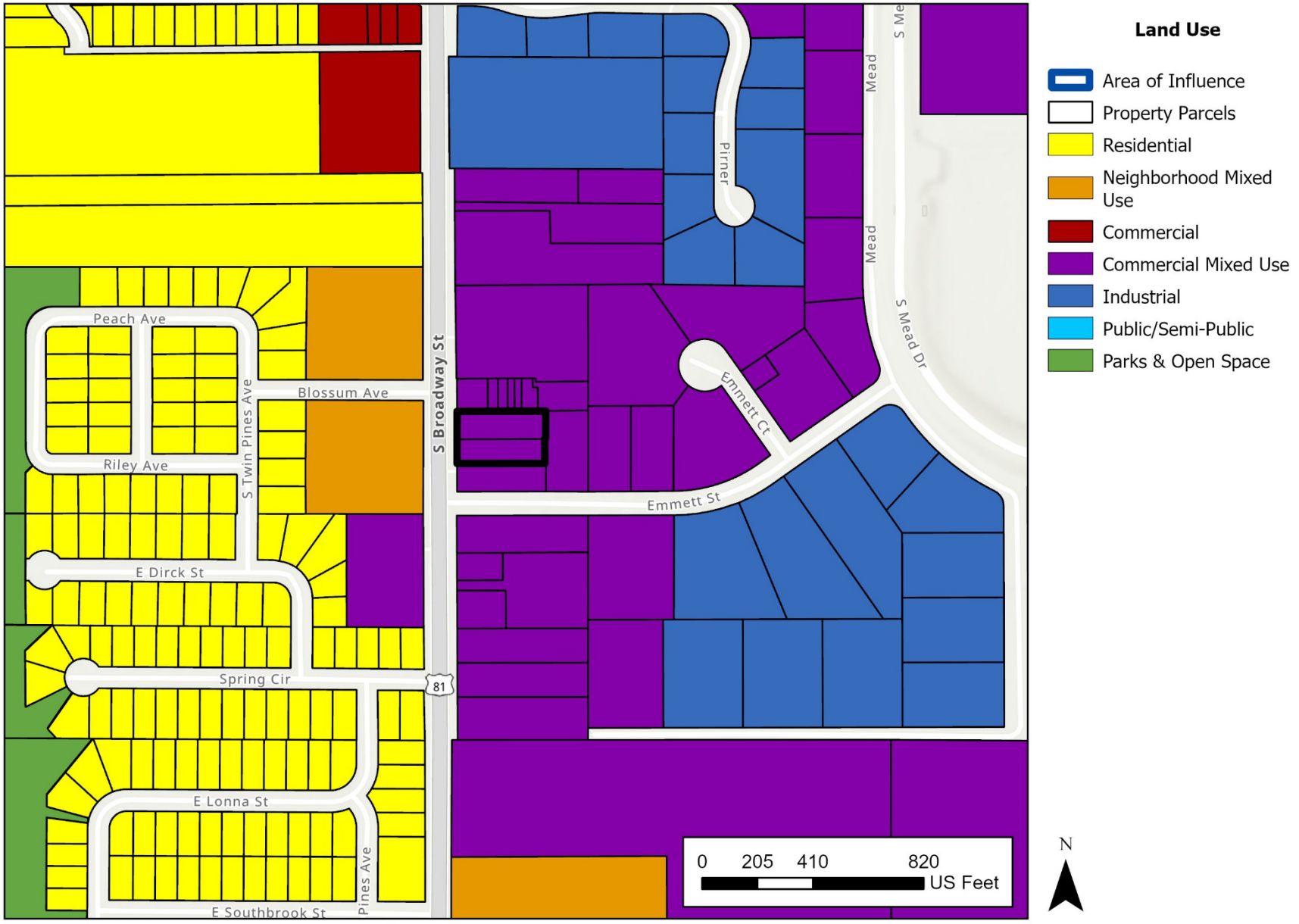
Land Use
Area of Influence
Property Parcels
Residential
Neighborhood Mixed Use
Commercial
Commercial Mixed Use
Industrial
Public/Semi-Public
Parks & Open Space
Peach Ave
Blossum Ave
Riley Ave
S Twin Pines Ave
S Broadway St
E Dirck St
Spring Cir
81
E Lonna St
Pines Ave
E Southbrook St
Pirner
Mead
S Mead Dr
Emmett Ct
Emmett St
0 205 410 820
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Looking northeast toward the site.

Looking west away from the site.

Looking southeast toward the site.

Looking east toward the site.

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 Repealing the Zoning Regulations

Date: May 14, 2026

Staff recommends tabling the proposed amendments to the Zoning Regulations until June 11th due to action at the state level. In early April, the state governor signed SB 418 enacting the By-Right Housing Development Act. This act requires certain single-family, two-family, townhouse, and accessory dwelling unit (ADU) developments to be permitted by-right without review by the Planning Commission, BZA, or governing body. It also removes the ability to protest against single-family rezoning, and requires that all land zoned for any residential use to also be zoned for single-family residential use. Staff needs additional time to incorporate these changes into the proposed zoning amendments. When incorporated, they will be highlighted in yellow in the proposed amendments. More information on the changes required by the By-Right Housing Development Act can be found under correspondence on tonight's agenda.

The proposed amendments to the Zoning Regulations, without the changes from the By-Right Housing Development Act, are before you for review in two different formats:

1) Clean draft of the Zoning Regulations. The proposed changes are not marked.
2) Redline draft of the Zoning Regulations. The proposed changes are shown in red. Deletions are struck-through and additions are underlined.

Staff is initiating these amendments to the Zoning Regulations in an effort to modernize and codify practices, encourage the development of more housing, and encourage smart growth. The intent of these amendments is to achieve the City's *Comprehensive Plan* goals of streamlining the development process, diversifying housing options, capitalizing on existing infrastructure, and supporting new and existing businesses.

For your convenience, an outline of the proposed amendments is also attached.

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OUTLINE OF PROPOSED AMENDMENTS

The major changes proposed by these amendments are summarized by article below.

Article 1 (formerly Article 1 and Sections 200, 201, and 706): Legal Framework

- Renamed the article from "Title, Purpose, Authority and Jurisdiction" to "Legal Framework" and combined the previous Article 1 with Sections 200, 201, and 706 to consolidate the legal sections of the regulations.
- Explicitly incorporated the site development articles pertaining to home occupations, residential-design manufactured homes, wireless communication facilities, and cargo containers in Appendix E of the City Code, so the violation and enforcement procedures in the zoning regulations can apply. See Section 101.A.
- Added interpretations for the terms "guideline" and "standard" as they apply to the Commercial and Mixed-Use district design standards. See Section 102.F.
- Allowed the definition of terms in other chapters of the City Code or in state statute to apply to the zoning regulations. See Sections 103.C and 103.D.
- Referenced the current state statute for vesting of development rights. See Section 104.F.

(Article 1 clean, Article 1 redline)

Article 2 (formerly parts of Articles 9 and 10): Administration

- Created a new article by combining parts of Articles 9 and 10.
- Established duties and powers of the Zoning Administrator, Planning Commission, and Board of Zoning Appeals based on the designations of authority assigned by these regulations and state statute. See Sections 201, 202, and 203, respectively.

(Article 2 clean, Article 2 redline)

Article 3 (formerly Section 202): Definitions

- Created a new article by separating Section 202 from Article 2.
- Separated the land use definitions from the general definitions so the definitions of the uses outlined in the Table 404.D. Use Chart are more easily found. See Section 301.
- Defined new residential uses to allow for the creation of dimensional standards based on use. See *live-work, apartment, multiplex, fourplex, triplex, side-by-side two-family,* and *stacked two-family* in Section 301.A.
- Defined a correctional placement residence based on state statute. See *correctional placement residence* in Section 301.A.
- Removed the recreational marine facility definition, as this use is unlikely in city limits and can also be defined as outdoor recreation and entertainment. See *marine facility, recreational* in Section 301.C.
- Removed the limited printing and copying definition, as the use is also defined as a personal improvement service. See *printing and copying, limited* in Section 301.C.
- Added a definition for retail fulfillment centers pursuant to the Board of Zoning Appeals definition and classification of online auctions on February 12, 2026. See *retail fulfillment center* in Section 301.C.
- Updated the definition of tavern and drinking establishment to match state statute. See *tavern and drinking establishment* in Section 301.C.
- Updated the definition of freight terminals to include the transportation of goods by common carrier commercial vehicles or semis. See *freight and/or truck terminal* in Section 301.D.
- Amended the definitions of limited and heavy manufacturing to create three categories of manufacturing so nonobtrusive manufacturing uses can be permitted by right in the commercial and mixed-use districts. See *light manufacturing, medium manufacturing,* and *heavy manufacturing* in Section 301.D.
- Amended the definitions of uses defined by state statute to match the statute and included a reference to the specific statute. See *group home, manufactured home, residential-design manufactured home, correctional placement residence, microbrewery, tavern and drinking*

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establishment, Class "A" Club, Class "B" Club, and *zoning.*

- Added references to the special use standards for all uses that are affected. See *accessory dwelling unit (ADU), group home, manufactured home, residential-design manufactured home, recycling processing center, automated teller machine (ATM), construction sales and service, microbrewery, recreational vehicle campground, retail fulfillment center, service station, short-term residential rental, outdoor vehicle and equipment sales, general vehicle repair, light manufacturing, mining or quarrying, outdoor storage, vehicle storage yard,* and *agriculture.*
- Amended terms defined in the *International Building Code* to match the definition and include a reference to the code. See *building, temporary building, building height, structure,* and *temporary structure.*
- Removed terms defined in other chapters of the City Code. See *alley, billboard, block, easement, landscaping, loading space, lot split, original tract, pedestrian way, plat, replat, signs, street, residential street, road or roadway, subcollector, subdivider,* and *subdivision.*
- Removed terms not used in the zoning regulations. See *attached structure, barndominium, family, public garage, green area, livable area, parts car, public way,* and *street lines.*
- Added special floodplain terms defined by state statute to allow for the future adoption of riparian setbacks protecting sensitive floodplain areas. See *floodway fringe* and *floodplain* in Section 302.F.
- Defined floor area as it is used in the home occupation regulations of Appendix E-502. See *floor area* in Section 302.F.
- Defined primary and secondary frontage to aid in the determination of the front yard and street yard for corner lots. See *primary frontage* and *secondary frontage* in Section 302.F.
- Defined a flag lot. See *flag lot* in Section 302.L.
- Defined the specific types of lot lines. See *front lot line, rear lot line,* and *side lot line* in Section 302.L.
- Defined planned unit developments (PUDs). See *planned unit development* in Section 302.P.
- Defined the specific categories of uses. See *accessory use, conditional use, incidental use,* and *principal use* in Section 302.U.
- Defined zero lot line. See *zero lot line* in Section 302.Z.
- Defined zoning based on the state statute definition. See *zoning* in Section 302.Z.
- Defined zoning lot as recommended by the city engineer. See *zoning lot* in Section 302.Z.

(Article 3 clean, Article 3 redline)

Article 4 (formerly Article 3 and Section 400): General Regulations

- Added Section 400. Use Chart to Article 3 to consolidate the general regulations for all districts, and changed the article numeration to 4.
- Reformatted the listing of the base districts into a table. See Table 401.B.
- Established a written hierarchy of the base districts to allow the Planning Commission to recommend a lower zoning district than requested when reviewing zone changes. This is accompanied by a hierarchy chart on the city website. See Section 401.C.
- Amended the use standards for all districts to explicitly allow more than one use on a lot. See Section 404.B.
- Explained the differences between "permitted" and "conditional" uses. See Section 404.D.
- Moved the special use standards from the use chart into the use standards so the conditions could be explained in more detail. See Section 404.E.
- Added special use standards for accessory dwelling units (ADUs) because of potential changes at the state level to allow ADUs by right. See Section 404.E.1.a.
- Moved the requirements for recycling collection station containers out of the definitions and into the special use standards. See Section 404.E.2.a.
- Added a special use standard for ATMs to only allow them as accessory uses and not stand-alone structures. See Section 404.E.3.a.
- Added the special use standards for retail fulfilment centers pursuant to the Board of Zoning Appeals definition and classification of online auctions on February 12, 2026. See Section

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404.E.3.e.

- Added requirements for vehicle and equipment sales yards to install parking barriers (i.e., wheel blocks) when adjacent to a street or sidewalk and to store the vehicles or equipment on a hard surface when located in the front yard setback. See Section 404.E.3.h.
- Added a requirement that freight and/or truck terminals not be allowed adjacent to arterial streets. See Section 404.E.4.a.
- Added requirements for vehicle storage yards to install a hard surface for all storage, clearly mark individual storage spaces, and install a security fence. The use will also not be allowed adjacent to arterial streets. See Section 404.E.4.b.
- Added references to and the standards of all applicable state statutes as they relate to specific uses. See *group home, manufactured home, residential-design manufactured home, microbrewery, mining or quarrying,* and *agriculture* in Section 404.E.
- Explicitly allowed more than one building on each non-single-family lot, provided that the buildings are spaced appropriately. See Section 405.b.
- Added a requirement that residential driveways be paved with concrete and not any other hard surface. This was previously believed to be a requirement and has been enforced this way. See Section 405.G.
- Removed outdated regulations for mining and manufactured homes.
- Moved the allowance that unenclosed porches, chimneys, awnings, basement window wells, etc., can encroach into setbacks from the specific zoning district regulations into the dimensional standards. See Section 405.J.3 and 405.J.4.
- Added a requirement that the minimum size of a lot served by a private sewer disposal system be determined by a design professional/qualified engineer. This will allow more flexibility in the lot size based on each's specific conditions instead of requiring all lots to be five acres. See Section 405.M.
- Added transitional guidelines for lot widths and building heights to facilitate a predictable and gradual transition between existing and new development. These guidelines are not mandatory and will only be required when requested by staff or an official body. See Section 406.
- Added dimensional and use standards for auxiliary and temporary structures. These types of structures were previously not addressed in the regulations. See Sections 407.C. through 407.E.

(Article 4 clean, Article 4 redline)

Article 5 (formerly Sections 401 – 406): Residential Zoning Districts

- Created a new article by separating Sections 401 through 406 from Article 4.
- Established purposes for all districts and identified how each district relates to the designations on the *Future Land Use Map.* See Sections 501.A, 502.A, 503.A, 504.A, 505.A, 506.A, and 507.A.
- Added a maximum lot size to the SF-15 district to ensure financially feasible development. The minimum density that can support city infrastructure, generally, is one dwelling unit per two acres. See Table 501.C.
- Amended the minimum dimensional standards (lot area, width, depth, and setbacks) for the SF district to accommodate existing dimensional standards in the City's oldest subdivisions. With the changes to the nonconformities section of the regulations, staff are looking to reduce the number of nonconforming lots and structures in residential areas. See Table 502.C.
- Changed the district code for the SF Single-Family Residential district to SF-5 to match the codes of the SF-15 and SF-3 districts. See Section 502.
- Renamed the SFZ Single-Family Zero Lot Line district to SF-3 Single-Family Urban Residential district. See Section 503.
- Amended the minimum dimensional standards (lot area, width, and setbacks) for the SF-3 district to accommodate townhouse development, or attached single-family houses on individual lots. See Table 503.C.
- Updated the section references for the International Residential Code in the TH Tiny Home district. See Sections 504.G.10.a through 504.G.10.o.
- Amended the minimum dimensional standards (lot area, width, depth, and setbacks) in the TF

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Two-Family district and established standards based on use (single-family, stacked or side-by-side duplex, or non-residential). See Table 505.C.
- Amended the minimum dimensional standards (lot area, width, depth, and setbacks) in the MF4 Multi-Family Four district and established standards based on use (single-family, stacked or side-by-side duplex, triplex, fourplex, or non-residential). See Table 506.C.
- Amended the maximum building height for the SF-3, TF, and MF4 districts to match the maximum building height in the SF-5 district. See Tables 503.C, 505.C, and 506.C.
- Removed the ban on on-street parking in the MH Manufactured Home Residential district. Since MH streets are private, this requirement must be enforced by the park owner. The requirement that off-street parking not be asphalt was also removed, as asphalt is a common surface for off-street parking lots. See Section 507.1.b.

(Article 5 clean, Article 5 redline)

Article 6 (formerly Sections 407 – 412): Commercial and Mixed-Use Zoning Districts
- Created a new article by separating Sections 407 through 412 from Article 4.
- Established purposes for the four commercial districts and identified how each district relates to the designations on the *Future Land Use Map.* See Sections 601.A, 602.A, 603.A and 604.A.
- Established design standards for the commercial districts, focusing on creating walkable designs prioritizing the pedestrian. See Sections 601.G, 602.G, 603.G, and 604.G.
- Amended the MFA Multi-Family Apartment and LC Light Commercial districts to create two mixed-use districts:
    - MFA was renamed to MU-R Mixed-Use Residential, and is intended to be primarily residential. Commercial uses are only allowed when in conjunction with a residential use and only up to 5,000 square feet per business. An exception to the square footage requirement may be granted by the Board of Zoning Appeals. The square footage requirement was adopted from the OC district regulations. See Sections 601.F.2 and 601.F.3.
    - LC was renamed to MU-C Mixed-Use Commercial, and is intended to be primarily commercial. There are no limitations on when or where permitted uses are allowed. See Section 602.F.1.
- Established dimensional standards (e.g., lot area, width, depth, and setbacks) based on use for the MU-R and MU-C mixed-use districts. See Tables 601.C and 602.C.
- Expanded on the outdoor storage regulations by requiring that any vehicles stored overnight be stored out of sight from the public right-of-way in the MUR-R and MU-C mixed-use districts. See Section 601.D.2 and 602.D.2.
- Explicitly allowed outdoor dining and other semi-public activities in all commercial districts. See Section 601.F.4, 602.F.3, 603.F.3, and 604.F.3.
- Reduced the setback requirements in the HMC Hotel and Motel Commercial and HC Heavy Commercial districts. See Table 603.C and Table 604.C.
- Removed the OC Office Commercial district, as it has been underutilized since its adoption.

(Article 6, clean, Article 6 redline)

Article 7 (formerly Sections 413 and 414): Industrial Zoning Districts
- Created a new article by separating Sections 413 and 414 from Article 4.
- Established purposes for the two industrial districts and identified how each district relates to the designations on the *Future Land Use Map.* See Sections 701.A. and 702.A.
- Expanded on the outdoor storage regulations to not allow any storage in the front yard aside from vehicle parking and items displayed or stored immediately adjacent to the building. Previously, outdoor storage was allowed after the front setback line. See Sections 701.F.1 and 702.F.1.
- Reduced the requirement to screen outdoor storage to just from the view of collector and arterial streets, not all streets. See Sections 701.F.3 and 702.F.3

(Article 7 clean, Article 7 redline)

Article 8 (formerly Sections 416 and 417): Special Zoning Districts

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- Created a new article by separating Sections 416 and 417 from Article 4.
- Provided the legal descriptions for the lots affected by the HD-O Original Town Historic overlay district and reinserted the application area map provided with the original HD-O district regulations. See Section 802.B.
- Consolidated the dimensional and use standards into tables. See Tables 802.C and 802.D.
- Explicitly prohibited all other uses not listed in the HD-O use chart. See Section 802.C.3 and Table 802.C.

(Article 8 clean, Article 8 redline)

Article 9 (formerly Article 6): Nonconformities

- Changed the article numeration to 9, and renamed the article from "Nonconforming Lots and Structures" to "Nonconformities."
- Added an applicability section to clarify that nonconformities illegally established are a violation of the zoning regulations and not protected under Article 9. See Section 901.C.
- Add the definition of nonconforming use, structure, and lot. See Section 902.A, 903.A, and 904.A, respectively.
- Removed the allowance that nonconforming uses can be expanded. The proposed changes will allow the property and/or building associated with a nonconforming use to be repaired and maintained. They may only be modified if the modification will provide a public benefit. See Section 902.C.
- Removed the allowance that nonconforming uses can be changed into other nonconforming uses. The proposed changes will require any change in use to be in conformance with these regulations. See Section 902.D.
- Changed the requirement for other nonconformities to be abated to match the requirements in the landscaping and off-street parking regulations. If the use is changed, the other nonconformities must be removed. See Section 905.B.
- Expanded the discontinuance section to include the effect of substantial damage, zoning amendments, and variances on nonconformities. See Sections 907.A, 907.D, and 907.E, respectively.
- Changed the criteria for abandonment of a nonconforming use to include any change in use and inactivity for 12 months. See Section 907.B.
- Removed the registration requirement for nonconformities. Registration is not required by state statute, and staff have yet to develop registration procedures.

(Article 9 clean, Article 9 redline)

Article 10 (formerly Article 10 and Sections 700 – 702): Procedures

- Created a new article by combining Article 10 and Sections 700 through 702.
- Wrote the procedures for zone changes, conditional use permits, planned unit developments (PUDs), administrative adjustments, variances, special exceptions, protest petitions, and amendments based on state statute and city application requirements. Some of the procedures for zone changes, conditional uses, planned unit developments, administrative adjustments, special exceptions, and appeals were amended from adopted regulations in Article 10 and Sections 700 through 702.
- Changed the requirement for action by the planning commission on conditional use permits to "a majority of the members present and voting" instead of "a majority of the entire membership of the commission." The requirement now matches that of zone changes. See Section 1002.F.
- Added a successive application clause to the conditional use permit procedures to avoid applicants immediately reapplying for the same conditional use after a denial. See Section 1002.I.
- Add a failure of conditions clause to the conditional use permit procedures to allow the zoning administrator, with the concurrence of the deputy administrative officer, to revoke a conditional use permit if there are continuous and unresolved violations. See Section 1002.L.
- Added a recommendation for PUD applicants to hold charrettes (community engagement) prior to submitting an application and throughout the application process. See Section 1003.E.2 and

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Section 1003.G.2.
- Added review criteria for PUDs based on federal recommendations. See Section 1003.O.
- Added a new special exception to grant the BZA the authority to allow a business to occupy more than 5,000 sq. ft. in the MU-R district.

(Article 10 clean, Article 10 redline)

Article 11 (formerly Sections 703 – 705): Violations and Enforcement
- Created a new article by separating Sections 703 through 705 from Article 7.
- Listed out the types of violations/ways these regulations can be violated. See Section 1101.
- Codified the investigation and notice procedure requirements for issuing violations. See Sections 1102.C and 1102.D.

(Article 11 clean, Article 11 redline)

Article 12 (formerly Article 11): Floodplain Management
- No major changes outside of article numeration.

(Article 12 clean, Article 12 redline)

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ARTICLE 1
LEGAL FRAMEWORK

SECTION 101. TITLE, PURPOSE, AUTHORITY AND JURISDICTION

101.A. TITLE. These regulations, including the Official Zoning District Map made a part hereof, shall be known and may be cited as the *City of Haysville Zoning Regulations*, and shall hereinafter be referred to as "these regulations."

APPENDIX E, SECTION 502; APPENDIX E, SECTION 504; APPENDIX E, SECTION 505; APPENDIX E, SECTION 506; and APPENDIX E, SECTION 507 are hereby incorporated by reference and made a part hereof these regulations.

101.B. PURPOSE. These regulations are intended to serve the following purposes:

1. To promote the public health, safety, morals, comfort and general welfare;
2. To establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone;
3. To regulate and restrict the location, use and appearance of buildings, structures and land within each district and to zone for residential, commercial, industrial and other purposes, including flood plains;
4. To regulate and restrict the height, number of stories and size of buildings and structures, including their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts and other open spaces;
5. To protect property values and conserve energy and natural resources;
6. To provide for adequate light and air and acceptable noise levels;
7. To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;
8. To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;
9. To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;
10. To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and special exceptions; and
11. To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

101.C. AUTHORITY. These regulations are adopted under authority established by K.S.A., 12-741 et seq., as amended, 12-736, 12-753 to 12-761 inclusive, 12-763, 12-764, 12-766, 12-3009 to 12-3012 inclusive, 12-3301 and 12-3302.

101.D. JURISDICTION. These regulations shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, or parcel of land within the corporate limits of the City of Haysville, Kansas, as presently exists or are hereafter established by annexation.

101.E. EFFECTIVE DATE. The City of Haysville governing body adopted these regulations on _____ __, 2026 and they became effective on ___ __, 2026. Upon taking effect, these regulations replaced any prior zoning regulations.

101.F. AMENDMENT OR REPEAL. These regulations may be amended or repealed at any time in accordance with state law.

101.G. SEVERABILITY. If an article, section, paragraph, clause or provision of these regulations shall be declared invalid by any court or competent jurisdiction, the same shall not affect the validity of these regulations, the City Code or any part or provision thereof, other than the part so declared to be invalid.

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SECTION 102. RULES OF INTERPRETATION

102.A. MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.

102.B. OVERLAPPING OR CONTRADICTORY REGULATIONS. Where the conditions imposed by the provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

102.C. PRIVATE AGREEMENTS. The provisions of these regulations are not intended to abrogate any easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have a responsibility to enforce such private agreements.

102.D. NOT A LICENSING REGULATION. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

102.E. DELEGATION OF AUTHORITY. 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 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.

102.F. GUIDELINES AND STANDARDS. These regulations contain guidelines and standards, interpreted as follows:

1. Guidelines are design parameters for development. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design. Guidelines are not obligatory requirements.
2. Standards are obligatory requirements that establish the minimum for development. Standards cannot be waived and/or modified without additional approval, such as a variance, special exception, or administrative adjustment.

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SECTION 103. RULES OF CONSTRUCTION

103.A. GENERAL. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:

1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
    a. “And” indicates that all connected items, conditions, provisions or events shall apply; and
    b. “Or” indicates that one or more of the connected items, conditions, provisions or events shall apply.
4. The word “shall” is mandatory; the word “may” is permissive.
5. The words “used” or “occupied” include words “intended, designed or arranged to be used or occupied.”
6. The word “lot” includes the words “plot,” “tract” or “parcel.”
7. Unless otherwise specified, all distances shall be measured horizontally.

103.B. TERMS NOT DEFINED. In all other cases, all words and phrases not defined in these regulations shall be defined by the Zoning Administrator, as necessary, utilizing a dictionary to limit possible definitions, and using the spirit and intent of these regulations as a guide. Pursuant to SECTION 201.E, the Zoning Administrator shall also define and classify all uses, when possible. In cases of uncertainty, the Board of Zoning Appeals shall have the power to define and classify any use or define any word, pursuant to SECTION 203.C.4.

103.C. TERMS DEFINED IN OTHER CHAPTERS. Where terms are not defined in these regulations and are defined in other chapters of the City Code, such terms shall have the meanings ascribed to them as in those chapters; additionally, the definitions identified as being from other chapters are intended to be consistent with that chapter.

103.D. TERMS DEFINED BY STATE STATUTE. The definitions identified as being from state statute are intended to be consistent with that statute.

103.E. ILLUSTRATIONS. There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a regulatory provision of these regulations, the regulatory provision will take precedence.

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SECTION 104. VESTED RIGHTS AND PRE-EXISTING DEVELOPMENT

104.A. GENERAL. Lawfully established buildings and uses in existence prior to the adoption of these regulations shall be permitted to have their existing use or occupancy continued, provided that such continued use is not dangerous to life.

104.B. EFFECT ON EXISTING PERMITS. For all purposes, except single-family residential developments platted and recorded after January 1, 1992, nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any land or structure in the event that:

1. A zoning permit for such use of land or structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendment thereof; and
2. Such permit had not by its own terms expired prior to such effective date; and
3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
4. There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permit other than purchase of land or preparation of design plans; and
5. Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
6. Construction pursuant to such permit is completed prior to the expiration of such permit; and
7. When the use of land or a structure is completed under a permit to which this section applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the zoning permit was issued.

104.C. MAINTENANCE. Buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or owner's authorized agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the Zoning Administrator shall be permitted to cause any structure or use to be inspected.

104.D. MOVED BUILDINGS, STRUCTURES, AND USES. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of these regulations for new buildings, structures, and uses.

104.E. ILLEGAL USES AND STRUCTURES. Uses or structures that were illegally established prior to the adoption of these regulations shall not become or be made legal solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said illegal use or structure is in conflict with the requirements of these regulations, said use or structure remains illegal hereunder.

104.F. VESTING OF DEVELOPMENT RIGHTS. Vesting of development rights shall be as described in K.S.A. 12-764, as amended.

1. For development rights vested prior to July 1, 2009:
    a. For the purpose of single-family residential developments, development rights in such land shall vest upon recording of a plat of such land. If construction is not commenced

on such land within five years of recording a plat, the development rights in such shall expire.

b. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City and construction has begun and substantial amounts of work have been completed under a validly issued permit.

2. For development rights vested on and after July 1, 2009:

a. For the purpose of residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within 10 years of recording of a plat, the development rights in such shall expire. For purposes of this section, residential developments may include single-family housing; multiple-family housing such as apartments, duplexes, townhomes and similar configurations; condominiums; and manufactured and modular homes.

b. For all purposes other than residential developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City and construction has begun and substantial amounts of work have been completed. If substantial amounts of the work have not been completed within 10 years of the issuance of such permits, the development rights shall expire.

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ARTICLE 2
ADMINISTRATION

SECTION 201. ZONING ADMINISTRATOR

201.A. GENERAL. This section establishes the duties and responsibilities of the Zoning Administrator with respect to the administration of these regulations.

201.B. REVIEWS AND APPROVALS. The Zoning Administrator shall be authorized to undertake reviews, make recommendations, and grant approvals as set forth in these regulations.

201.C. COMPREHENSIVE PLAN. The Zoning Administrator shall assist the Planning Commission in the development and implementation of the comprehensive plan.

201.D. ADMINISTRATIVE REVIEWS AND PERMITS. Administrative reviews and permits shall be in accordance with SECTIONS 201.D.1 through 201.D.6.

1. **Review of building permits.** Applications for building permits and amendments thereto shall be submitted to the Zoning Administrator for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of these regulations are met.
2. **Site plan reviews.** The Zoning Administrator shall receive all applications for site plan review, review for completeness, and prepare submittals for review by the appropriate body.
3. **Zoning permits.** The Zoning Administrator shall receive all zoning permit applications as shall be permitted and approved by these regulations, review for completeness and prepare submittals for review by the appropriate body. Zoning permit procedures may found in ARTICLE 10.
4. **Administrative adjustments.** The Zoning Administrator shall receive all applications for Administrative Adjustments, review for completeness, and render a written decision. Administrative adjustment procedures may be found in SECTION 1004.
5. **Amendments.** Requests for amendments or changes to the comprehensive plan or these regulations or map shall be submitted to the Zoning Administrator for processing. Amendment procedures may be found in SECTION 1009.
6. **Other duties and powers.** The Zoning Administrator shall have the authority to perform all other duties and powers prescribed by these regulations.

201.E. INTERPRETATIONS. The interpretation and application of the provisions of these regulations shall be by the Zoning Administrator.

1. Specific uses are permitted within the various zoning districts as described in these regulations and as otherwise provided herein and are thus not subject to interpretation.
2. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is a question shall be administratively classified by comparison with other uses identified in the zoning districts described in these regulations. If the proposed use resembles identified

uses in terms of intensity and character, and is consistent with the purpose of these regulations and the individual zoning district in question, it shall be considered as a permitted/nonpermitted use and subject to the regulations for the use it most closely resembles. If a use does not resemble other identified allowable uses within these regulations, it may be permitted as determined by the Board of Zoning Appeals in a public hearing as an amendment to these regulations pursuant to SECTION 203.C.4.

201.F. APPEALS. Any person aggrieved by any decision of the Zoning Administrator shall have the right to make such appeals as shall be permitted to be provided by these regulations or state law. Appeal procedures may be found in SECTION 1007.

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SECTION 202. PLANNING COMMISSION

202.A. GENERAL. This section addresses the duties and responsibilities of the Planning Commission, hereafter referred to as "the commission," with respect to the administration of these regulations.

202.B. JURISDICTION. The jurisdictional boundaries of the commission are hereby established as:

1. Total jurisdiction within the boundaries of the city or city limits; and
2. Extraterritorial jurisdiction on zoning and subdivision regulations within the urban area of influence and/or the three-mile ring extraterritorial sub zone.

202.C. DUTIES AND POWERS. The duties and powers of the commission shall be in accordance with SECTIONS 202.C.1 through 202.C.5.

1. **Zone change and conditional use requests.** The commission shall review and make recommendations on all zone change and conditional use requests. Zone change procedures may be found in SECTION 1001, and conditional use procedures may be found in SECTION 1002.
2. **Comprehensive plan.** The commission shall create a comprehensive plan for the development of the City and amend such comprehensive plan as needed. In the creation of such plan, the commission shall employ the use of comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources and any other element deemed necessary. The comprehensive plan shall include the commission's recommendations for the development or redevelopment of the City, including:
    a. The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary;
    b. Population and building intensity standards and restrictions and the application of the same;
    c. Public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods;
    d. Public improvement programming based upon a determination of relative urgency;
    e. The major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private;
    f. Utilization and conservation of natural resources; and
    g. Any other element deemed necessary to the proper development or redevelopment of the area.
3. **Amendments to the Zoning Regulations.** The commission shall review these regulations annually and make recommendations for amendments as deemed appropriate. Amendment procedures may be found in SECTION 1009.
4. **Capital improvements plans.** The commission shall review and make recommendations on the capital improvements plan annually.

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5. **Other duties and powers.** The commission shall have the authority to perform all other duties and powers prescribed by these regulations.

202.C. APPEALS. Any person aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by these regulations or state law. Appeal procedures may be found in SECTION 1007.

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SECTION 203. BOARD OF ZONING APPEALS

203.A. GENERAL. This section addresses the duties and responsibilities of the Board of Zoning Appeals, hereafter referred to as "the board," with respect to the administration of these regulations.

203.B. ESTABLISHMENT OF THE BOARD. The establishment of the board shall be in accordance with the procedures and policies set forth in state law. The board shall consist of the number of members as specified in state law.

203.C. DUTIES AND POWERS. The duties and powers of the board shall be in accordance with SECTIONS 203.C.1 through 203.C.5.

1. **Appeals.** The board shall have the power to hear appeals (of, where, or when) it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer, department, board or bureau in the enforcement of these regulations. Appeal procedures may be found in SECTION 1007.
2. **Variances.** The board shall be permitted to make decisions on requests for a variance from the specific terms of these regulations. Variance procedures may be found in SECTION 1005.
3. **Special exceptions.** The board is authorized to grant exceptions to the provisions of these regulations in those instances where the board is specifically authorized to grant such exceptions. Special exception procedures may be found in SECTION 1006.
4. **Definitions and use classifications.** The board shall have the power to, in cases of uncertainty determined by the Zoning Administrator and pursuant to SECTION 201.E, classify any use or define any word not specifically identified in these regulations. Such use or definition shall be defined and may be permitted as determined by the Board of Zoning Appeals. The board's determination shall be recommended for adoption by the Planning Commission in a public hearing as an amendment to these regulations.
5. **Other duties and powers.** The board shall have the authority to perform all other duties and powers prescribed by these regulations.

203.D. APPEALS. Decisions of the board shall be the final local action. Appeals of such final local action shall be taken to district court.

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ARTICLE 3
DEFINITIONS

SECTION 301. LAND USE DEFINITIONS

301.A. RESIDENTIAL. The following terms define the residential uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Accessory dwelling unit (ADU). Means an accessory dwelling unit that may be wholly within, or may be detached from, a principal structure. See SECTION 404.E.1.a for special use standards.

Assisted living. Means dwelling units used by adult persons needing or desiring assistance with day-to-day living matters, and may include supervised nursing care, and where skilled nursing care is not prohibited but is provided on an intermittent or limited term basis, or if limited in scope, a regular basis. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents, state-licensed residential health care facilities not attached to a nursing facility and state-licensed intermediate care facility for the mentally retarded. The term assisted living does not include group home, group residence, hospital or nursing facility.

Group home (as defined by K.S.A. 12-736). Means any dwelling unit occupied by not more than ten persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or the residents of the home, which dwelling unit is licensed by a regulatory agency of the state, including the Kansas Department of Social and Rehabilitation Services, the Kansas Department of Health and Environment or the Kansas Department of Aging. Group home also includes state licensed “Home Plus” adult care residences. See SECTION 404.E.1.b for special use standards.

Group residence. Means a residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children’s homes, children in need of care under the Code for Care of Children and emergency shelters for the homeless and for victims of crime, abuse or neglect and include establishments providing guidance services for persons receiving non-court ordered alcohol or chemical dependence treatment which will comply with all applicable regulatory requirements of federal, state or local government agencies. The term group residence does not include group home, correctional placement residence, or short-term residential rental.

Group residence, limited. Means a group residence that is occupied by six to fifteen persons, including staff members who reside in the facility.

Group residence, general. Means a group residence that is occupied by more than fifteen persons, including staff members who reside in the facility.

Live-work. Means a structure consisting of one dwelling unit above or behind a fire-separated flexible ground floor space that can accommodate a range of non-residential uses. The flex space and residential unit typically have separate street entrances, and the flex space typically has a taller height and a shopfront frontage.

Manufactured home (as defined by K.S.A. 12-742). Means a structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such units shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term manufactured home, when used by itself, shall not include a residential design manufactured home as defined in these regulations. See SECTION 404.E.1.c for special use conditions.

Manufactured home park. Means a parcel of land that has been planned and improved in some manner and used or intended to be used by occupied Manufactured Homes not placed on permanent foundations. The term Manufactured Home Park does not include sales lots on which unoccupied Manufactured Homes, whether new or used, are parked for the purposes of storage, inspection, or sale; nor does it include a tract of land on which a Manufactured Home as a second Dwelling Unit has been permitted on a temporary basis as a Conditional Use in accordance with these regulations.

Manufactured home subdivision. Means a subdivision that is platted for development as individual lots for manufactured homes, modular homes, residential-design manufactured homes, and site-built single-family dwelling units, all of which are required to be placed on permanent foundations.

Multi-family. Means the use of a site for five or more dwelling units within a single building. For the purposes of these regulations, multi-family shall also mean apartment and multiplex.

> Apartment. Means a structure with twelve or more dwelling units arranged side-by-side and/or stacked, typically with a shared entry from the street.
>
> Multiplex. Means a structure with five to twelve dwelling units arranged side-by side and/or stacked, typically with a shared entry from the street.

Residential-design manufactured home (as defined by K.S.A. 12-742). Means a manufactured home on permanent foundation which has:

(1) Minimum dimensions of 22 body feet in width,
(2) A pitched roof, and
(3) Siding and roofing materials which are customarily used on site-built homes.

See SECTION 404.E.1.d and Appendix E-504 for special use standards.

Single-family. Means the use of a lot for only one detached principal dwelling unit, excluding a structure used as a group residence, which may be a residential design manufactured home but shall not be a manufactured home.

Three- and four- family. Means the use of a lot for three or four principal dwelling units within a single building. For the purposes of these regulations, three- and four-family shall also mean triplex and fourplex.

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Fourplex. Means a structure with four dwelling units arranged side-by-side and/or stacked, typically with shared or individual entrances from the street.

Triplex. Means a structure with three dwelling units arranged side-by-side and/or stacked, typically with shared or individual entrances from the street.

Two-family. Means the use of a lot for two principal dwelling units within a single building. For the purposes of these regulations, two-family shall also mean a duplex.

Side-by-side two-family. Means the use of a lot for two principal dwelling units arranged side-by-side, typically with separate street entrances.

Stacked two-family. Means the use of a lot for two principal dwelling units arranged one above the other, typically with separate street entrances.

301.B. PUBLIC AND CIVIC. The following terms define the public and civic uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Auditorium or stadium. Means an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Cemetery. Means land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum or columbarium. A funeral home may be included as an accessory use to a cemetery.

Church or place of worship. Means a premise or site used primarily or exclusively for religious worship and related religious services or established place of worship, convent, seminary, or similar facility owned or operated by a bona fide religious group for religious activities.

Community assembly. Means an establishment providing meeting, recreational, educational, cultural, or social facilities for a private membership or non-profit association, primarily for use by members and guests. Typical uses include fraternal organizations, Class A Clubs, philanthropic and charitable institutions, private museums, art galleries, observatories, planetariums, botanical gardens, arboretums, zoos, and aquariums.

Correctional facility. Means a facility providing housing and care for individuals confined for violations of law. Typical uses include jails, prisons, and juvenile detention centers.

Correctional placement residence (as defined by K.S.A. 22-4913). Means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations:

(1) Prior to, or instead of, being sent to prison;
(2) Received a conditional release prior to a hearing;
(3) As a part of a local sentence of not more than one year;
(4) At or near the end of a prison sentence, such as a state operated or franchised work release program, or a privately operated facility housing parolees;
(5) Received a deferred sentence and placed in facilities operated by a community corrections; or

(6) Require court ordered guidance services for alcohol or chemical dependence.

Such facilities will comply with the regulatory requirements of a federal, state, or local government agency; and if such facilities are not directly operated by a unit of government, they will meet licensure requirements that further specify minimum service standards.

Correctional placement residence, limited. Means a correctional placement residence occupied by three to fifteen individuals, including staff members who may reside there.

Correctional placement residence, general. Means a correctional placement residence occupied by more than fifteen individuals, including staff members who may reside there.

Day care. Means an establishment that provides care, protection, and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term does **NOT** include the following:

(1) Kindergartens or nursery schools or other daytime programs operated by public or private Elementary, Middle and High Schools or institutions of higher learning;
(2) Facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available;
(3) Special activity programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations; or
(4) A "preschool" operated by a church or place of worship as an accessory use and that is not leased to another group to operate and that meets the Kansas Department of Health and Environment regulations as a "preschool."

Day care, home occupation. Means a day care center operated as a home occupation that provides care, protection, and supervision for no more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.

Day reporting center. Means a facility that provides nonresidential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for three or more days per week for six or more hours per day.

Golf course. Means a tract of land developed for the purpose of providing private golf recreation services and support facilities. Included within this definition shall be regulation golf courses, executive golf courses, par-three golf courses, and any combination thereof on a common tract of land. Specifically excluded shall be pitch and putt courses, independent driving ranges and miniature golf courses.

Government service. Means buildings or facilities owned or operated by a government entity and providing services for the public, including utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

Hospital. Means an institution that:

(1) Offers services more intensive than those required for room, board, personal services and general nursing care;

(2) Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and
(3) Regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

Library. Means a publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

Neighborhood swimming pool. Means any non-publicly owned swimming pool that is not located on the same lot as a residential dwelling unit but that is intended as an amenity for use by the residents and their guests of that subdivision or by a group of subdivisions in the immediate vicinity.

Nursing facility. Means any state licensed place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to function impairments, need skilled nursing care to compensate for activities of daily living limitations and includes state licensed "nursing facility for mental health; and a state licensed "residential health care facility" when it is attached to a state licensed Nursing Facility. The term nursing facility does not include assisted living, group home, group residence or hospital.

Parks and recreation. Means a park, playground, or community facility that is owned by or under the control of a public agency or homeowners' association and that provides opportunities for active or passive recreational activities, and a cultural facility that provides cultural services to the public, including a museum, art gallery, observatory, planetarium, botanical garden, arboretum, zoo, or aquarium that is owned by or under the control of a public agency. For purposes of this definition, parks and recreation shall include those parks, community facilities, and cultural facilities that are owned by or under the control of a public agency and leased to private entities for recreational activities, including recreational and cultural uses that involve paid admission or that allow the sale of cereal malt beverages or alcoholic beverages for consumption on the premises.

Recycling collection station, private. Means outdoor freestanding containers that are designed to receive, and store pre-sorted recyclable materials not intended for disposal and that are available only to those members or employees of the church, school, office building, or other principal use located on the same property as the station. This definition shall not include containers used for curbside recycling or containers used by a commercial or industrial enterprise for collection and/or compression of materials that are a byproduct or integral part of such enterprise. See SECTION 404.E.2.a for special use standards.

Recycling Collection Station, public. Means outdoor freestanding containers not occupying an area greater than 400 square feet (exclusive of area required for vehicular access) that are designed to receive and store pre-sorted recyclable materials not intended for disposal and that are available to the general public. See SECTION 404.E.2.a for special use standards.

Recycling processing center. Means a building or land use in excess of 400 square feet devoted to the receipt, separation, storage, baling, conversion, and/or processing of recyclable materials, but not including wrecking/salvage yard. See SECTION 404.E.2.b for special use standards.

Renewable energy systems. Means either a Wind Energy Conversion System (WECS) or a Solar Energy Conversion System (SECS). Those terms shall mean the following:

(1) Solar Energy Conversion System (SECS). Means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity and includes all associated support facilities including but not limited to, roads, substations, operation and maintenance buildings, as specified in the application.

(2) Wind Energy Conversion System (WECS). Means the combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion Systems consist of the turbine apparatus and any other buildings, support structures and other related improvements necessary for the generation of electric power from wind and intended for wholesale sales of generated electricity.

Reverse vending machine. Means an automated mechanical device that accepts one or more types of recyclable materials and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and reduce materials mechanically, provided the entire process is enclosed within the machine.

Safety services. Means a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

School, elementary, middle, & high. Means the use of a site for instructional purposes on an elementary or secondary level, including both public schools as well as private schools that have curricula similar to those in public schools.

University or college. Means an institution of higher education offering undergraduate or graduate degrees in higher learning, including seminaries.

Utility, major. Means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term major utility shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities, communication switching facilities that are accompanied by office uses, telecommunication carrier with transmission equipment for long-distance call and high-speed Internet connections with one or more telecommunication carrier located within a building.

Utility, minor. Means services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines, and structures not exceeding 150 cubic feet in size and six feet in height that do not generate discernable noise, odor or vibration within any nearby residential district, and that comply with the setback requirements of the district in which they are located.

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301.C. COMMERCIAL. The following terms define the commercial uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Adult entertainment establishment. Means any commercial establishment which is an adult bookstore, adult motion picture theater, adult hotel, adult motion picture arcade, or escort service as defined in CHAPTER 5, ARTICLE 7, Haysville Municipal Code, and includes any businesses involving adult entertainment, as defined herein.

Airport or airstrip. Means any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars, and other necessary buildings and open spaces. The term airport or airstrip does not include heliport.

Animal care, general. Means a use providing veterinary services for large animals, and that may include small animals or household pets, and for which boarding facilities may also be provided.

Animal care, limited. Means a use providing veterinary services for small animals or household pets for which there are no outside animal runs, and for which boarding facilities may also be provided.

Automated teller machine ("ATM"). Means a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator. See SECTION 404.E.3.a for special use standards.

Bank or financial institution. Means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions. The term bank or financial institution also includes ATMs.

Bed and breakfast inn. Means the use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than fifteen transient guests on a paying basis.

Broadcasting/recording studio. Means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film, or sound recording studios.

Car wash. Means an establishment engaged in cleaning or detailing motor vehicles, whether self-service or automated.

Construction sales and service. Means an establishment engaged in the retail or wholesale sale of materials used in the construction and/or maintenance of buildings or other structures and/or grounds, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvements centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction and trade contractors' storage yards, landscape installation and/or maintenance services and pest extermination services. See SECTION 404.E.3.b for special use standards.

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Convenience store. Means an establishment engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use and which may specifically include a car wash as an accessory use, but shall not include vehicle repair.

Entertainment establishment. Means any event center or any person or entity that provides entertainment, excluding adult entertainment, as defined herein.

Event center. Means premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled.

Farmer's market. Means an outdoor place or market area with a formalized location where more than one Kansas farmer or grower gathers to sell agricultural products they have grown or raised. Other activities and other sellers may be accommodated at the market, but the sale of agricultural products shall be the focal point of the market activity. Other products that may be sold would typically include dried flowers, crafts and handicrafts that are made in the home, original artwork, and certain prepared foods.

Funeral home. Means an establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Heliport. Means the area of land, water, or structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters.

Hotel or motel. Means an establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term use by transient guests, usually for less than a week, in which rooms are furnished for the accommodation of such transient guests, which may have as an accessory use one or more dining rooms, and may include individual kitchen facilities. Typical uses include hotels, motels, tourist courts and emergency shelters for the homeless and for victims of crime, abuse or neglect.

Kennel, hobby. Means premises housing five to ten adult dogs owned by the property resident.

Kennel, boarding/breeding/training. Means premises housing five or more adult dogs, three or more of which are owned by someone other than the business owner, and premises housing over ten adult dogs.

Medical service. Means an establishment providing therapeutic, preventive, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical laboratories.

Microbrewery. Means a brewery that:

(1) Is licensed by the Director of Alcohol Beverage Control of the state Department of Revenue;
(2) Produces not less than 100 nor more than 30,000 barrels of beer or more than 100,000 gallons of hard cider per year, in accordance with K.S.A. 41-308B; and
(3) Does so in a completely enclosed building.

See SECTION 404.E.3.c for special use standards.

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Mobile food unit. Means any self-contained vehicle, trailer, cart, wagon, or other type of conveyance from which any food and/or beverage is offered for sale.

Monument sales. Means an establishment primarily engaged in the retail sale of monuments, including, but not limited to, headstones, footstones, markers, statues, obelisks, cornerstones, and ledges for the placement on graves, including indoor or outdoor storage.

Nightclub. Means an establishment that provides entertainment, which may include the provision of dancing by employees or patrons, and which may or may not serve food, alcoholic liquor or cereal malt beverage by the individual drink.

Nurseries and garden centers. Means a place of business where retail and wholesale products and produce are sold to the customer. These centers, which may include a nursery and/or greenhouses, and may include plants, nursery products and stock, and other garden and farm variety tools and utensils.

Office, general. Means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and the teaching of these and similar activities, and communication switching facilities and telecommunication carriers that are accompanied by office uses and with all facilities within the building or underground.

Parking area, accessory. Means a parking lot or garage that is accessory to a parking lot or garage which is constructed as required by these regulations and is located on the same or adjacent lot as the principal use served.

Parking area, commercial. Means a parking lot or parking garage that is built as a facility to provide parking for a fee to the general public, as opposed to a parking lot or garage which is constructed as required by these regulations or accessory parking for another building.

Pawnshop. Means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property.

Personal care service. Means an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or his personal goods or apparel. Typical uses include beauty and barber shops, electrolysis studios, shoe shining and/or repair operations, tailors and neighborhood laundry and dry cleaning operations.

Personal improvement service. Means an establishment primarily engaged in the provision or informational, instructional, personal improvement, and similar services of a nonprofessional nature. Typical uses include portrait shops, photography studios, art and music schools, licensed massage therapists, health and fitness studios, swimming clubs, tattooing and body piercing, and handicraft or hobby instruction.

Post office substation. Means a facility or structure owned by the U.S. Postal Service that is used for the collection, sorting, and distribution of mail within several zip code areas and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

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Printing and publishing. Means the production of books, magazines, newspapers, and other printed matter, as well as record pressing and publishing, and engraving and photoengraving.

Recreation and entertainment, indoor. Means a privately-owned establishment offering recreation, entertainment, or games of skill to the general public or members that is wholly enclosed in a building. Typically uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball, and handball courts, and amusement rides. It does not include buildings typically accessory to a subdivision that are for use by the subdivision's residents and their guests.

Recreation and entertainment, outdoor. Means a privately-owned establishment offering recreation, entertainment, or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, "pitch and putt" facilities, tennis courts, and amusement rides. It does not include golf courses, parks, open space, and recreational facilities typically accessory to a subdivision that are for use by the subdivision's residents and their guests.

Recreational vehicle campground. Means the use of land designated for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents. See SECTION 404.E.3.d for special use standards.

Restaurant. Means an establishment where the principal business is the sale of food and beverages for consumption, including the retail sale of alcoholic liquor or cereal malt beverages for consumption on the premises.

Retail fulfilment center. Means a commercial use in which goods are stored, assembled, packaged, and fulfilled for direct delivery or customer pickup, where sales transactions primarily occur off-site through online, mobile, or telephone ordering platforms. Retail Fulfillment Centers are distinct from General Retail, Secondhand Stores, and Pawnshops in that sales transactions occur primarily off-site through e-commerce platforms. They are also distinct from Warehousing, Wholesale and Business Services, as well as Freight and/or Truck Terminals, in that all activities are direct to the consumer. See SECTION 404.E.3.e for special use standards.

Retail, general. Means the sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.

Riding academy or stable. Means a commercial establishment for boarding, breeding, training, or raising of horses not owned by the owners or operators of the establishment, rental of horses for riding, or other equestrian activities. The term riding academy or stable shall not include rodeo.

Rodeo. Means a competition, exhibition, or demonstration involving persons, equines, and/or bovines in which participants display various skills in one more events such as, but not limited to, bareback riding, saddle bronco riding, street wrestling, roping, team roping, tie-down roping, barrel racing, bull riding, or similar events.

Secondhand store. Means a retail establishment other than an antique store that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items.

Service station. Means an establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, the minor adjustment or repair of motor vehicles and may specifically include a car wash. See SECTION 404.E.3.f for special use standards.

Short-term residential rental. Means any non-owner-occupied dwelling unit which:

(1) Contains rooms furnished for the purposes of providing lodging to transient guests;
(2) Is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and
(3) Rental is less than 28 days.

See SECTION 404.E.3.g for special use standards.

Tavern and drinking establishment (as defined in K.S.A. 41-2601). Means premises that may be open to the general public, where alcoholic liquor or cereal malt beverage by the individual drink is sold. For the purposes of these regulations, the term tavern and drinking establishment shall include Class B Club.

Teen club. Means any building or part or other enclosed place where a teen dance is held or teen dancing is permitted.

Vehicle and equipment sales, outdoor. Means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motor vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, trailers and/or moving trailer rental. See SECTION 404.E.3.h for special use standards.

Vehicle repair, limited. Means a use providing repair of motor vehicles or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities:

(1) Electronic tune-ups;
(2) Brake repairs (including drum turning);
(3) Air conditioning repairs;
(4) Transmission and engine repairs;
(5) Generator and starter repairs;
(6) Tire repairs;
(7) Front-end alignments;
(8) Battery recharging;
(9) Lubrication; and/or
(10) Sales, repair and installation of minor parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc.

Vehicle repair, general. Means an establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment. Typical uses include paint and body shops. See SECTION 404.E.3.i for special use standards.

Vocational school. Means a use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a university, college, or elementary, middle, and high school.

Warehouse, self-service storage. Means an enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for dead storage of their household goods or personal property.

Wireless communication facility. Means a lot containing equipment at a fixed location that enables wireless communications between user equipment and a communications network, including, but not limited to:

(1) A wireless support structure consisting of a freestanding support structure, such as a monopole, guyed, or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities;
(2) A base station that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics;
(3) Equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and/or
(4) Radio transceivers, antennas, coaxial or fiber- optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

301.D. INDUSTRIAL, MANUFACTURING, AND EXTRACTIVE. The following terms define the industrial, manufacturing, and extractive uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Asphalt or concrete plant, general. Means an establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

Asphalt or concrete plant, limited. Means a temporary establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products for use on a government funded construction project.

Basic industry. Means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing processes that involve or have the potential to involve commonly recognized offensive conditions. Typical uses include fat rendering plants; poultry and rabbit dressing; pulp processing and paper products manufacturing; stockyards; slaughterhouses; steel works; tanneries; acid manufacture; cement, lime, gypsum, or plaster of Paris manufacture; distillation of bones; fertilizer manufacture; garbage, offal or dead animals' incineration, reduction or dumping; glue manufacture; gas manufacture; and petroleum refineries.

Construction burn site, limited. Means a location where clean tree waste that is created as a result of accepted construction industry practices of clearing a property prior to development, or as a result of a construction project, such as the installation, replacement or repair of sewer, water, drainage, paving, or

other similar development activities, is permitted to be burned under controlled circumstances three or less times a year. Clean tree waste is defined as trunks, branches and attached leaves of woody perennial plants typically characterized by a main or multiple trunks that support branches and leaves. Lumber, sheet rock, yard waste, insulation, or other material normally disposed of at a construction and demolition or municipal solid waste landfill is not permitted to be burned or disposed of at a construction burn site.

Construction burn site, general. Means a location where clean tree waste that is created as a result of accepted construction industry practices of clearing a property prior to development, or as a result of a construction project, such as the installation, replacement, or repair of sewer, water, drainage, paving, or other similar development activities, is permitted to be burned under controlled circumstances four or more times a year. Clean tree waste is defined as trunks, branches and attached leaves of woody perennial plants typically characterized by a main or multiple trunks that support branches and leaves. Lumber, sheet rock, yard waste, insulation, or other material normally disposed of at a construction and demolition, or municipal solid waste landfill is not permitted to be burned or disposed of at a construction burn site. The term construction burn site, general does not include a construction and demolition or a municipal solid waste landfill.

Freight and/or truck terminal. Means a building or area in which freight brought by commercial motor vehicles or rail is assembled and/or stored for routing in intrastate or interstate shipment by commercial motor vehicle or rail, or where commercial motor vehicles are stored and dispatched as common carriers. This use may include the overnight parking of commercial motor vehicles and sleeping, laundry, and other facilities for truck drivers.

Gas and/or fuel storage and sales. Means the use of a site for bulk storage and wholesale distribution of flammable liquid, gas, or solid fuel, excluding below-ground storage that is clearly ancillary to an allowed principal use on the site.

Hazardous operations. Means activities that present serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal, and radioactive waste handling.

Landfill. Means a disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

Manufacturing, light. Means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants. Typical uses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, production of instruments and lenses for medical, dental, optical, scientific, and other professional purposes, and upholstery shops. See SECTION 404.E.4.a for special use standards.

Manufacturing, medium. Means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles. Typical

uses include ice cream manufacturing, millwork and cabinetry, monument and grave marker manufacturing, precision machining of tools, dies and jigs, and other professional purposes.

Manufacturing, heavy. Means other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

Mining or quarrying. Means the extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand, soil and gravel pit operations, quarries, and mines. See SECTION 404.E.4.b for special use standards.

Oil and gas drilling. Means the subsurface extraction of oil or natural gas.

Research services. Means an establishment engaged in conducting basic and applied research, including production of prototype products when limits to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Rock crushing. Means an establishment engaged in crushing rock or stone milling.

Solid waste incinerator. Means a permanent facility operated alone or in conjunction with a recycling processing center or landfill for the purpose of burning solid waste or trash and converting it to ash.

Storage, outdoor. Means the keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, cargo containers, or other similar items. The term outdoor storage does not include vehicle storage yard. See SECTION 404.E.4.c for special use standards.

Transfer station. Means any enclosed facility where solid wastes are transferred from one vehicle or rail car to another or where solid wastes are stored and consolidated before being transported for disposal elsewhere.

Vehicle storage yard. Means a site where one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles are stored outside of an enclosed building for compensation for more than 72 consecutive hours.. The term vehicle storage yard does not include wrecking/salvage yard. See SECTION 404.E.4.d for special use standards.

Warehousing. Means the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include major mail distribution centers, frozen food lockers, and moving and storage firms, but excluding self-service storage warehouses.

Welding or machine shop. Means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, and sheet metal shops.

Wholesale or business services. Means an establishment primarily engaged in the display, storage, and sale of bulk goods or services to other businesses, typically retailers, for resale or further distribution. It may also include the sale of bulk goods and services directly to individual consumers

Wrecking/salvage yard. Means a lot, land, or structure, or part thereof, used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards.

301.E. AGRICULTURAL. The following terms define the agricultural uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Agriculture. Means a use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products or for the purpose of raising livestock. The term agriculture also includes the roadside selling of products produced on land owned, leased, or legally controlled by the producer (farmer, rancher, horticulturalist, viticulture, apiary, or similar agricultural pursuits). The definition shall include, as a permitted accessory use, the sale of nursery stock, firewood, Christmas trees and other plants and produce raised on-site. Typical activities include, but are not limited to: Farmer's market which permits the sale of agricultural products by other producers; U-pick-it activities; flower arranging; canning/cooking; gardening demonstrations; winery tours and tastings; corn mazes; agriculture related interpretive facilities; agricultural exhibits and tours; agriculturally related educational and learning workshops or experiences; horseback riding; non-commercial camping; bonfire/campfire themed events; service of food and beverages; hayrides; pumpkin patch sales and any other uses determined by the Zoning Administrator to be similar. See SECTION 404.E.5.a for special use standards.

Agricultural processing. Means initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include sawmills and packinghouses. Slaughterhouses are specifically excluded from this definition.

Agricultural research. Means the use of land and buildings for agricultural research and the cultivation of new agricultural products. This shall include greenhouses that are used for research purposes only.

Agricultural sales and service. Means an establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses that are used for wholesale and/or retail purposes.

Grain storage. Means facilities for the warehousing of agricultural products. Typical uses include grain elevators.

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SECTION 302. GENERAL DEFINITIONS

302.A.

Adjacent. Means lying near or close to, neighboring. In the context of these regulations, the term adjacent also means touching or abutting.

Adult entertainment. Means any exhibition, performance, interaction, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, computer internet activities, computer programs with sex based content, serving food or beverages, soliciting the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such action is intended to arouse or excite the sexual desires of the entertainer, other entertainers, or the patron(s), or if the interaction is characterized by an emphasis on the exposure, depiction or description of "specified anatomical areas" or the conduct or stimulation of "specified sexual activities," as defined in CHAPTER 5, ARTICLE 7 of the City Code.

All-weather surface. Means an improved, generally pervious surface of either:

1) Compacted rock or crushed concrete, a minimum of 4" inches deep, utilizing a minimum of 1" inch in diameter rock with not more than 10% fines for a binder. Utilization of the compacted rock or crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage;
2) Asphalt millings;
3) Brick paver stone, a minimum of 2 3/8" inches thick and placed over base material a minimum of 5 inches deep;
4) Any other similar pervious surface; or
5) Any surface defined as a hard surface.

Every all-weather surface must be properly maintained and kept free of potholes, weeds, grass, dust, trash, and miscellaneous scattered objects (debris) to qualify as an all-weather surface. A surface that is not maintained free of weeds and debris is not an all-weather surface as an improperly developed or maintained surface does not meet the goals or the intent of this definition.

Alteration. Means any change, addition or modification in the construction of a structure.

302.B.

Base material. Means a base layer to be installed underneath certain types of all-weather and hard surfaces that is a minimum of 4 inches deep crushed stone or gravel, topped with sand a minimum of 1 inch deep.

Basement. Means any floor level below the first story in a building.

Board. Means the Board of Zoning Appeals.

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Building (as defined in the 2018 INTERNATIONAL BUILDING CODE). Means any structure utilized or intended for supporting or sheltering any occupancy. For the purpose of these regulations, all buildings shall be considered structures; however, not all structures shall be considered buildings.

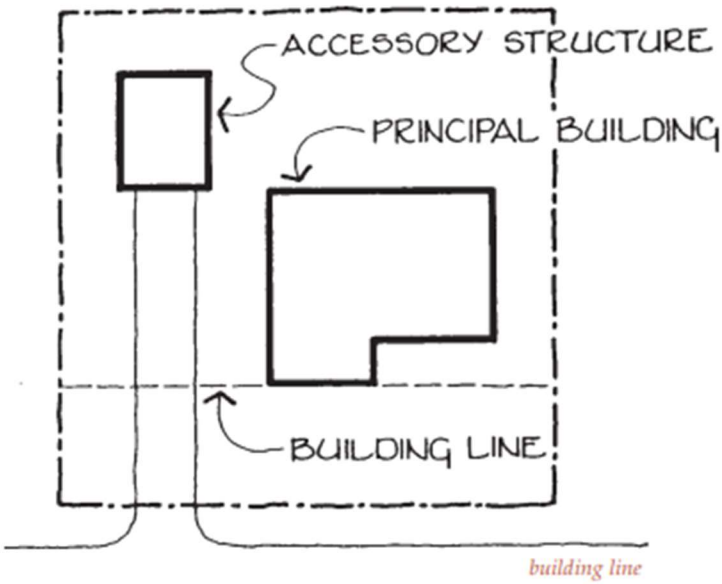
Accessory building. Means a building that is subordinate to and serves a principal building or structure; is subordinate in purpose, floor area, and height to the principal building or structure served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure served; and is located on the same zoning lot as the principal building or structure.

Auxiliary building. Means an accessory building that does not exceed 99 square feet in size or any other accessory building that does not require a building permit. Such structures may be built on a substandard permanent foundation. A portable metal storage shed on a concrete slab with modified footings, a gazebo and a dog house are all examples of auxiliary buildings.

Principal building. Means a building in which the principal use of the site is conducted.

Temporary building. Means a partially or completely assembled building constructed and designed to be reused multiple times and transported to different building sites. Temporary buildings includes buildings, offices, sheds, warehouses or open-air storage used temporarily by building contractors for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, principal buildings, or other development or community facilities; tents; and other similar structures.

Building height (as defined in the 2018 INTERNATIONAL BUILDING CODE). Means the vertical distance above the average existing grade to the highest point of the roof. The height of a stepped or terraced building shall be the maximum height of any segment of the building.



Building line. Means the perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of a building or structure.

302.C.

Code. Means the City of Haysville, Kansas Municipal Code.

Cargo container. Means any portable, weather-resistant receptacle, container or other structure that is designed or used for the storage or shipment of household goods, commodities, building materials, furniture, or merchandise. See Appendix E-506 for special use standards.

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Class “A” club (as defined in K.S.A. 41-2601). Means a premises owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans’ club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them, as provided in K.S.A. 41-2637. Membership is required.

Class “B” club (as defined in K.S.A. 41-2601). Means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. Membership is not required.

Commission. Means the City of Haysville Planning Commission.

Comprehensive plan. Means any plan or map adopted by the City for guidance of growth and improvement of the City and its environs including modifications or refinements that may be made from time to time.

Construction equipment. Means equipment used in the construction, improvement, and/or maintenance of buildings or other structures and/or grounds.

Court. Means an open, unoccupied space other than a yard on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

> Inner court. Means a court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.
>
> Outer court. Means a court which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum dimension measured at right angles to its width.

302.D.

District. Means any section of the City for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

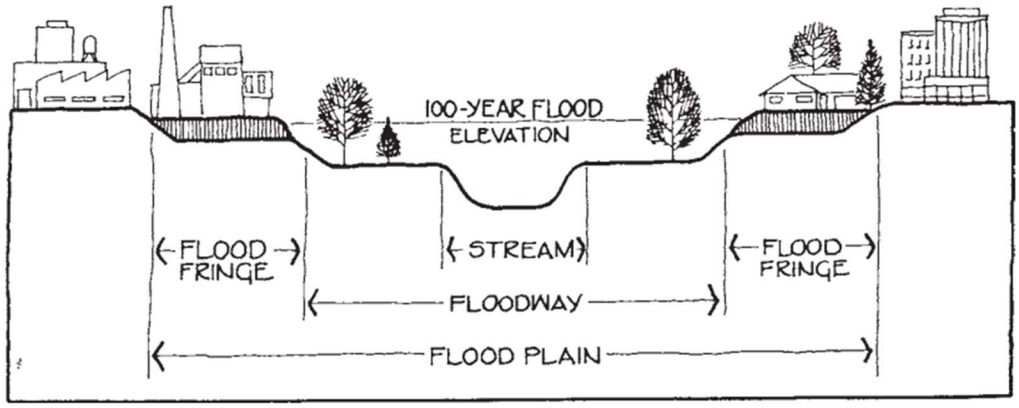
Dwelling unit. Means a building, or a portion of a building, that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

302.E.

302.F.

Floodway fringe (as defined in K.S.A. 12-742). Means those portions of a flood plain outside the boundaries of a regulatory floodway and within stream reaches where such a floodway has been established.

Floodplain (as defined by K.S.A. 12-742). Means land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1%.



floodplain

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

Frontage. Means the lot line(s) abutting a public right-of-way.

Primary frontage. Means the frontage to which the principal structure is oriented. The primary frontage may be determined by the street address in the case of undeveloped lots.

Secondary frontage. Means any frontage that is not the primary frontage.

302.G.

Garage. Means an accessory structure or portion of a principal structure for the parking and temporary storage of automobiles of the occupants of the premises, and wherein:

1) Not more than one space is rented for parking to persons not occupants of the premises;
2) Not more than one commercial vehicle per dwelling unit is parked or stored; and
3) The commercial vehicles permitted do not exceed 26,000 pounds gross vehicle weight rating.

Grade. Means the lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

Governing body. Means the mayor and city council of the City of Haysville.

302.H.

Hard surface. Means an improved, generally impervious surface of either:

1) Asphalt, a minimum of 2” inches deep and placed over base material a minimum of 4” inches deep;

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2) Concrete, a minimum of 4” inches deep;
3) Pervious concrete; or
4) Other similar generally impervious surface.

Home occupation. Means a business, profession, occupation or trade conducted in a dwelling unit for gain or support by a resident of the dwelling unit and which is accessory to the use of the dwelling unit as a residence.

302.I.

Improvements. Means all facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for residential, commercial or industrial purposes. Improvements shall include all facilities listed in ARTICLE VII of the subdivision regulations adopted by the city.

302.J.

302.K.

302.L.

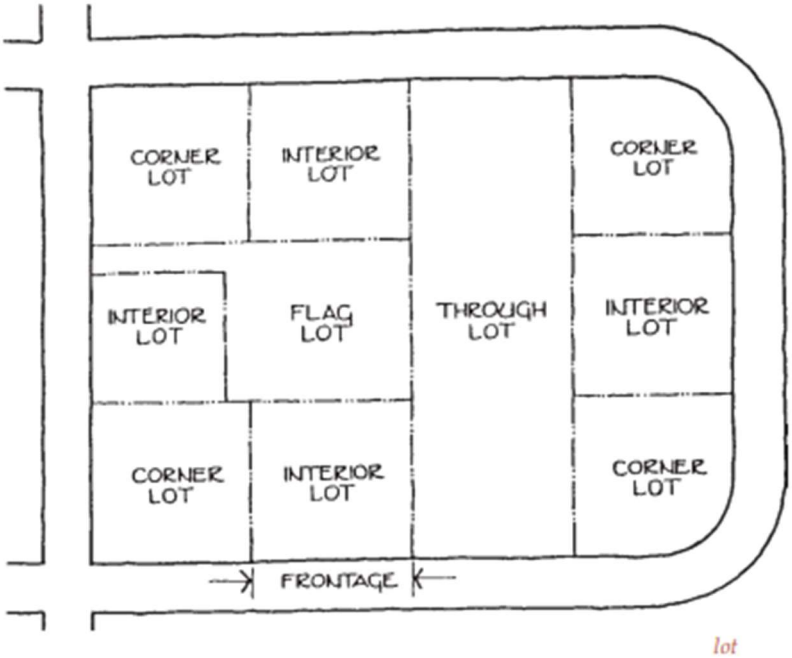
Lot. Means a portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred. A building site or parcel of land occupied or intended to be occupied by a building and accessory structures, and including such open spaces as are required under these regulations and having its primary frontage upon a public street or officially approved place.

Corner lot. Means a lot abutting two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Flag lot. Means a lot not meeting the minimum lot width requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

Interior lot. Means a lot other than a corner lot or a through lot.

Through lot. Means a lot with frontage on two parallel or approximately parallel streets.



lot

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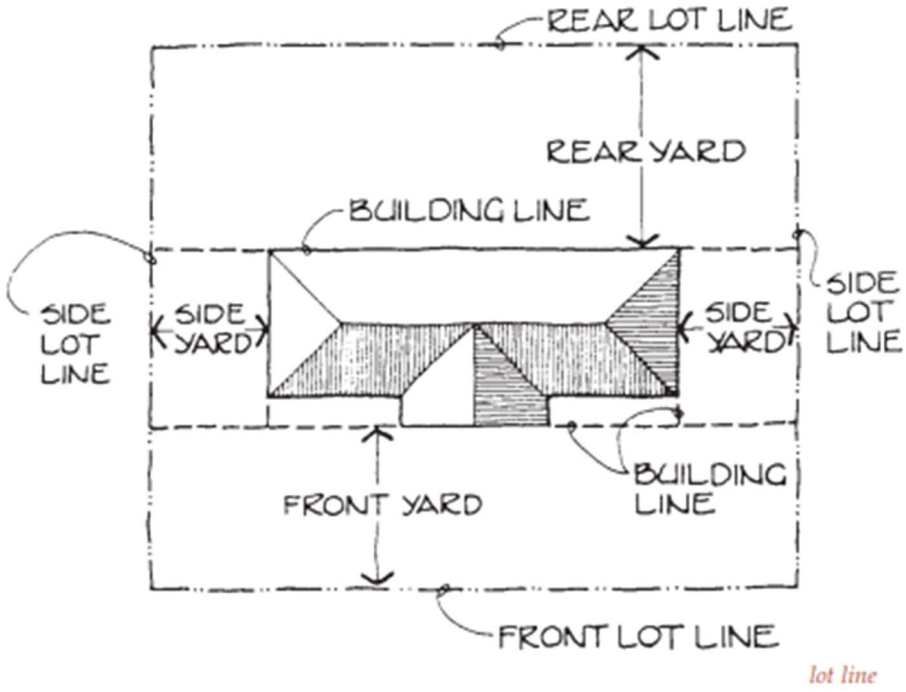
Lot area. Means the total horizontal area within the lot lines of a lot.

Lot depth. Means the horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

Lot lines. Means the lines bounding a lot as defined herein.

Front lot line. Means a lot line which abuts an existing or dedicated public street. In the case of a corner lot, it shall be the lot line designated as the primary frontage.



Rear lot line. Means a lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular-shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

Side lot line. Means any lot line that is not a front lot line nor a rear lot line.

Lot of record. Means a lot or portions of one or more lots which are a part of a subdivision, or a lot described by metes and bounds, the map and/or description of which has been recorded in the Office of the Register of Deeds of Sedgwick County.

Lot width. Means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines measured along lot depth.

302.M.

Manufactured home park boundary line. The outermost property line that encloses the spaces/lots contained within a manufactured home park or manufactured home subdivision.

Manufactured home site. Shall mean a parcel of ground within a manufactured home park that is designated and intended to accommodate one manufactured home or mobile home, that provides service facilities for water, sewer, and electricity. Also referred to as a lot.

Metes and bounds. Means a system of describing and identifying a parcel of land by measures (metes) and direction (bounds) from an identifiable point of reference.

Mobile home. Means a movable detached single-family dwelling unit that was manufactured according to standards prior to 1976 or that does not conform to the Manufactured Home Construction and Safety

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Standards Act (HUD Code). Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to utilities in conformance with all applicable regulations. The term mobile home does not include a recreational vehicle.

302.N.

Nonconforming lot. Means a lot lawfully existing at the time these regulations became effective, or as amended, which does not conform to the setback, lot size or other dimensional or property development standards applicable to the zoning district in which the lot is located.

Nonconforming structure. Means a structure lawfully existing at the time these regulations became effective, or as amended, which does not conform to the setback, height, or other dimensional or property development standards applicable to the zoning district in which the structure is located.

Nonconforming use. Means the use of any land, building or structure which does not comply with the use regulations of the zoning district in which such use is located but which complied with the use regulations in effect at the time the use was established.

302.O.

Owner. Means any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land.

302.P.

Parking. Means the temporary location of motor vehicles (except for inoperable vehicles), boats, trailers, and unoccupied recreational vehicles for not more than 72 consecutive hours.

Parking area, private. Means an area, other than a street or alley, used or intended to be used for the parking of operable motor vehicles, boats, trailers that are exempt from motor vehicle registration by the state or are registered or are required by law to be registered with a 2M+ Kansas license plate in the city or 8M in the County, and unoccupied recreational vehicles, any of which shall be owned, leased, borrowed, etc. by the occupants of a dwelling unit that is located on the same lot, and wherein not more than one commercial vehicle per dwelling unit is parked and the permitted commercial vehicle does not exceed 26,000 pounds gross vehicle weight rating.

Parking space. Means an area on privately owned property within or without a building or on a private or public parking area and sufficient in size for the parking of one automobile.

Planned Unit Development. Means a development guided by a total design plan in which one or more of the zoning or subdivision regulations shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Porch. Means a roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosing features except roof supports, railing, and screen wire.

302.Q.

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302.R.

Regulations. Means the City of Haysville Planning and Zoning Regulations.

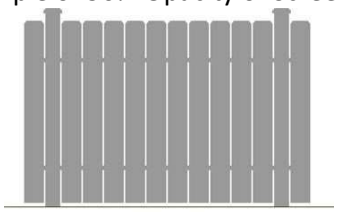
302.S.

Salvage material. Means material, including but not limited to, scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, playground equipment, old or used machinery of any type, used tools, used appliances, used fixtures, used furniture, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automotive parts, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Screening. Means fencing, evergreen vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fences, evergreen vegetation or berms. Appropriate screening materials do not include mesh privacy screens.

> Solid screening. Means a solid barrier of 90 to 100 percent opacity made from wood, vinyl, landscaped earth berms, masonry, or other similar materials, including brick, stone, architectural tile, or a combination of these materials erected to enclose, screen, or separate areas from adjacent views. Appropriate materials do not include mesh privacy screens.

Example of 90% Opacity of Screening



Setback. Means the minimum distance that is required by these regulations between a structure and the lot line of the lot on which the structure is located.

> Front yard setback. Means a setback that is to extend across the full width of the lot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the lot.
>
> Rear yard setback. Means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.
>
> Side yard setback. Means a setback that is to extend from the front lot line to the rear lot line along the side of a lot that is contiguous or abutting another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

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Street yard setback. Means a Setback that is to extend from the front Lot Line to the rear Lot Line along the side of a Lot that is abutting a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side Lot Line and a line parallel thereto on the Lot.

Sexually oriented business. See adult entertainment.

Sight triangle or vision triangle. Means the unobstructed, triangular area located at the intersection of two streets or a street and a driveway; two sides of which are measured from their corner intersection for a distance specified based on roadway speed. The third side is a line across the corner of the lot adjoining the ends of the two sides.

Obstruction. Means any object within the sight triangle that is between three and eight feet above ground level and would therefor obstruct the driver's view of an approaching vehicle. Obstructions in sight triangles may include, but are not limited to, buildings, vehicles, signs, hedges, trees, bushes, tall crops, walls, or fences.

Example of a sight triangle.

Site plan. Means a plan that outlines the use and development of any tract of land.

Street furniture. Means objects placed in public or semi-public spaces to provide comfort, direction, safety, and convenience. The various types of street furniture include, but are not limited to, benches and other seating, planters, bollards, bicycle stands, litter bins, bus shelters, mail boxes, street lights, and wayfinding signage.

Story. Means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined here in for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such useable or unused under-floor space shall be considered to be a story.

Structure (as defined in the 2018 INTERNATIONAL BUILDING CODE). Means that which is built or constructed. For the purpose of these regulations, all buildings shall be considered structures; however,

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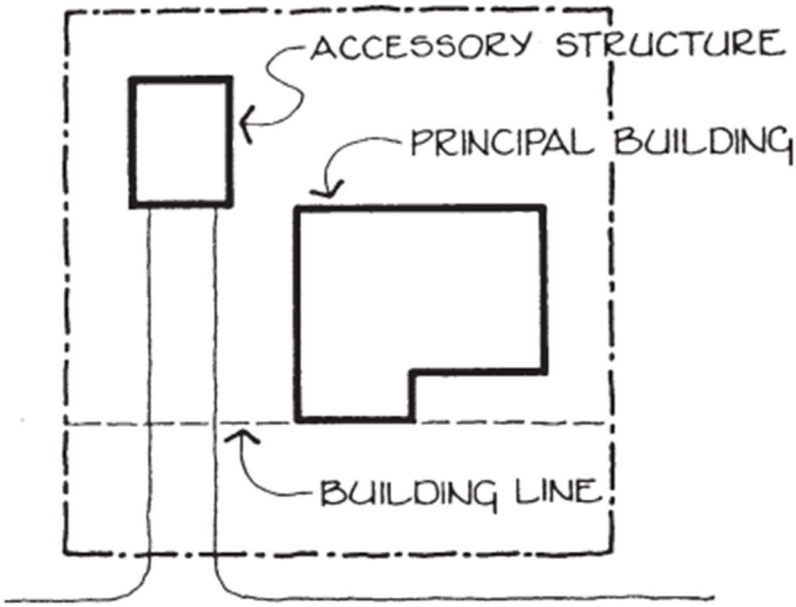
not all structures shall be considered buildings. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

Accessory structure. Means a structure that is subordinate to and serves a principal building or structure; is subordinate in purpose, floor area, and height to the principal building or structure served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure served; and is located on the same zoning lot as the principal building or structure. A pool, or a below grade substructure, shall be considered an accessory structure.

Auxiliary structure. Means an accessory structure that does not exceed 99 square feet in size or any other accessory structure that does not require a building permit. Such structures may be built on a substandard permanent foundation. A portable metal storage shed on a concrete slab with modified footings, a gazebo and a dog house are all examples of auxiliary structures.

Principal structure. Means a structure in which the principal use of the site is conducted.

Temporary structure. Means a partially or completely assembled structure constructed and designed to be reused multiple times and transported to different building sites. Temporary structures includes buildings, offices, sheds, warehouses or open-air storage used temporarily by building contractors for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, principal buildings, or other development or community facilities; tents; and other similar structures.



accessory structure

302.T.

Transient guest. Means a person who occupies a short-term residential rental, hotel or motel for not more than twenty-eight consecutive days.

302.U.

Use. Means the purpose for which land or a building or structure is designed, arranged or intended, or for which either land or a building or structure may be occupied or maintained under these regulations.

Accessory use. Means a use that is subordinate to and serves a principal use; is subordinate in purpose to the principal use served; contributes to the comfort, convenience, or necessity of the occupants of the principal use served; is located on the same lot as the principal use; but is not an incidental use.

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Conditional use. Means a use allowed in accordance with certain procedures and standards of these regulations.

Incidental use. Means a use that occurs as a result of, or in connection with, a principal use.

Principal use. Means the main and primary use of land, a building or structure.

302.V.

Variance. Means authorization by the Board of Zoning Appeals, in specific cases, a deviation from the specific terms of these regulations, which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, and provided the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done.

Vehicle. Shall mean any commercial vehicle, inoperable vehicle, motor vehicle, passenger vehicle, or recreational vehicle as defined herein.

Commercial vehicle. Means any truck, van, panel truck, delivery van, trailer, semitrailer or pole trailer drawn or designed to be drawn by a motor vehicle, which vehicle was designed, used and/or maintained for the transportation of more than ten persons or the delivery of property for hire, compensation, profit or in the furtherance of any commercial enterprise.

Inoperable vehicle. Means any vehicle that is unable to operate or move under its own power. It shall also mean any motor vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition that includes having no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts, cannot be operated in a normal, and safe manner. It shall also mean any vehicle with an absence of display of current registration. An inoperable vehicle shall not include vehicles needing only the inflation of tires, the installation of a battery or the addition of fuel in order to operate. An inoperable vehicle shall also include any vehicle with uninflated tires, or otherwise meeting the definition of nuisance automobile in CHAPTER 8 of the Code of the City of Haysville.

Motor vehicle. Means every motorized vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Passenger vehicle. Means a motor vehicle that is designed primarily to carry ten or fewer passengers, and that is not used as a commercial vehicle.

Recreational vehicle. Means a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a motor vehicle. Recreational vehicle shall include travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar units as determined by the Zoning Administrator. A recreational vehicle may or may not include individual toilet and bath.

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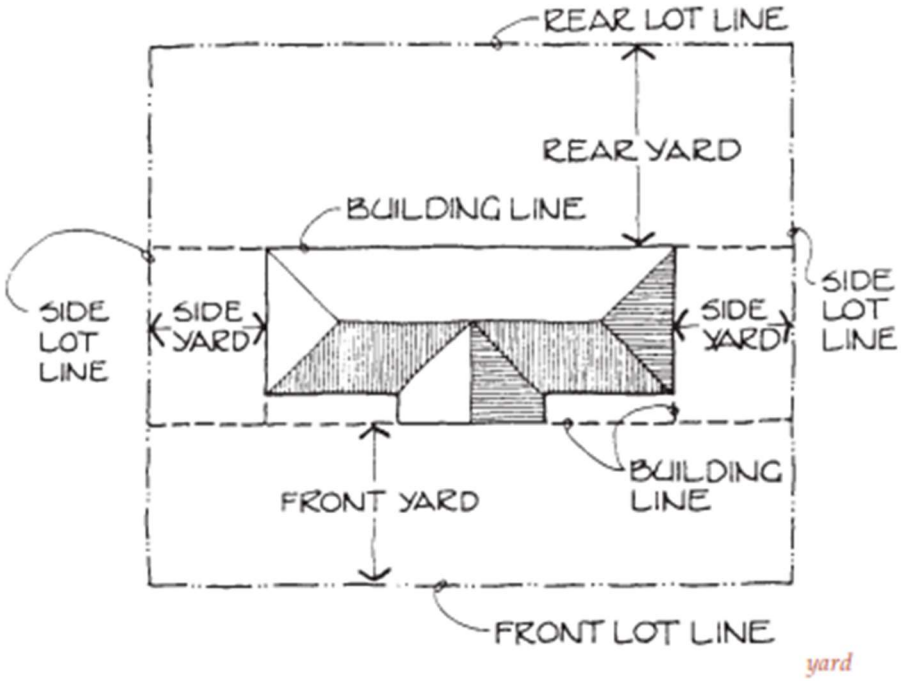
302.W.

302.X.

302.Y.

Yard. Means an open space, other than a court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, is unoccupied and unobstructed from the ground upward, except as provided in these regulations.



Front yard. Means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line.

Rear yard. Means a yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines.

Side yard. Means a yard extending from the front yard to the point of intersection of the rear yard or lot line when no rear yard exists.

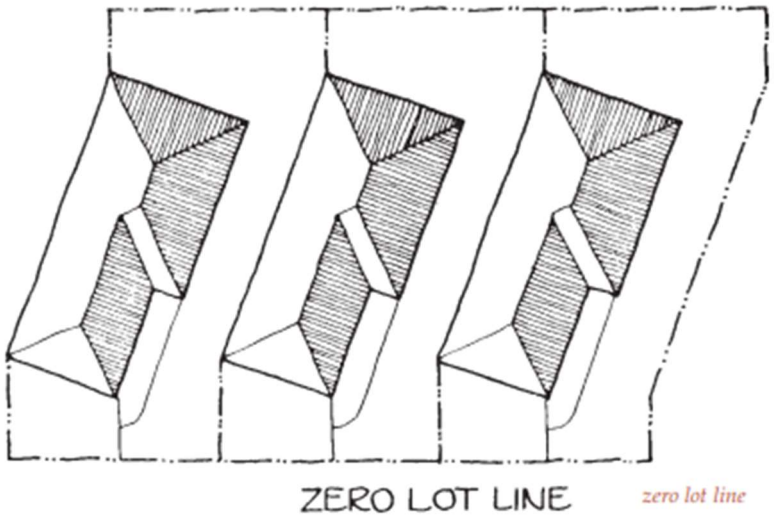
Street yard. Means a yard which lies between the property line abutting a street and the street wall line of the building. If a building has a rounded street wall or if the building is on an irregular-shaped lot, wall lines extending parallel to the street wall from the points of the wall closest to the side property lines shall be used to define the limits of the street yard.

302.Z.

Zero lot line. Means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning (as defined by K.S.A. 12-742). Means the regulation or restriction of the location and uses of buildings and uses of land.

Zoning lot. Means a parcel of land that is designated by its owner or developer as a



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tract, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:

1) A single lot of record;
2) A portion of a lot of record; or
3) A combination of complete lots of records, complete lots and portions of lots of record, or portions of lots of record.

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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
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.

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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.

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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.

Table 404.D. Use Chart.
Table 404.D. to be inserted here after adoption

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).** 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.

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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.

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.

2. **Public and civic uses.**

a. **Recycling collection station, private and public.** Public and private recycling collection stations shall be permitted by right 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 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 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.

3. **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 by right, 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 by right provided that solid screening, in addition to the landscape buffer required in

accordance with APPENDIX E, SECTION 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 by right 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 by right 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 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;

   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

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.

4. **Industrial, manufacturing and extractive uses.**

a. **Freight and/or truck terminal.** Freight and/or truck terminals shall be permitted by right 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.

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.

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.

5. **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.

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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. Corner lots shall have 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, SECTION 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, SECTION 500. All principal residential driveways and all approaches must be constructed of concrete.

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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, SECTION 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.

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, SECTION 505.

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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.

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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, 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.

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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 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	✓	
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.

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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.

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Table 404.D. Use Chart.

Use Type	SF-15	SF-5	SF-3	TH	TF	MF4	MFA	MH	LC	HMC	HC	LI	HI	Special Use Standards
Zoning Districts														
Residential														
Accessory Dwelling Unit (ADU)	C	C	C	C	C	C	C	C	C	C				See 404.E.1.a
Assisted Living		C	C	C	C	P	P	C	C/P	P				See 602.F.2
Group Home	P	P	P	P	P	P	P	P	C					See 404.E.1.b
Group Residence, Limited					C	P	P	P	C/P	P				See 602.F.2
Group Residence, General						P	P	P	C/P	P				See 602.F.2
Live-Work							P		P	P				
Manufactured Home, Residential-Design	P	P	P	P				P						See 404.E.1.d
Manufactured Home								P						See 404.E.1.c
Multi-Family						C	P		C/P	P				See 602.F.2
Single-Family	P	P	P	P	P	P	C	P						
Two-Family	C	C	C	C	P	P	P							
Three and Four-Family					C	P	P		C/P	P				See 602.F.2
Public and Civic														
Auditorium or Stadium									P	P	P	P	P	
Cemetery	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	
Community Assembly	C	P	P	P	P	P	P		P	P	P	P	P	
Correctional Facility											C	C	C	
Correctional Placement Residence, Limited									C		C	C	C	
Correction Placement Residence, General											C	C	C	
Day Care	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	
Government Service	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital							P		P	P	P	P	P	
Library		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	
Nursing Facility		C	C	C	C	P	P	C	P	P				
Parks and Recreation	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	P	P	P	P	P	See 404.E.2.a
Recycling Collection Station, Public							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	
Safety Service	C	C	C	C	C	C	C	C	P	C	P	P	P	
School, Elementary, Middle & High	C	C	C	C	C	C	C							
University or College	C	C	C	C	C	P	P		C	C	C	C	C	
Utility, Major	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	
Commercial														
Adult Entertainment Establishment														

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Airport or Airstrip												P	P	
Animal Care, Limited							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	See 404.E.3.a
Bank or Financial Institution							P		P	P	P	P	P	
Bed and Breakfast Inn	P	P	P	P	P	P	P		P	P				
Broadcast/Recording Studio							P		P	P	P	P	P	
Car Wash									C	C	P	P	P	
Construction Sales and Service									P	P	P	P	P	See 404.E.3.b
Convenience Store							C		C	P	P	P	P	
Entertainment Establishment						P	P		P	P	P	P	P	
Event Center	C					P	P		P	P	P	P	P	
Farmer's Market	P								P	P	P	P	P	
Funeral Home									P					
Heliport												P	P	
Hotel or Motel							C		C	P	P	P	P	
Kennel, Hobby									P	P	P	P	P	
Kennel, Boarding/Breeding/Training							P		P	P	P	P	P	
Medical Service							P		P	P	P	P	P	
Microbrewery									P	P	P	P	P	See 404.E.3.c
Mobile Food Unit							P		P	P	P	P	P	
Monument Sales											P	P	P	
Nightclub							P		P	P	P	P	P	
Nurseries and Garden Centers							P		P	P	P	P	P	
Office, General							P		P	P	P	P	P	
Parking Area, Accessory						C	C	C	C	C	C	C	C	
Parking Area, Commercial							C		C	C	C	C	C	
Pawnshop							P		P	P	P	P	P	
Personal Care Service							P		P	P	P	P	P	
Personal Improvement Service							P		P	P	P	P	P	
Post Office Substation							P		P	P	P	P	P	
Printing and Publishing, General							P		P	P	P	P	P	
Recreation and Entertainment, Indoor							P		P	P	P	P	P	
Recreation & Entertainment, Outdoor							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	
Retail, General							P		P	P	P	P	P	
Retail Fulfillment Center									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	
Service Station										P	P	P	P	See 404.E.3.f
Short-term Residential Rental	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	
Vehicle and Equipment Sales, Outdoor										P	P	P	P	See 404.E.3.h
Vehicle Repair, Limited									C	P	P	P	P	
Vehicle Repair, General											P	P	P	See 404.E.3.i

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Vocational School	C	C	C	C	C	C	C	C	C	C	C	C	C	
Warehouse, Self-Service Storage											C	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	P	
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	P	
Manufacturing, Heavy												P	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	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	P	
Welding or Machine Shop											P	P	P	
Wholesale or Business Services											P	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	P	
Grain Storage	P										P	P	P	

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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, SECTION 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, SECTION 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

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.

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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.

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, SECTION 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, SECTION 501.

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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, SECTION 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, SECTION 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.

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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, SECTION 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, SECTION 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

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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.

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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		
Single-Family	2,750	25	80	20	0[1]	10	10	45[2]	600
Stacked Two-Family	4,500	45	80	20	5				
Side-by-Side Two-Family	6,050	55	80	20	5				
Non-Residential	5,000	45	80	20	5				

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.

505.D. PARKING REGULATIONS. See APPENDIX E, SECTION 500.

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

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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		
Single-Family	2,750	25	80	20	0[1]	10	10	45[2]	600
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				
Fourplex	7,800	60	80	20	5				
Non-Residential	5,000	35	80	20	5				

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.

506.D. PARKING REGULATIONS. See APPENDIX E, SECTION 500.

506.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

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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, SECTION 500.

507.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 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

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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.

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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		
Single-Family	2,750	25	80	20	0[1]	10	10	55[2]	See 601.F.1
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				
Fourplex	7,800	60	80	20	5				
Multiplex	10,000	80	80	20	5				
Apartment	14,175	105	80	10	0[1]				
Live-Work	3,150	35	80	10	0[1]				

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.

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601.D. PARKING REGULATIONS. See APPENDIX E, SECTION 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, SECTION 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.

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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.

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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[1]	10	10	55[2]	See 601.F.1
Triplex	5,175	45	80	15	5				
Fourplex	7,800	60	80	15	5				
Multiplex	10,000	80	80	15	5				
Apartment	14,175	105	80	10	0[1]				
Live-Work	3,150	35	80	10	0[1]				

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.

602.D. PARKING REGULATIONS. See APPENDIX E, SECTION 501 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, SECTION 501.

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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 existing non-residential buildings or units shall be demolished or converted to be reused as residential uses except as approved by the Planning Commission following the Conditional Use procedures in SECTION 1002.
3. 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.
4. 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 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.

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SECTION 603. HMC HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS

603.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.*

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 dimensional 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. 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.

603.D. PARKING REGULATIONS. See APPENDIX E, SECTION 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.

603.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

603.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

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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.

603.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 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.

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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.

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SECTION 604. HC HEAVY COMMERCIAL DISTRICT REGULATIONS

604.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.*

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 following 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.

604.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.

604.D. PARKING REGULATIONS. See APPENDIX E, SECTION 500 for the full parking regulations.

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

604.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

604.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.

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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.

604.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 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.

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ARTICLE 7
INDUSTRIAL ZONING DISTRICTS

SECTION 701. LI LIGHT INDUSTRIAL DISTRICT REGULATIONS

701.A. PURPOSE. This district is intended for light industrial businesses which are consistent with the capacity and availability of public and private utility services, and which do not require large amounts of land, generate large amounts of traffic, or create environmental problems in the way of odor, smoke, dust, glare, vibration or sound. This district is generally compatible with the "Commercial Mixed Use" and "Industrial" designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan.*

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

701.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 701.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 701.C. LI 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	60	90	35	10[1]	35	20	None

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 in the rear on at least two sides of the building.

701.D. PARKING REGULATIONS. See APPENDIX E, SECTION 500.

701.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

701.F. SPECIAL LI DISTRICT REGULATIONS. The following special regulations shall apply to all property in the LI District, except as otherwise allowed or approved in accordance with these regulations.

1. No outdoor operations, display, or storage is permitted within the front yard, except as provided for below:
    a. 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.
    b. If the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may be located on hard surface areas within the front yard.

c. Outdoor display and storage may be allowed in the front yard if items are stored immediately adjacent to the principal structure.

2. All items stored outdoors must be kept on an all-weather or hard surface.
3. All items stored outdoors, excluding those permitted by SECTION 701.F.1, shall not be visible from ground level view in any adjacent lot that is a lesser zoning district or from ground level view of any adjacent collector or arterial street.
4. Operations or products must not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
5. 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.

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SECTION 702. HI HEAVY INDUSTRIAL DISTRICT REGULATIONS

702.A. PURPOSE. This district is intended for uses that have the potential of generating limited environmental impact, including but not specifically limited to the creation of odor, smoke, dust, glare, vibration, noise, and the use of dangerous and/or hazardous materials. This district is generally compatible with the "Industrial" designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan.*

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

702.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 702.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 702.C. HI 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	100	100	35	0[1]	35	0[2]	None

1. If a side yard is provided, a setback of not less than 5 feet shall be provided.
2. If a rear yard is provided, a setback of not less than 5 feet shall be provided. Additionally, if any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided in the rear yard on at least two sides of the building.

702.D. PARKING REGULATIONS. See APPENDIX E, SECTION 500.

702.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

702.F. HI DISTRICT SPECIAL REGULATIONS. The following special regulations shall apply to all property in the HI District, except as allowed or approved in accordance with these regulations.

1. No outdoor operations, display, or storage is permitted within the front yard, except as provided for below:
    a. 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.
    b. If the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may be located on hard surface areas within the front yard.
    c. Outdoor display and storage may be allowed in the front yard if items are stored immediately adjacent to the principal structure.
2. All items stored outdoors shall be kept on an all-weather or hard surface.
3. All items stored outdoors, excluding those permitted by SECTION 702.F.1, shall not be visible

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from ground level view in any adjacent lot that is a lesser zoning district or from ground level view of any adjacent collector or arterial street.

4. 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.

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ARTICLE 8
SPECIAL ZONING DISTRICTS

SECTION 801. P-O PROTECTIVE OVERLAY DISTRICT REGULATIONS

801.A. PURPOSE. The protective overlay district may be applied in combination with any base zoning district. By tailoring use or dimensional standards to individual projects or specific properties, the protective overlay district is intended to:

1. Ensure compatibility among incompatible or potentially incompatible land uses;
2. Ease the transition from one zoning district to another;
3. Address sites or land uses with special requirements; and
4. Guide development in unusual situations or unique circumstances.

801.B. USE AND DIMENSIONAL STANDARDS. The protective overlay district, can be used to modify and restrict the use and dimensional standards of an underlying base zoning district. All requirements of a protective overlay district are in addition to and supplement all other applicable standards and requirements of these regulations. Restrictions and conditions imposed by a protective overlay district shall be limited to the following:

1. Prohibiting otherwise permitted or conditional uses and accessory uses; or making an otherwise permitted use a conditional use;
2. Decreasing the number or average density of dwelling units that may be constructed on the site;
3. Increasing minimum lot size or lot width;
4. Increasing minimum setback requirements;
5. Restrictions on access to abutting properties and nearby roads, including specific design features; and
6. Any other specific development standards required or authorized by these regulations.

801.C. METHOD OF ADOPTION. Restrictions imposed through a protective overlay district are considered part of these regulations and accompanying map. All property included in a protective overlay district shall be identified on the "Official Zoning Map" by adding the letters "P-O" and a number to the base zoning district symbol. The number shall be assigned when the application is filed and numbers shall run consecutively beginning with number 1. The ordinance zoning or rezoning property to the protective overlay district shall specifically state the modifications imposed pursuant to SECTION 801.B of these regulations. The restrictions imposed shall be considered part of the text of these regulations, and a violation of the restrictions shall be a violation of these regulations.

801.D. EFFECT OF PROTECTIVE OVERLAY DESIGNATION. When the protective overlay zoning designation is applied in combination with a base zoning district it shall always be considered to result in a more restrictive designation than if the base district did not have the protective overlay classification. In the event that the protective overlay designation was not originally requested as part of the rezoning application, but instead is added during the staff review or public hearing process, re-notification and re-advertisement of the requested zoning change shall not be required.

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SECTION 802. HD-O ORIGINAL TOWN HISTORIC OVERLAY DISTRICT REGULATIONS

802.A. PURPOSE. The Original Town Historic Overlay District (HD-O) is intended to accommodate development and redevelopment within the area recognized as the Original Town of Haysville, while recreating the historical significance and unique qualities of the area. The design review provisions applicable within the HD-O are intended to preserve and recreate the area's special historic character. The HD-O district is an overlay district; property within the district shall comply with the overlay district regulations of this section and the standards of the underlying zoning district. In the case of conflict between the regulations in this section and those of the underlying zoning district, the regulations in this section shall prevail.

802.B. APPLICATION AREA. The officially recognized Original Town Historic Overlay District shall be classified as "District – HD-O – Historic District," and shall be used henceforth for purposes of recognizing all structures and real estate within the "Original Town" as part of a zoning overlay district. The official zoning map of the city of Haysville, Kansas shall be amended by this ordinance to clearly show the overlay area.

Such overlay district shall consist of the following parcels of property:

1. Haysville Town Site (Original Town Plat);
2. Hays' 1st Addition;
3. W.E. Blaine 2nd Addition;
4. Solar Addition;
5. Metes and Bounds parcel southeast of the intersection of Grand Avenue and Main Street immediately to the east of the Haysville Town Site and legally described as: beginning at a point 50 feet south and 679.17 feet east of the northwest corner of the northwest quarter of Section 5, Township 29 South, Range 1 East; thence west 33.96 feet; thence south 3.26 feet; thence southwesterly along a curve a distance of 142.09 feet; thence east 8.9 feet; thence south 40 feet; thence east 80 feet; thence north 170 feet to the point of beginning;
6. Metes and bounds parcel southwest of the intersection of Grand Avenue and Main Street and immediately to the east of the Haysville Town Site and legally described as: beginning at a point 50 feet south and 459.17 feet east of the northwest corner of the northwest quarter of Section 5, Township 29 South, Range 1 East; thence east 86.04 feet; thence south 2.9 feet; thence southwesterly along a curve a distance of 104.72 feet; thence southwest 24.17 feet to the east line of Hays Street; thence north 80.74 feet to the point of beginning; and
7. Metes and Bounds parcel facing Main Street immediately south of the Solar Addition continuing to the southern city limits.

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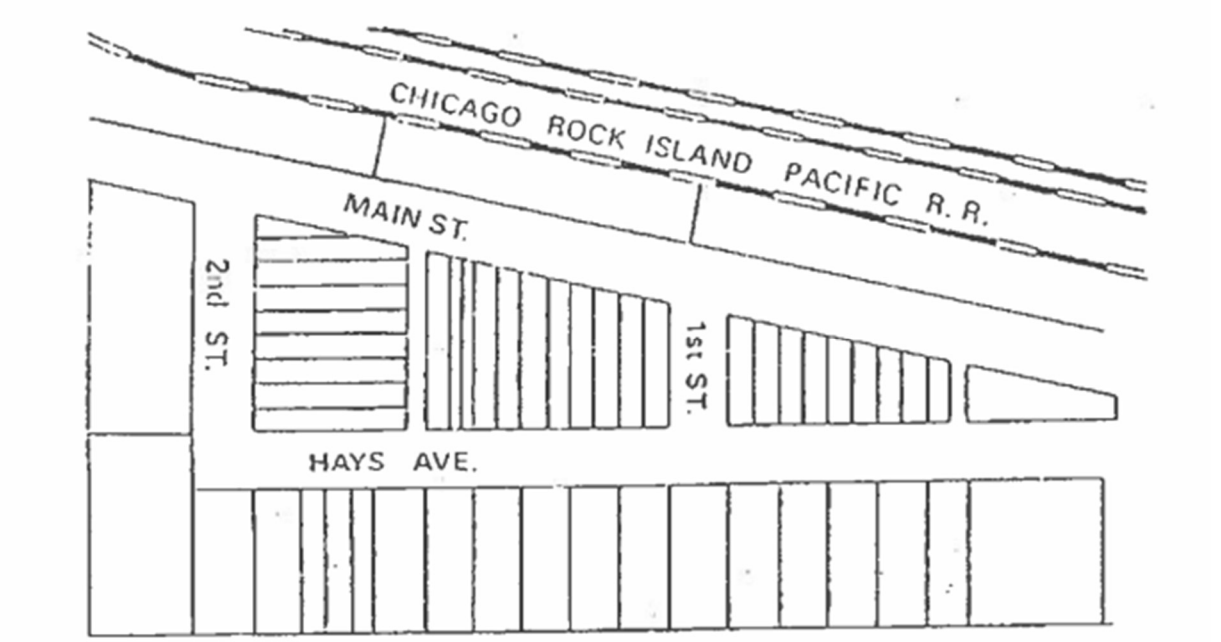
Figure 802.B. Application Area



802.C. USE STANDARDS. The use standards of this overlay district shall supplement and be in addition to the use standards of the underlying districts. However, whenever an actual conflict arises between the language of the use standards governing the underlying district and the language of this historic overlay district, the use standards of this overlay district shall prevail over the underlying district(s).

1. **Permitted Uses**. The following uses, as prescribed in TABLE 802.C, shall be allowed by-right in the HD-O district. These additional uses are intended to supplement those uses permitted by the regulations of the underlying district(s) that are not otherwise specifically included in SECTION 802.C.2 or 802.C.3.
2. **Conditional Uses**. The following uses, as prescribed in TABLE 802.C, shall be allowed only as a conditional use in the HD-O district, regardless if said uses are stated as permitted uses in the underlying district(s).
3. **Prohibited Uses.** Unless determined by the Zoning Administrator to be keeping with the intent and purpose of this district and these regulations, all other uses not prescribed in TABLE 802.C shall be prohibited, regardless if said uses are stated as permitted or conditional uses in the underlying district(s). Such determination must be made with the concurrence of the Historic Committee.

Table 802.C. Use Standards

PERMITTED USES	
Bed and breakfast inn	Church or Place of Worship
Blacksmith shop	Farm and Art Market
Museum	Public park, playgrounds and community buildings
CONDITIONAL USES	
Printing press operations including newspaper presses, catalogs and bindery	Restaurant, including catering as an incidental use

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802.D. DIMENSIONAL STANDARDS. The dimensional standards of this overlay district shall supplement and be in addition to the dimensional standards of the underlying zoning district. However, whenever a conflict arises between the language of the dimensional standards governing the underlying district and the language of this historic overlay district, the dimensional standards of this overlay district shall prevail over the underlying district.

Table 802.D. 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	
None	*None*	*None*	35	0	0	0	35[1]

1. A church steeple may extend beyond this height.

802.E. PARKING REGULATIONS. The requirements of APPENDIX E, SECTION 500 shall be waived.

802.F. LANDSCAPING REGULATIONS. The requirements of APPENDIX E, SECTION 501 shall be waived.

802.G. DESIGN REVIEW PROCEDURES.

1. **Applicability**. No permits involving alterations to building exteriors, or permits for signs, fences, sidewalks, driveways or demolition shall be issued by the Public Works Department for any structure or site located wholly or partially within the HD-O district until an application for such permit has been reviewed for compliance with the design standards of this section and approved by the Planning and Zoning Administrator, or his or her designee.
2. **Application**. An application for a permit with the HD-O district shall be submitted in a form required by the Zoning Administrator. A complete application should include, as necessary, to-scale drawings, elevations, sections, relevant plans of site and/or immediate environs if appropriate, and shall indicate materials and colors to be used, as to conduct an adequate review of the application.
3. **Action**. After reviewing the completed application, the Zoning Administrator or his or her designee, shall approve with conditions or modifications, or deny the request, in accordance with the design standards of this section. A property owner in the HD-O may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.
4. **Time limit on Action**. If within fourteen days from the date of receipt of a complete application by the Zoning Administrator, no action has been taken on the application, the Public Works Department may issue the necessary permits and the project may proceed. This time limit may be waived by mutual consent of the applicant and staff. This time limit shall not apply if Historic Committee review is required pursuant to APPENDIX C.

802.H. DESIGN STANDARDS.

1. **General**.
    a. New Buildings, Reproductions and Alterations should be respectful of the character of the original town of Haysville. All building designs should be compatible with the major elements of the 1890-1910 eras of the prairie plains.

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b. Metal windows and doors should be anodized or properly primed and enameled.

c. Permanent fences should avoid wire materials whenever possible.

2. **Standards for Rehabilitation and Remodeling**.

   a. All construction, remodeling or rehabilitation of exteriors should ensure the visual integrity of the building and be compatible with the overall architectural character of the district.

   b. Additions to buildings should be compatible in appearance by coordinating style, materials, scale and detail with the existing buildings in the district.

   c. Accessory buildings should generally be compatible with the other structures on the street and be subject to these guidelines.

   d. Existing doors and windows may be replaced with new products of design and/or materials similar to those which existed at the time of passage of these regulations.

3. **Standards for New Construction, Reconstruction and Reproduction**.

   a. All buildings should be set back from the street uniformly to present a continuous façade line along the street, except that minor recesses or projections for entries and similar elements may be acceptable.

   b. Mechanical or electrical equipment and trash receptacles should be hidden or screened from street level view.

4. **Signs.** Signage within the HD-O district shall be subject to the provisions of APPENDIX D, as well as the following requirements as reviewed and approved by staff.

   a. All signs, including interior and exterior window signs, must be approved as to design, colors, materials, placement, method of attachment, and method of illumination (if applicable).

   b. Signs shall be designed and placed so as to appear as an integral part of the building design, in proportion to the structure and environment, and to respect neighboring properties within the HD-O district.

   c. Signs should be designed with appropriateness relative to the services of the establishments served.

802.I. EXCEPTIONS AND MODIFICATIONS. The design standards in this section may be modified or waived by the Zoning Administrator to allow for alterations that are required in order to maintain the continued functional viability of existing uses, or in extraordinary situations of development characteristics, economic hardship, or other circumstances, provided that the purposes and intent of these Standards are maintained through such interpretation.

802.J. EMERGENCY REPAIRS. The Zoning Administrator and/or Public Works Director may waive the standards and review procedures of this section in instances in which emergency repairs are required, provided that subsequent repairs comply with this section.

802.K. CONFLICTS WITH OTHER CODE PROVISIONS. No section of SECTION 802 shall be construed to compel alterations that will conflict with any health or safety codes or prohibit any alterations that are required to bring buildings into compliance with the Building Code.

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ARTICLE 9.
NONCONFORMITIES

SECTION 901. PURPOSE, POLICY AND APPLICABILITY

901.A. PURPOSE. The purpose of this section is to establish regulations that govern uses, structures, lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of these regulations, pursuant to K.S.A. 12-771. Such use, structure, lot or other current circumstances are considered nonconforming.

901.B. POLICY. It is the general policy of the City to allow nonconforming uses, structures or lots to continue to exist and be used productively, while working to bring as many aspects of such into conformance with the current zoning regulations as is reasonably practicable, and to terminate the right to carry out any nonconformity as soon as such nonconformity actually ceases, all subject to the limitations of this section. The limitations of this section are intended to recognize the interests of the property owner in continuing to use the property in a manner that no longer conforms to the requirements of these regulations but to control the expansion of the nonconformity and to control the re-establishment of abandoned uses and limit the re-establishment of buildings and structures that have been substantially damaged.

901.C. APPLICABILITY. This article shall apply only to any such use, structure, lot or other current circumstance that was legally established and/or permitted in conformance with the then applicable requirements of these regulations but that do not conform to all of the applicable requirements of these regulations today. Any such use, structure, lot or other certain circumstance that was not legally established and/or permitted shall be a violation of these regulations and shall be subject to the procedures established in ARTICLE 11 of these regulations.

SECTION 902. NONCONFORMING USES

902.A. DEFINITION. Nonconforming use means the use of any land, building or structure which does not comply with the use regulations of the zoning district in which such use is located but which complied with the use regulations in effect at the time the use was established, or as otherwise defined in SECTION 302 of these regulations.

902.B. MAINTENANCE, REPAIR AND MODIFICATION OF STRUCTURES. Any structure which is part of a nonconforming use may be maintained, repaired, or remodeled on the same terms as set forth under SECTION 903.B and SECTION 903.C of these regulations. Such structures shall not be expanded, modified or altered outside of their existing building footprint.

902.C. MAINTENANCE, REPAIR AND MODIFICATION OF PROPERTIES. Any property which is part of a nonconforming use may be repaired and maintained as needed to continue the nonconforming use. The property may not be altered or modified unless such alteration or modification will benefit the public health, safety, and morals. A benefit may include decreasing the degree of nonconformity. Such benefit shall be determined by the Zoning Administrator with an appeal to the Board of Zoning Appeals. Appeal procedures may be found in SECTION 1007.

902.D. CHANGE IN USE. A nonconforming use may not be changed to another nonconforming use. When a nonconforming use is abandoned or changed, the property owner may not again establish a use that is in any manner inconsistent with these regulations.

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SECTION 903. NONCONFORMING STRUCTURES

903.A. DEFINITION. Nonconforming structure means a structure lawfully existing at the time these regulations became effective, or as amended, which does not conform to the setback, height, or other dimensional or property development standards applicable to the zoning district in which the structure is located, or as otherwise defined in SECTION 302 of these regulations.

903.B. MAINTENANCE AND REPAIR. General maintenance, repair, and remodeling of a nonconforming structure within the existing building footprint shall be permitted without a variance, if in conformance with current building codes.

903.C. SUBSTANTIAL DAMAGE. Any nonconforming structure damaged to the extent of 50% or less of its fair market value by fire, wind, tornado, earthquake, or other natural disaster, may be rebuilt in conformance with current building codes, provided such rebuilding does not increase the intensity of use as determined by the number of dwelling units (for residences) or floor areas or ground coverage (for nonresidential uses). The structure shall not be rebuilt closer to the property line than the original structure or the applicable setback lines, whichever is closer. Nonconforming structures damaged 50% or less of their fair market value by flooding may be rebuilt as set forth in this section, provided such reconstruction shall conform to all requirements of the adopted building code related to construction in flood hazard areas. Any building so damaged more than 50% of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for buildings in the district in which it is located, provided that such restoration as may be made is to the fullest extent possible in conformance with development standards.

903.D. EXPANSION, ALTERATION OR MODIFICATION. Any expansion, modification or alteration of the nonconforming structure that increases the degree of nonconformance is prohibited. Expansions, modifications and alterations of the structure that do not increase the degree of nonconformance shall be permitted and shall not require a variance. The initial determination of whether a proposed expansion, modification or alteration increases the degree of nonconformity shall be made by the Zoning Administrator or his/her designee with an appeal to the Board of Zoning Appeals. Appeal procedures may be found in SECTION 1007.

903.E. RELOCATION. If a nonconforming structure is relocated within the area to which these regulations is applicable, it shall be placed only in a location in which it fully conforms to the requirements of these regulations.

903.F. UNSAFE STRUCTURES. Nothing in this section shall be construed to permit the continuing use of a building found to be in violation of basic life, safety or health codes of the City. The right to continue to use a nonconforming structure shall be subject to all applicable housing, building, health and other life safety and health codes of the City.

SECTION 904. NONCONFORMING LOTS

904.A. DEFINITION. Nonconforming lot means a lot lawfully existing at the time these regulations became effective, or as amended, which does not conform to the setback, lot size or other dimensional or property development standards applicable to the zoning district in which the lot is located, or as otherwise defined in SECTION 302 of these regulations.

904.B. GENERAL POLICY. A lot shown on an approved and recorded subdivision plat on the date on which these regulations became applicable to the lot, or a parcel shown on the assessor's records as a separate parcel on such date may be occupied and used although it may not conform in every respect with the dimensional requirements of these regulations, subject to the provisions of this section.

904.C. VACANT LOT. If the lot or parcel was vacant on the date on which these regulations became applicable to it, then the owner may use the property as permitted by the current applicable zoning district, provided that the use shall comply with the current applicable dimensional requirements of these regulations to the maximum extent practicable. If the applicable zoning district permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements shall be permitted. Otherwise the owner may seek a variance from such requirements from the Board of Zoning Appeals. Variance procedures may be found in SECTION 1005.

1003.C. LOT WITH BUILDING OR STRUCTURE. If the lot or parcel contains a building or structure on the date on which these regulations becomes applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in any way that does not increase the degree of nonconformity. An increase in building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required setback or other dimensional standard. Remodeling of a structure within the existing building footprint or expansion in compliance with the applicable dimensional standards and building code shall not require a variance but shall be reviewed by the Zoning Administrator, City Inspector or his/her designee as though the lot were conforming.

904.E. LOT MERGER. If the lot or parcel is smaller than would otherwise be required by these regulations and such lot or parcel is at any time on or after the date on which these regulations became applicable to such lot or parcel under common control with an adjacent lot or parcel, then the two shall be considered merged for purposes of these regulations and shall in the future be considered together for purposes of determining compliance. If the merged lots or parcels contain sufficient area for the actual or proposed use, then they shall be deemed fully conforming. If the merged lots or parcels together do not contain sufficient area for the actual or proposed use, they shall nonetheless be considered together for purposes of reducing the degree of nonconformity. The merged nonconforming lots or parcels shall not again be used as a separate lots or parcels, unless they are subdivided from the lot or parcel with which it has been merged; subdivision shall require full compliance with the requirement of these regulations and the applicable subdivision regulations.

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SECTION 905. OTHER NONCONFORMITIES

905.A. EXAMPLES OF OTHER NONCONFORMITIES. The types of other nonconformities to which this section applies include but are not limited to:

1. Fence height or location;
2. Lack of, or inadequate, buffers or screening;
3. Lack of, or inadequate, landscaping;
4. Lack of, or inadequate, off-street parking; and
5. Other nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use.

905.B. REMOVAL OF OTHER NONCONFORMITIES. A nonconformity other than those enumerated in SECTIONS 902, 903 and 904 shall be brought into conformance upon the occurrence of any one of the following:

1. Any increase on the premises of more than 30 percent floor area or 50 percent value;
2. Any change in use.

The requirement that nonconformities be brought into conformance shall be subject to variance by the Board of Zoning Appeals where it finds that such conformance would involve an unreasonable hardship.

905.C. GENERAL POLICY. Because other nonconformities involve less investment and are more easily corrected than those involving lots, buildings and uses, it is generally the policy of the City to eliminate such other nonconformities as quickly as practicable.

905.D. INCREASE PROHIBITED. The extent of such other nonconformities shall not be increased, with or without a variance.

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SECTION 906. NONCONFORMITIES CREATED BY PUBLIC ACTION

906.A. GENERAL. When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of these regulations without a variance from the Board of Zoning Appeals.

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SECTION 907. DISCONTINUANCE

907.A. SUBSTANTIAL DAMAGE. When a nonconforming structure or a building containing a nonconforming use has been destroyed or damaged to an extent exceeding 50 percent of its fair market value, such nonconformity shall terminate and shall not be renewed, and the structure or building shall not be restored in a way that is designed primarily for such nonconforming use or in any way not in conformance with these regulations.

907.B. ABANDONMENT. When a nonconforming use has been abandoned, such nonconforming use shall not be renewed. A nonconforming use shall be presumed abandoned when any of the following has occurred:

1. The owner has in writing or by public statement indicated intent to abandon the use;
2. There has been a change in use;
3. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures; or
4. The owner has demolished the building or structure or removed the equipment necessary to perform the nonconforming use; or
5. The property has been vacant or completely inactive for 12 months;

907.C. OVERCOMING PRESUMPTION OF ABANDONMENT. A presumption of abandonment based solely on the length of time a land use has remained vacant or inactive may be rebutted within 90 days of such use being deemed abandoned upon a showing, to the satisfaction of the Zoning Administrator, that during such period of vacancy or inactivity the owner of the land or structure:

1. Has been maintaining the land and structure in accordance with the all applicable building codes, and has been actively and continuously marketing the land or structure for sale or lease based upon the existence of the nonconforming use; or
2. Has been engaged in other activities that would affirmatively prove that there was not an intent to abandon.

907.D. ZONING AMENDMENT. A nonconformity shall be considered discontinued if an amendment to these regulations renders the nonconformity once again in conformance with these regulations. Any limitations imposed on the property due to the nonconformity shall also be discontinued.

907.E. VARIANCE. A nonconformity shall be considered discontinued if a variance is granted that renders the nonconformity in compliance with these regulations. Variance procedures may be found in SECTION 1005. Any limitations imposed on the property due to the nonconformity shall be discontinued after the granting of the variance.

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SECTION 908. DETERMINATION OF NONCONFORMING STATUS

908.A. GENERAL. In all cases, the property owner shall have the burden of establishing that a nonconforming use, structure, lot, or other certain circumstance lawfully exists under these regulations.

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ARTICLE 10
PROCEDURES

SECTION 1001. ZONE CHANGE

1001.A. GENERAL. A Zone Change application shall be obtained to change or modify the zoning district or regulations, respectively, which govern specific property within city limits. The intent and purpose of this section is to outline the procedures for Zone Change applications under these regulations, in conformance with K.S.A. 12-757.

1001.B. APPLICATION. An application for a Zone Change may be proposed by the owner(s), the authorized agent(s) of such owner(s), the contract purchaser(s)/lessee(s) of the subject property, or the governing body of the City.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1001.C. SUBMITTAL. An application, in writing, for such Zone Change shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The application shall include the following:

1. The complete legal description and general street location of the subject property;
2. Current and requested zoning district;
3. A certified list of the names and addresses of all property owners within 200 feet of the property under consideration, excluding public streets and ways. If the property is located adjacent to or outside the City's limits, the certified list of names and address shall extend to at least 1,000 feet in the unincorporated area. Such list shall be obtained from an abstract company;
4. A copy of restrictive covenants, if any; and
5. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1001.D. HEARING. Prior to making the final decision on a Zone Change, a public hearing shall be held by the commission. Such hearing may be adjourned from time to time, and an accurate written summary shall be made. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1. In addition to such public notice, written notice of such Zone Change shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.

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2. If the City initiates a Zone Change from a less restrictive to a more restrictive zoning district of 10 or more lots of the same zoning district that have five or more owners of record, written notice of such Zone Change shall be mailed to only the owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition, in accordance with K.S.A. 12-757(c)(2).

1001.E. AUTHORITY. The Planning Commission shall have the authority to make recommendations on Zone Change requests and recommend protective overlays and other safeguards as deemed necessary to protect and enhance the health, safety, and welfare of the surrounding area. The governing body shall have the authority to make the final decision on Zone Change requests.

1. In addition, the commission shall have the authority to make recommendations which affect only a portion of the property described in the public hearing notice or which give all or any part of the property described a zoning district of lesser change than that set forth in the notice. A recommendation of a zoning district of lesser change than that set forth in the notice shall not be valid without republication unless the commission has previously established a hierarchy of the zoning districts which is available to the public.

1001.F. ACTION BY THE PLANNING COMMISSION. An accurate written summary of the public hearing held by the commission shall be made. The public hearing may be adjourned from time to time. Within 60 days following the conclusion of the public hearing, the commission shall prepare its recommendations, and by an affirmative vote of a majority of the members present and voting may (1) recommend approval of the Zone Change; (2) recommend approval with the addition of a protective overlay; or (3) recommend denial of the Zone Change including a statement of the reason(s) for such denial. The recommendation, together with a written summary of the hearing thereon, shall be submitted to the governing body. If the commission fails to make a recommendation on a Zone Change within 60 days following a public hearing, the commission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing shall be submitted to the governing body for further action.

1001.G. ACTION BY THE GOVERNING BODY. Upon receipt of the recommendation from the commission and the reasons therefor, the governing body may (1) approve such recommendation by the adoption of an ordinance; (2) override the commission's recommendations by a 2/3 majority vote of the membership of the governing body, and adopt an ordinance setting forth the action determined appropriate by such majority of that body; or (3) return the recommendation to the commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

1. If the governing body returns the commission's recommendation for further consideration, the commission, at its next regularly scheduled meeting, shall consider the same and, after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt, such recommendation by an ordinance, or it need take no further action thereon. If the commission fails to deliver its recommendation to the governing body following the commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the commission as a resubmission of the original recommendation and proceed accordingly.

1001.H. PROTEST. Regardless of the commission's decision on a Zone Change if a protest petition against such Zone Change is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the Zone Change, excluding streets and public ways, the ordinance adopting such Zone Change shall not be passed except by at least a 3/4 majority vote of all the members of the governing body. For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning, or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the total real property within the area required to be notified. Protest petition procedures may be found in SECTION 1008.

1001.I. APPEALS. The governing body's decision on a Zone Change shall be the final local action. Appeals of such final local action shall be taken to district court.

1001.J. AMENDMENTS TO ZONE CHANGES. Zone Changes approved with the addition of a protective overlay may be amended by following the same procedures as required for consideration and approval of the original Zone Change application.

1001.K. REVIEW CRITERIA FOR ZONE CHANGES. 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. Character of the neighborhood;
2. Zoning and uses of the property nearby;
3. Suitability of the subject property for the uses to which it has been restricted;
4. Extent to which removal of the restrictions will detrimentally affect nearby property;
5. Length of time the subject property has remained vacant as zoned;
6. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant;
7. Conformance of the requested change to the adopted or recognized comprehensive plan;
8. Impact of the imposed development on community facilities;
9. Opposition or support of neighborhood residents; and
10. Recommendations of permanent staff.

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SECTION 1002. CONDITIONAL USE PERMIT.

1002.A. GENERAL. A Conditional Use permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a district, but shall not be allowed under the general conditions of the district as stated in these regulations. The intent and purpose of this section is to outline the procedures for Conditional Use requests under these regulations.

1002.B. APPLICATION. An application for a Conditional Use permit may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1002.C. SUBMITTAL. An application, in writing, for such Conditional Use permit shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The application shall include the following:

1. The complete legal description and general street location of the subject property;
2. Site plan;
3. A certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be obtained from an abstract company and is to be provided by the petitioner. If the proposed designated property is located adjacent to or outside the City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area;
4. A copy of restrictive covenants, if any; and
5. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1002.D. HEARING. Prior to making the final decision on a Conditional Use permit, a public hearing shall be held. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1. In addition to such public notice, written notice of such Conditional Use permit shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.

1002.E. AUTHORITY. The Planning Commission shall have the authority to make recommendations on Conditional Use permit requests and recommend conditions and safeguards as deemed necessary to protect and enhance the health, safety, and welfare of the surrounding area. The governing body shall have the authority to make the final decision on Conditional Use permit requests. The authorization of the Conditional Use permit shall not be made unless the evidence presented is such to establish:

1. That proposed uses will not be contrary to the public interest.

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2. That the spirit of these regulations is observed.
3. That public safety and welfare is secured.
4. That substantially equal treatment under the law is preserved.

1002.F. ACTION BY THE PLANNING COMMISSION. An accurate written summary of the public hearing held by the commission shall be made. The public hearing may be adjourned from time to time. Within 60 days following the conclusion of the public hearing, the commission shall prepare its recommendations, and by an affirmative vote of a majority of the members present and voting may (1) recommend approval including any conditions to be met in allowing the Conditional Use permit, or (2) recommend denial of the application including a statement of the reason(s) for such denial. The recommendation, together with the written summary of the public hearing thereon, shall be submitted to the governing body. If the commission fails to make a recommendation on a Conditional Use permit within the allotted timeframe, the commission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing shall be submitted to the governing body for further action.

1002.G. ACTION BY THE GOVERNING BODY. Upon receipt of the recommendation from the commission and the reasons therefor, the governing body may (1) approve such recommendation by the adoption of a resolution; (2) override the commission's recommendations by a 2/3 majority vote of the membership of the governing body, and adopt a resolution setting forth the action determined appropriate by such majority of that body; or (3) return the recommendation to the commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

1. If the governing body returns the commission's recommendation for further consideration, the commission, at its next regularly scheduled meeting, shall consider the same and, after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt, such recommendation by resolution, or it need take no further action thereon. If the commission fails to deliver its recommendation to the governing body following the commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the commission as a resubmission of the original recommendation and proceed accordingly.

1002.H. PROTEST. Whether or not the commission recommends approval or disapproval of a Conditional Use permit, if a protest petition against such permit is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the Conditional Use permit, excluding streets and public ways, the resolution adopting such permit shall not be passed except by at least 3/4 majority vote of all the members of the governing body. Protest petition procedures may be found in SECTION 1008.

1002.I. SUCCESSIVE APPLICATIONS. In the event that the final action on a Conditional Use permit is that it be denied, a similar application shall not be refiled for one year from the latest advertised public hearing date on said application. The Zoning Administrator may permit a refiling of said application after six months of the latest advertised public hearing date when it determines that significant physical, economic, or land use changes have taken place within the immediate vicinity, or a significant zoning

regulation text change has been adopted, or when the application is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes that the applicant deems significant and upon which the applicant relies for rifling the original application.

1002.J. APPEALS OF FINAL ACTION. The governing body's decision on a Conditional Use permit shall be the final local action. Appeals of such final local action shall be taken to district court.

1002.K. EXERCISING OF PERMIT. A Conditional Use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. When such permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the commission upon written application.

1002.L. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of a Conditional Use permit, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Conditional Use is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Conditional Use restrictions. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007 of these regulations.

1002.M. AMENDMENTS TO CONDITIONAL USES. Approved Conditional Uses may be amended by following the same procedures as required for consideration and approval of the original Conditional Use application.

1002.N. CONDITIONAL USE REVIEW CRITERIA. 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 permit may be developed by the commission and incorporated into any recommendation in support of the requested Conditional Use permit.

1. Access and traffic load and/or flow;
2. Noise, light and odor;
3. Screening;
4. Parking, refer to parking section;
5. Access and affect to services (public utilities);
6. Public health and safety;
7. Adequacy of facility and lot size;
8. Signs;
9. Review by fire marshal for designation;
10. Time limitations for exercising the Conditional Use permit may be incorporated within the conditions of the permit when appropriate to ensure that when the use has been established the criteria upon which the permit was approved remains essentially the same; and
11. Other considerations as appropriate.

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1002.O. EXISTING CONDITIONS. Uses which were legal prior to the adoption of these regulations that would be Conditional Uses under these regulations shall be considered nonconforming uses and shall be continued and maintained in conformance with the provisions of ARTICLE 9.

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SECTION 1003. PLANNED UNIT DEVELOPMENT (PUD).

1003.A. PURPOSE. The purpose of Planned Unit Development (PUD) is to encourage innovation in residential, commercial, and industrial development; to gain a more efficient use of land; to utilize new technologies in urban land development; and to provide for a greater variety and flexibility in type, design, and layout of buildings.

1003.B. GENERAL PROVISIONS. Applications for a PUD may be made for land located in any of the established Haysville zoning districts.

1. A PUD shall be in general conformity with the provisions of the adopted comprehensive plan.
2. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of these regulations or the Subdivision Regulations, the provisions of this article shall prevail for the development of land for PUDs. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in these regulations.
3. A successful PUD application shall constitute an amendment to these regulations for the addition of a Planned Unit Development district. The Zone Change requirements for notice to property owners, advertisement of the public hearing, protest petitions, and adoption by the governing body shall apply to PUD applications.

1003.C. TYPES OF PUDS. The following types of planned unit developments may be established. PUD requests may combine two or more types into a single plan.

1. PUD-R Planned Residential District
2. PUD-C Planned Commercial District
3. PUD-I Planned Industrial District

1003.D. STANDARDS AND CONDITIONS. The following provisions shall apply to all PUD requests:

1. The subject property must be a continuous parcel; and
2. The applicant shall satisfy the Planning Commission that he or she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within 18 months following approval of the final application by the governing body, and a minimum of 50 percent of the total planned construction shall be completed within a period of six years following such approval or the approval of the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Planning Commission upon the showing of good cause by the developer.

1003.E. APPLICATION. An application for a PUD may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific project.

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2. **Pre-application charrette.** All applicants are encouraged to hold a charrette with the public before submitting an application. The purpose of the charrette is to gather meaningful public input to ensure the community as a whole will benefit from the proposed development. The applicant is encouraged to utilize the public input gathered from the charrette to modify their plans.

1003.F. SUBMITTAL. An application, in writing, for such PUD shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The application shall include the following:

1. Complete legal description and common street location of the subject property;
2. A Planned Unit Development site plan or map which shall contain the following information:
    a. Existing topography with contours at two-foot intervals;
    b. Areas subject to one-hundred-year flooding;
    c. Proposed location of buildings and other structures, parking area, drives, walks, screening, drainage patterns and plan, public streets, and any existing/proposed easements;
    d. Internal traffic circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way;
    e. Proposed screening and landscaping features;
    f. Areas that are to be conveyed, dedicated, or reserved as common open space.
    g. Relationship of abutting land uses and zoning districts;
3. A written statement to accompany the site plan or map which shall contain the following information:
    a. An explanation of the character of the PUD;
    b. A statement of the present ownership and legal description of all the land included within the PUD;
    c. Copies of any special agreements, conveyances, restrictions, or covenants that will govern the use, maintenance, and continued protection of the PUD and any of its common open space areas;
    d. A statement of the anticipated residential density, the proposed total gross floor area, and the percentage of the development that is to be occupied by structures;
    e. As appropriate, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development; and
    f. Maximum height of all buildings.
4. A written statement of the objectives showing the relationship of the PUD to the Comprehensive Plan with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit or both. Such written statement shall also include a

time schedule for completion of the project or each phase thereof and improvements to be requested of the City and improvements to be made by the developer;

5. A certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be obtained from an abstract company and is to be provided by the petitioner. If the proposed designated property is located adjacent to or outside the City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area;
6. Any other information or exhibits the applicant deems pertinent in evaluation of the proposed PUD; and
7. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1003.G. HEARING. Prior to making the final decision on a PUD, a public hearing shall be held. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1. In addition to such public notice, written notice of such PUD shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.
2. The applicant is encouraged to hold a charrette prior to the scheduled public hearing, regardless of the applicant's involvement in a pre-application charrette. The purpose of the charrette is to gather meaningful public input to ensure the community as a whole will benefit from the proposed development. The applicant is encouraged to utilize the public input gather from the charrette to modify their plans.

1003.H. ACTION ON A PRELIMINARY PUD PLAN. Within sixty days after receiving the application, the Planning Commission shall review the application and hold a public hearing in accordance with state statute.

1. **Action by the planning commission.** Within thirty days after the public hearing the commission shall prepare findings of fact with respect to the extent to which the preliminary plan complies with the standards and conditions established, together with its recommendations to the governing body with respect to the action to be taken on the preliminary plan. The commission may (1) recommend approval, (2) recommend approval with conditions, or (3) recommend disapproval of the preliminary plan.
2. **Action by the governing body.** The governing body, after a 14-day protest period, shall consider the commission's recommendation on the preliminary plan. The governing body may (1) approve such recommendation, (2) override the commission's recommendation by a 2/3 majority vote of the membership of the governing body, or (3) return the recommendation to the commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.
    a. If the preliminary plan is approved, the governing body shall adopt an ordinance approving the preliminary plan and establishing a Planned Unit Development district within these regulations for the subject property included in the preliminary plan. The applicant, within 15 days after receiving notification of the approval of the preliminary plan, shall file with the Sedgwick County Register of Deeds a statement that such plan has been filed with the approving authority and has been approved and that such

Planned Unit Development district is applicable to certain specifically legally-described land and that copies of said are on file with the City.

b. If the preliminary plan is disapproved by the governing body, the applicant shall be furnished with a written statement of the reasons for disapproval of the plan.

1003.I. ACTION ON A FINAL PUD PLAN. Within six months after approval of the preliminary plan, the applicant shall have the final plan prepared in conformance with the preliminary plan and submitted with the Office of the City Clerk.

1. Such final plan shall include the following:
    a. Construction drawings of all buildings to include elevations, grading, and floor plans;
    b. Site plan;
    c. Drainage Plan;
    d. Landscape and screening plan showing species and size of all plant material, areas to be seeded, etc.;
    e. Copies of any dedications for easements or rights-of-way and restrictive covenants;
    f. Evidence that no lots, parcel or tract or dwelling unit in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such PUD; and
    g. Such bonds or guarantees and other documents that may have been required by the preliminary plan pursuant to the provisions and procedures of the Subdivision Regulations.
2. The final plan shall be deemed to be in substantial compliance with the preliminary plan given tentative approval, provided any modification from the preliminary plan does not:
    a. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
    b. Increase by more than ten percent the floor area proposed for non-residential use; nor
    c. Increase by more than five percent the total ground area covered by buildings; nor
    d. Involve a substantial change in the height of buildings; nor
    e. Substantially change the design of the plan so as to significantly alter, as determined by the Planning Commission:
        i. Pedestrian or vehicular traffic flow.
        ii. The juxtaposition of different land uses.
        iii. The relation of open space to residential development.
        iv. The proposed phasing of construction.
3. A public hearing need not be held for the final action of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilitates for water, storm water, sanitary sewers or other public facilities.

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a. In the event a public hearing is not required for final action and the application of final plan has been filed, together with all drawings, specifications and other documents in support thereof, the commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the governing body for final action.

b. In the event the final plan submitted contains substantial changes from the approved preliminary plan, the applicant shall resubmit the original plan. This final development plan shall become a new preliminary development plan and must be resubmitted and approved following the procedures in this section.

1003.J. PROTEST. Whether or not the commission recommends approval or disapproval of a preliminary plan, if a protest petition against such preliminary plan is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the preliminary plan, excluding streets and public ways, the ordinance adopting such preliminary plan shall not be passed except by at least 3/4 majority vote of all the members of the governing body. Protest petition procedures may be found in SECTION 1008.

1003.K. APPEALS. The governing body's decision on a PUD shall be the final local action. Appeals of such final local action shall be taken to district court.

1003.L. PERIOD OF VALIDITY. The proposed construction shall begin within 18 months following approval of the final application by the governing body, and a minimum of 50 percent of the total planned construction shall be completed within a period of six years following such approval or the approval of the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. In the event the landowner shall fail to commence the PUD within 18 months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the commission upon written application by the landowner.

1003.M. ENFORCEMENT OF PLAN. To ensure the mutual interest of the resident and owners of the PUD and of the general public, the enforcement of the provisions of the PUD, as finally approved—whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

1. Enforcement by the City covers the provisions of the plan relating to:
    a. The use of land and the use, bulk and location of buildings and structures.
    b. The quality and location of common space.
    c. The intensity of use or the density of residential units.
2. Enforcement by the residents and owners cover any additional items not listed in item (a) above.
3. All enforcement proceedings shall be subject to the provisions provided for by state statute.

1003.N. AMENDMENTS TO PUDS. A Planned Unit Development District adopted via ordinance or an approved preliminary or final PUD plan may be amended by the governing body after a public hearing as outlined in SECTION 801.

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1. In the event that a plan or section hereof is given final approval and thereafter the landowner shall abandon said plan or section, he or she shall so notify the City thereof in writing.
2. No changes in the development plan that are approved under these regulations are to be considered as a waiver of the covenants limiting the use of the land, buildings, structures, and improvements within the area of the PUD, and all rights to enforce these covenants against any changes permitted are expressly reserved.
3. All modification proceedings shall be subject to the provisions provided for by state statute.

1003.O. REVIEW CRITERIA FOR PUDS. 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 Planned Unit Development may be developed by the commission and incorporated into any recommendation in support of the requested Planned Unit Development.

1. Protection of sensitive habitat, cultural resources, and connected, usable open space;
2. Street design and connectivity to existing infrastructure, particularly transportation systems and public services;
3. Variety of lot sizes and home sizes;
4. Integration of mixed uses;
5. Design guidelines covering site planning and general building form;
6. Provisions for parking, particularly shared parking and on-street parking, showcasing efficient land use; and
7. Conformance to the comprehensive plan.

1003.P. PLATTING. For unplatted tracts or tracts being replatted, the approval of the preliminary plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. The final plat shall be in accordance with the Subdivision Regulations and may be submitted with or incorporated with the final plan. The final plan and the final plat may be reviewed by the commission concurrently and recommended to the governing body for final action.

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SECTION 1004. ADMINISTRATIVE ADJUSTMENT.

1004.A. GENERAL. The intent and purpose of this section is to allow for administrative action on requests for minor modifications or adjustments to certain provisions of these regulations.

1004.B. AUTHORITY. The Zoning Administrator, with the concurrence of the Deputy Administrative Officer, shall have the authority to approve applications for Administrative Adjustments.

1004.C. AUTHORIZED ADMINISTRATIVE ADJUSTMENTS. Administrative Adjustments shall be limited to the following:

1. Reducing the minimum lot area, width, or depth by up to 10 percent.
2. Increasing the maximum structure height by up to 20 percent.
3. Reducing the minimum front, rear, or side yard by up to 20 percent.
4. Increasing the maximum lot coverage by up to 10 percent.
5. Reducing off-street parking and loading requirements, the required depth of parking stalls and the required width of circulation aisles by up to 25 percent.

1004.D. APPLICATION. An application for an Administrative Adjustment may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting**. All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1004.E. SUBMITTAL. An application, in writing, for such Administrative Adjustment shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The following shall be included with the application:

1. The complete legal description and general street location of the subject property;
2. Written statements, diagrams or exhibits explaining the following:
    a. How strict compliance with the limitations and/or special conditions or requirements imposed by these regulations prevent the proposed use or construction;
    b. Why the proposed Administrative Adjustment will not cause substantial injury to the value of other property in the neighborhood; and
    c. How the proposed Administrative Adjustment is to be designed, arranged, and operated in order to permit the development and use of the neighboring property in accordance with these regulations.
3. A site plan demonstrating how the subject property will be developed if the requested Administrative Adjustment is approved, drawn to scale, and indicating how the proposed adjustment will meet the requirements of these regulations;

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4. Other information, such as photographs, renderings, landscaping or screening plans, or other reports as may be required by the Zoning Administrator. Such materials will be made part of the case file and become public record; and
5. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1004.F. ACTION BY THE ZONING ADMINISTRATOR. Upon submission of the Administrative Adjustment application, the Zoning Administrator shall render and issue a written decision to the applicant in the form of an Administrative Adjustment to be filed with the Sedgwick County Register of Deeds Office or a written denial of the requested Administrative Adjustment containing specific findings of fact to be filed with the application.

1004.G. CONDITIONS. In granting an Administrative Adjustment, the Zoning Administrator may attach such conditions upon the property and/or the applicant benefited by the Administrative Adjustment deemed necessary to address issues raised during the application process. The Zoning Administrator may choose to file protective covenants which run with the land to guarantee that conditions will be carried out at a future date. Such covenants and any conditions shall be filed with the Sedgwick County Register of Deeds. Such conditions may include, but are not be limited to:

1. Length and time of operation and ownership limitations;
2. Screening, landscaping and fencing;
3. Provision of utilities, drainage, sidewalks and other public improvements;
4. Additional access or access control;
5. Off-street parking and loading requirements; and
6. Platting, dedications and/or guarantees.

1004.H. APPEALS. The applicant may appeal the final decision on an Administrative Adjustment made by the Zoning Administrator. Appeal procedures may be found in SECTION 1007.

1004.I. EXERCISING OF ADMINISTRATIVE ADJUSTMENT. An Administrative Adjustment shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.

1004.J. PERIOD OF VALIDITY. An Administrative Adjustment issued pursuant to these regulations shall lapse and become ineffective if the Administrative Adjustment is not exercised upon the property within 180 days and/or continuously maintained on the property thereafter; provided, that the Zoning Administrator may grant additional extensions, not exceeding 180 days each, upon written application.

1004.K. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of an Administrative Adjustment, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Administrative Adjustment is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Administrative Adjustment. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007 of these regulations.

1004.L. AMENDMENTS TO ADMINISTRATIVE ADJUSTMENTS. Approved Administrative Adjustments may not be amended. If a different adjustment is requested, a new application must be submitted.

1004.M. REVIEW CRITERIA FOR ADMINISTRATIVE ADJUSTMENTS. The Zoning Administrator may grant an Administrative Adjustment based upon specific written findings of fact made after consideration of the request and any comments and/or evidence presented in light of relevant factors, including but not limited to the standards in Section 1004.G of these regulations.

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SECTION 1005. VARIANCE.

1005.A. GENERAL. The Board of Zoning Appeals may authorize, in certain cases, a Variance from the specific terms of these regulations, in conformance with K.S.A. 12-759.

1005.B. APPLICATION. An application for a Variance may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1005.C. SUBMITTAL. An application, in writing, for such Variance shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The following shall be included with the application:

1. The complete legal description and general street location of the subject property;
2. Written statements, diagrams or exhibits explaining how the review criteria in SECTIONS 1005.K.1 through 1005.K.5 will be met.
3. A site plan of the subject property demonstrating the condition for which the Variance is being requested;
4. A certified list of the names and addresses of all property owners within 200 feet of the subject property (excepting public streets and ways) and obtained from an abstract company. If the subject property is located adjacent to or outside the City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area; and
5. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1005.D. HEARING. Prior to making the final decision on a Variance, a public hearing shall be held. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1. In addition to such public notice, written notice of such Variance shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.

1005.E. AUTHORITY. The Board of Zoning Appeals shall be permitted to approve, approve with conditions, or deny a request for a Variance from the specific terms of these regulations. Such variance will not be contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case result in unnecessary hardship (total deprivation of use), and provided that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not allow the establishment of a use in a zoning district where such use is not permitted.

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1005.F. ACTION BY THE BOARD OF ZONING APPEALS. After testimony and discussion, the board shall render a final decision on the Variance. The board may adjourn to a specific time and location in order to obtain additional information before making a final decision. If the board fails to make a decision within 60 days following the conclusion of the public hearing, the board shall be deemed to have made a decision of denial, and such default decision shall be final.

1005.G. APPEALS. The board's decision on a Variance shall be the final local action. Appeals of such final local action shall be taken to district court.

1005.H. EXERCISING THE VARIANCE. A Variance shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. When such Variance is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the commission upon written application.

1005.I. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of a Variance, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Variance is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Variance. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007 of these regulations.

1005.J. AMENDMENTS TO VARIANCES. Approved Variances may be amended by following the same procedures as required for consideration and approval of the original Variance application.

1005.K. REVIEW CRITERIA FOR VARIANCES. A request for Variance may be granted in such case upon finding by the board that **ALL** of the below conditions have been met.

1. That the Variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and that it is not created by an action or actions of the property owner represented in the application;
2. That the granting of the Variance will not adversely affect the rights of adjacent property owner represented in the application;
3. That the strict application of the provisions of these regulations of which Variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. That the Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting of the Variance desired will not be opposed to the general spirit and intent of these regulations.

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SECTION 1006. SPECIAL EXCEPTIONS.

1006.A. GENERAL. The intent and purpose of this section is to outline the procedures for the authorization of a Special Exception to the provisions of these regulations, in conformance with K.S.A. 12-759.

1006.B. AUTHORITY. The Board of Zoning appeals shall have the authority to grant exceptions to the provisions of these regulations in those instances where the board is specifically authorized to grant such exceptions and only under the terms of these regulations. In no event shall exceptions to the provisions of these regulations be granted where the use or exception contemplated is not specifically listed as an exception in these regulations. Further, under no conditions shall the board have the power to grant exceptions when conditions of this exception, as established in these regulations, are not found to be present.

1006.C. TYPES OF SPECIAL EXCEPTIONS. The board shall have the power to authorize the following special exceptions:

1. To allow temporary accessory structures to be located in the front yard.
2. To grant a permit for the extension of a use or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership at the time of the adoption of these regulations, or at the time of annexation, whichever is later.
3. To allow an individual business to occupy more than 5,000 square feet of floor area on the site of a property zoned MU-R Mixed Use Residential, pursuant to the conditions of SECTION 602.F.2.

1006.D. APPLICATION. An application for a Special Exception may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1006.E. SUBMITTAL. An application, in writing, for such Special Exception shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The following shall be included with the application:

1. The complete legal description and general street location of the subject property;
2. Site plan of the subject property demonstrating the condition for which the Special Exception is being requested;
3. Protective covenants, if any;
4. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1006.F. ACTION BY THE BOARD OF ZONING APPEALS. After testimony and discussion, the board shall approve, approve with conditions, or deny the Special Exception request. Failure of the board to make a

decision on a Special Exception request after a period of 30 days shall deem the request denied by the board.

1006.G. APPEALS. The board's decision on Special Exceptions shall be the final local action. Appeals of such final local action shall be taken to district court.

1006.H. EXERCISING THE SPECIAL EXCEPTION. A Special Exception shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.

1006.I. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of a Special Exception, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Special Exception is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Special Exception. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007.

1006.J. REVIEW CRITERIA FOR SPECIAL EXCEPTIONS. A request for a Special Exception may be granted in such case upon finding by the board that **ALL** of the below conditions have been met:

1. The proposed Special Exception will not be contrary to the public interest;
2. The spirit of these regulations shall be observed;
3. The public safety and welfare is secured;
4. Substantial justice is done.

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SECTION 1007. APPEALS.

1007.A. GENERAL. The intent and purpose of this section is to outline the procedures for appeals, in conformance with K.S.A. 12-759.

1007.B. AUTHORITY. Any person aggrieved by any officer, department, board or bureau of the municipality during the enforcement of these regulations or affected by any decision of the Zoning Administrator regarding the applicability of such restrictions and/or requirements imposed by these regulations may appeal such decision to the Board of Zoning Appeals. Such grievance shall be taken within a reasonable amount of time to the board for consideration and/or action by filing an appeal within 14 days of the decision specifying the grounds thereof and paying the fee required. The officer, department, board or bureau from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed was taken.

1007.C. APPLICATION. The following shall be included in any application for appeal:

1. A written statement shall be filed with the Board of Zoning Appeals accompanied by such data and information as may be prescribed by the board as to assure the fullest possible presentation of facts for the permanent record;
2. The property for which review and consideration is sought shall be designated by legal description and general street location;
3. A certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be provided by the petitioner. If a proposed appeal to property for which review and consideration is sought is located adjacent to or outside the City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area; and
4. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1007.D. STAY PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application or notice to the officer from the appeal of which is taken and on due cause shown.

1007.E. ACTION BY THE BOARD OF ZONING APPEALS. In exercising the powers set out in this article, such board may reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and that end shall have all powers of the officer from whom the appeal is taken.

1007.F. VOTE REQUIRED TO REVERSE. The concurring vote of a majority of the members appointed to the board shall be required to reverse any order, requirement, decision, or determination of any such administrative officer, department, board or bureau of the municipality or to decide in favor of the applicant on any matter upon which it is required, or to affect any variation of the zoning regulations.

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1007.G. EXPIRATION OF AUTHORITY TO APPEAL. If no interested person appeals an action or decision to the Board of Zoning Appeals within 14 days, all interested persons will be bound by that action or decision and will not be able to contest at a later time.

1007.H. APPEALS. The board's decision on an appeal shall be the final local action. Appeals of such final local action shall be taken to district court.

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SECTION 1008. PROTEST PETITIONS.

1008.A. GENERAL. The intent and purpose of this section shall be to outline the procedures in protesting a Zone Change, Conditional Use permit, Variance or any other request reviewed by the Planning Commission during a required public hearing.

1008.B. APPLICATION. Any owners of record within the required notification area of a public hearing may submit a protest petition. A protest petition may be submitted regardless of whether the commission recommended approval or denial of a request.

1008.C. SUBMITTAL. A protest petition, in writing, shall be submitted to the Office of the City Clerk within 14 days of the public hearing. Such petition shall include the following:

1. Information about the request for which the protest is submitted;
2. Contact information, address, and full legal description and general street location of the protestor's property;
3. If the protester's property has more than one owner, all owners of the property must sign the protest petition to ensure that it will be found valid; and
4. Acknowledgement by a notary public.

1008.D. VALID PROTEST PETITION. A protest petition must be signed by the owners of record of at least 20% of the land within the required notification area of a request to be considered valid. Notification areas are dependent on the request type. Please refer to the specific procedures for each request for the extent of the notification area.

1. If the ownership of the protestor's property is different from that shown on the certified ownership list submitted with the request, it is the responsibility of the protestor(s) to provide proof of ownership.
2. If a protestor is signing on behalf of a property owner, the protestor must provide proof of legal authority to do so and specify the formal capacity in which they are signing (e.g., as a legal guardian, power of attorney, etc.).
3. Protest petitions must be submitted within 14 days following the conclusion of a public hearing.
4. Protest petitions submitted prior to the conclusion of a public hearing will not be considered valid.

1008.E. EFFECT OF VALID PROTEST PETITION. If a valid and sufficient protest petition is submitted, approval of the request requires an affirmative vote by at least a ¾ majority of the members of the governing body.

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SECTION 1009. AMENDMENTS.

1009.A. GENERAL. The intent and purpose of this section shall be to outline the procedures for amending these regulations, in conformance with K.S.A. 12-756 and 12-757.

1009.B. INITIATION. Amendments to these regulations may be initiated by the governing body or the planning commission.

1009.C. HEARING. Prior to making the final decision on an amendment, a public hearing shall be held by the commission. Such hearing may be adjourned from time to time, and an accurate written summary shall be made. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1009.D. AUTHORITY. The Planning Commission shall have the authority to make recommendations on proposed amendments. The governing body shall have the authority to make the final decision on amendments.

1009.E. ACTION BY THE PLANNING COMMISSION. Within 60 days following the conclusion of the public hearing, the commission shall prepare its recommendations, and by an affirmative vote of a majority of the entire membership of the commission may (1) recommend approval of the requested amendment; (2) recommend approval with modifications; or (3) recommend denial of the requested amendment including a statement of the reason(s) for such denial. The recommendation, together with a written summary of the hearing thereon, shall be submitted to the governing body.

1009.F. ACTION BY THE GOVERNING BODY. Upon receipt of the recommendation from the commission and the reasons therefor, the governing body may (1) approve such recommendation by the adoption of an ordinance; (2) override the commission's recommendations by a 2/3 majority vote of the membership of the governing body, and adopt an ordinance setting forth the action determined appropriate by such majority of that body; or (3) return the recommendation to the commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

1. If the governing body returns the commission's recommendation for further consideration, the commission, at its next regularly scheduled meeting, shall consider the same and, after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt, such recommendation by an ordinance, or it need take no further action thereon. If the commission fails to deliver its recommendation to the governing body following the commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the commission as a resubmission of the original recommendation and proceed accordingly.

1009.G. PROTEST. Regardless of the commission's decision on an amendment, if a protest petition against such amendment is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the amendment,

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excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a 3/4 majority vote of all the members of the governing body. Protest petition procedures may be found in SECTION 1008.

1009.H. APPEALS. The governing body's decision on an amendment shall be the final local action. Appeals of such final local action shall be taken to district court.

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ARTICLE 11
VIOLATIONS AND ENFORCEMENT

SECTION 1101. VIOLATIONS

1101.A. TYPES OF VIOLATIONS. Any of the following shall constitute a violation of these regulations, including any appendices incorporated by reference in SECTION 101.A, and shall be subject to the enforcement remedies and penalties provided by these regulations and state law.

1. **Development or use without a permit.** To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City of Haysville without all of the required permits, approvals, certificates and other forms of authorization required by these regulations in order to conduct or engage in such activity.
2. **Development or use inconsistent with permit**. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.
3. **Development or use inconsistent with these regulations.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to use any land in violation or contravention of any zoning, subdivision, or general regulations of these regulations, or any amendment thereof.
4. **Making lot or setback noncomplying.** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by these regulations and the final plat or plan.
5. **Increasing intensity of use.** To increase the intensity of the use of any land or structure, except in accordance with the procedural and substantive requirements of these regulations.
6. **Continuing violation.** To continue any of the above violations. Each day of a violation shall be considered a separate offense.
7. **Removing, defacing, obscuring notice.** To remove, obscure, or otherwise interfere with any notice required by these regulations.

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SECTION 1102. ENFORCEMENT PROCEDURES

1102.A. GENERAL. This section shall outline the enforcement procedures and effects of violations of these regulations.

1102.B. AUTHORITY. The Zoning Administrator, or designee, shall have the authority to enforce the provisions of these regulations and to refuse to issue any permit for any building or structure or for the use of any premises that would violate any of the provisions hereof.

1102.C. INVESTIGATION. The Zoning Administrator may enter onto any property as necessary to investigate an alleged violation of these regulations or cause any building, structure, place, or premises to be inspected and examined.

1102.D. NOTICE. The Zoning Administrator may issue a notice of violation for any violation of these regulations. The Zoning Administrator must send notice of violation to the property owner by certified mail. Notice of the violation may be sent to any tenants by regular mail. The notice of violation must:

1. Describe the violation;
2. Identify the specific provision(s) of these regulations being violated;
3. State the specific action required to abate the violation;
4. State that if the violation is not abated within 15 days of the receipt of the letter, the City may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under these regulations for each day the violation continues from the date of the notice;
5. State that the notice of violation may be appealed as per SECTION 1007.

1102.E. PENALTY. Any violation of the provisions of these regulations shall be a misdemeanor and shall be punishable by a fine of not to exceed $500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

1102.F. ENFORCEMENT. In the case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the Zoning Administrator, or designee, is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation and to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, or use in or about such premises.

1102.F. OTHER ENFORCEMENT MATTERS.

1. **Other powers.** In addition to the enforcement powers specified in this section, the City may exercise any and all enforcement powers granted to them by Kansas law, as it may be amended from time to time.
2. **Continuation**. Nothing in these regulations shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid resolutions, ordinances and laws.

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ARTICLE 12
FLOODPLAIN MANAGEMENT

SECTION 1201. FLOODPLAIN MANAGEMENT ORDINANCE INCORPORATED

1201.A. GENERAL. There is hereby incorporated by reference, for the purpose of regulating and managing floodplains within the corporate limits of the City of Haysville, Kansas, a "Floodplain Management Ordinance." At least one copy of said Model Floodplain Management Ordinance shall be marked "Official Copy as adopted by Ordinance No. 1104" and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

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ARTICLE 1
~~– TITLE, PURPOSE, AUTHORITY AND JURISDICTION~~LEGAL FRAMEWORK

SECTION 10~~10~~. TITLE, PURPOSE, AUTHORITY AND JURISDICTION

101.A. TITLE.
These regulations, including the Official Z~~z~~oning D~~d~~istrict M~~m~~ap~~s,~~ made a part hereof, shall be known and may be cited as ~~the t~~"~~T~~he *C~~c~~ity of Haysville Zoning Regulations*~~,~~ ~~(February 2023) Edition"~~ and shall hereinafter be referred to as "these regulations."

APPENDIX E, SECTION 502; APPENDIX E, SECTION 504; APPENDIX E, SECTION 505; APPENDIX E, SECTION 506; and APPENDIX E, SECTION 507 are hereby incorporated by reference and made a part hereof these regulations.

Commented [KH1]: While in the appendix, according to the City Attorney, these are still legally part of the zoning regulations and would require a public hearing to amend. They are also missing enforcement procedures, so by incorporating them by reference, the violations and enforcement procedures herein can apply.

101.B. PURPOSE. These regulations are intended to serve the following purposes:

1. To promote the public health, safety, morals, comfort and general welfare;
2. To establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone;
3. To regulate and restrict the location, use and appearance of buildings, structures and land within each district and to zone for residential, commercial, industrial and other purposes, including flood plains;
4. To regulate and restrict the height, number of stories and size of buildings and structures, including their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts and other open spaces;
5. To protect property values and conserve energy and natural resources;
6. To provide for adequate light and air and acceptable noise levels;
7. To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;
8. To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;
9. To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;
10. To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and special exceptions; and
11. To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

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101.C. AUTHORITY. ~~Section 102~~
~~Authority~~

These regulations are adopted under authority established by K.S.A., 12-741 et seq., as amended, 12-736, 12-753 to 12-761 inclusive, 12-763, 12-764, 12-766, 12-3009 to 12-3012 inclusive, 12-3301 and 12-3302.

101.D. JURISDICTION. ~~Section 103~~
~~Zoning Jurisdiction~~

These regulations shall apply to the construction, addition, alteration, moving, repair and use of any ~~all~~ building~~s~~, structure~~s~~, or parcel of ~~and~~ land within the corporate limits of the C~~c~~ity of Haysville, Kansas, as presently exists or are hereafter established by annexation.

101.E. EFFECTIVE DATE. The City of Haysville governing body adopted these regulations on _____, 2026 and they became effective on _____, 2026. Upon taking effect, these regulations replaced any prior zoning regulations.

Commented [KH2]: This was moved from Section 101.A Title of this article to stand on its own.

101.F. AMENDMENT OR REPEAL. These regulations may be amended or repealed at any time in accordance with state law.

101.G. SEVERABILITY. ~~Validity.~~ If an article, section, paragraph, clause or provision of these regulations shall be declared invalid by any court or competent jurisdiction, the same shall not affect the validity of these regulations, the City Code or any part or provision thereof, other than the part so declared to be invalid.

Commented [KH3]: This was moved from Section 706 of these regulations.

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SECTION 102. RULES OF INTERPRETATION

~~200 RULES OF INTERPRETATION~~

102.A. ~~A.~~ **MINIMUM REQUIREMENTS.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.

102.B. ~~B.~~ **OVERLAPPING OR CONTRADICTORY REGULATIONS.** Where the conditions imposed by the provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

102.C. ~~C.~~ **PRIVATE AGREEMENTS.** The provisions of these regulations are not intended to abrogate any easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The Ceity does not have a responsibility to enforce such private agreements.

~~D. Unlawful Uses. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure remains unlawful hereunder.~~

Commented [KH4]: This was modified and moved to Section 104. E Illegal Uses and Structures.

102.D. ~~E.~~ **NOT A LICENSING REGULATION.** Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

102.E. **DELEGATION OF AUTHORITY.** 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 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 [KH5]: Moved from Article 3.General Regulations

102.F. GUIDELINES AND STANDARDS. These regulations contain guidelines and standards, interpreted as follows:

Commented [KH6]: Specific interpretation added as it relates to the design guidelines for mixed use zoning district facades, transitional lot sizes, and transitional building heights. Such guidelines will be enforced by the discretion of staff or when recommended by the general public, planning commission, or city council.

1. Guidelines are design parameters for development. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design. Guidelines are not obligatory requirements.
2. ~~1.~~ Standards are obligatory requirements that establish the minimum for development. Standards cannot be waived and/or modified without additional approval, such as a variance, special exception, or administrative adjustment.

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SECTION 103. RULES OF CONSTRUCTION

103.A. GENERAL. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:

1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
    a. "And" indicates that all connected items, conditions, provisions or events shall apply; and
    b. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
4. The word "shall" is mandatory; the word "may" is permissive.
5. The words "used" or "occupied" include words "intended, designed or arranged to be used or occupied."
6. The word "lot" includes the words "plot," "tract" or "parcel."
7. Unless otherwise specified, all distances shall be measured horizontally.

103.B. TERMS NOT DEFINED. In all other cases, all words and phrases not defined in these regulations~~is article~~ shall be defined by the ~~Planning Commission~~Zoning Administrator, as necessary, utilizing a dictionary to limit possible definitions, and using the spirit and intent of these regulations~~is chapter~~ as a guide. Pursuant to SECTION 201.E, the Zoning Administrator shall also define and classify all uses, when possible. In cases of uncertainty, the Board of Zoning Appeals shall have the power to define and classify any use or define any word, pursuant to SECTION 203.C.4.

103.C. TERMS DEFINED IN OTHER CHAPTERS. Where terms are not defined in these regulations and are defined in other chapters of the City Code, such terms shall have the meanings ascribed to them as in those chapters; additionally, the definitions identified as being from other chapters are intended to be consistent with that chapter.

103.D. TERMS DEFINED BY STATE STATUTE. The definitions identified as being from state statute are intended to be consistent with that statute.

103.E. ILLUSTRATIONS. There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a regulatory provision of these regulations, the regulatory provision will take precedence.

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SECTION 104. VESTED RIGHTS AND PRE-EXISTING DEVELOPMENT

104.A. GENERAL. Lawfully established buildings and uses in existence prior to the adoption of these regulations shall be permitted to have their existing use or occupancy continued, provided that such continued use is not dangerous to life.

104.B. EFFECT ON EXISTING PERMITS. For all purposes, except single-family residential developments platted and recorded after January 1, 1992, nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any land or structure in the event that:

1. A zoning permit for such use of land or structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendment thereof; and
2. Such permit had not by its own terms expired prior to such effective date; and
3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
4. There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permit other than purchase of land or preparation of design plans; and
5. Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
6. Construction pursuant to such permit is completed prior to the expiration of such permit; and
7. When the use of land or a structure is completed under a permit to which this section applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the zoning permit was issued.

104.C. MAINTENANCE. Buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or owner's authorized agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the Zoning Administrator shall be permitted to cause any structure or use to be inspected.

104.D. MOVED BUILDINGS, STRUCTURES, AND USES. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of these regulations for new buildings, structures, and uses.

104.E. ILLEGAL USES AND STRUCTURES. Uses or structures that were illegally established prior to the adoption of these regulations shall not become or be made legal solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said illegal use or structure is in conflict with the requirements of these regulations, said use or structure remains illegal hereunder.

104.F. VESTING OF DEVELOPMENT RIGHTS. Vesting of development rights shall be as described in ~~for single-family residential development, if construction of a principal structure does not begin on the land within ten (10) years after the date the final plat is recorded, the development rights in the land expire, and all revisions to zoning or subdivision regulations that became effective during the vested period apply to the platted land (see~~ K.S.A. 12-764, as amended~~)~~.

1. For development rights vested prior to July 1, 2009:

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a. For the purpose of single-family residential developments, development rights in such land shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.

b. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City and construction has begun and substantial amounts of work have been completed under a validly issued permit.

2. For development rights vested on and after July 1, 2009:

a. For the purpose of residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within 10 years of recording of a plat, the development rights in such shall expire. For purposes of this section, residential developments may include single-family housing; multiple-family housing such as apartments, duplexes, townhomes and similar configurations; condominiums; and manufactured and modular homes.

b. For all purposes other than residential developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City and construction has begun and substantial amounts of work have been completed. If substantial amounts of the work have not been completed within 10 years of the issuance of such permits, the development rights shall expire.

Commented [KH7]: Removed the outdated citation of this state statute and replaced with the correct text.

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ARTICLE 2
~~– INTERPRETATION, CONSTRUCTION AND DEFINITIONS~~ADMINISTRATION

SECTION

201. ZONING ADMINISTRATOR

201.A. GENERAL. This section establishes the duties and responsibilities of the Zoning Administrator with respect to the administration of these regulations.

201.B. REVIEWS AND APPROVALS. The Zoning Administrator shall be authorized to undertake reviews, make recommendations, and grant approvals as set forth in these regulations.

201.C. COMPREHENSIVE PLAN. The Zoning Administrator shall assist the Planning Commission in the development and implementation of the comprehensive plan.

201.D. ADMINISTRATIVE REVIEWS AND PERMITS. Administrative reviews and permits shall be in accordance with SECTIONS 201.D.1 through 201.D.6.

1. **Review of building permits.** Applications for building permits and amendments thereto shall be submitted to the Zoning Administrator for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of these regulations are met.
2. **Site plan reviews.** The Zoning Administrator shall receive all applications for site plan review, review for completeness, and prepare submittals for review by the appropriate body.
3. **Zoning permits.** The Zoning Administrator shall receive all zoning permit applications as shall be permitted and approved by these regulations, review for completeness and prepare submittals for review by the appropriate body. Zoning permit procedures may found in ARTICLE 10.
4. **Administrative adjustments.** The Zoning Administrator shall receive all applications for Administrative Adjustments, review for completeness, and render a written decision. Administrative adjustment procedures may be found in SECTION 1004.
5. **Amendments.** Requests for amendments or changes to the comprehensive plan or these regulations or map shall be submitted to the Zoning Administrator for processing. Amendment procedures may be found in SECTION 1009.
6. **Other duties and powers.** The Zoning Administrator shall have the authority to perform all other duties and powers prescribed by these regulations.

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201.E. INTERPRETATIONS. The interpretation and application of the provisions of these regulations shall be by the Zoning Administrator.

1. Specific uses are permitted within the various zoning districts as described in these regulations and as otherwise provided herein and are thus not subject to interpretation.
2. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is a question shall be administratively classified by comparison with other uses identified in the zoning districts described in these regulations. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of these regulations and the individual zoning district in question, it shall be considered as a permitted/nonpermitted use and subject to the regulations for the use it most closely resembles. If a use does not resemble other identified allowable uses within these regulations, it may be permitted as determined by the Board of Zoning Appeals in a public hearing as an amendment to these regulations pursuant to SECTION 203.C.4.

201.F. APPEALS. Any person aggrieved by any decision of the Zoning Administrator shall have the right to make such appeals as shall be permitted to be provided by these regulations or state law. Appeal procedures may be found in SECTION 1007.

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SECTION 202. PLANNING COMMISSION

202.A. GENERAL. This section addresses the duties and responsibilities of the Planning Commission, hereafter referred to as "the commission," with respect to the administration of these regulations.

202.B. JURISDICTION. The ~~j~~urisdictional boundaries of ~~planning~~ the commission are hereby established as ~~shown on the map designated as the "Zoning Jurisdiction Map," which such map shall include~~:

1. Total jurisdiction within the boundaries of the city or city limits; and
2. ~~—~~Extraterritorial jurisdiction on zoning and subdivision regulations ~~Primary recommendation~~ within ~~zone~~ the urban area of influence and/or the~~,~~ three-mile ring extraterritorial sub zone~~, where overlap occurs within the city's zone of influence.~~.
3. ~~Secondary recommendation within zone influence, three-mile ring, where overlap occurs within the city's zone of influence.~~
2.

~~Such map and all notations, references and the information shown thereon are hereby made a part of this chapter as if the same were set forth in full herein. It shall be the duty of the Planning Commission Secretary to keep on file in his or her office an authentic copy of the map, all changes, amendments or additions thereto and duplicate copies thereof shall be kept on file in the office of the Planning Commission and building inspector.~~

202.C. DUTIES AND POWERS. The duties and powers of the commission shall be in accordance with SECTIONS 202.C.1 through 202.C.5.

1. **Zone change and conditional use requests.** The commission shall review and make recommendations on all zone change and conditional use requests. Zone change procedures may be found in SECTION 1001, and conditional use procedures may be found in SECTION 1002.
2. **Comprehensive plan.** The commission shall create a comprehensive plan for the development of the City and amend such comprehensive plan as needed. In the creation of such plan, the commission shall employ the use of comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources and any other element deemed necessary. The comprehensive plan shall include the commission's recommendations for the development or redevelopment of the City, including:
    a. The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary;
    b. Population and building intensity standards and restrictions and the application of the same;
    c. Public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods;
    d. Public improvement programming based upon a determination of relative urgency;
    e. The major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private;

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f. Utilization and conservation of natural resources; and

g. Any other element deemed necessary to the proper development or redevelopment of the area.

Commented [KH1]: This information is from K.S.A. 12-747

3. **Amendments to the Zoning Regulations.** The commission shall review these regulations annually and make recommendations for amendments as deemed appropriate. Amendment procedures may be found in SECTION 1009.

4. **Capital improvements plans.** The commission shall review and make recommendations on the capital improvements plan annually.

5. **Other duties and powers.** The commission shall have the authority to perform all other duties and powers prescribed by these regulations.

202.C. APPEALS. Any person aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by these regulations or state law. Appeal procedures may be found in SECTION 1007.

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SECTION 203. BOARD OF ZONING APPEALS

~~Article 10. Board of Zoning Appeals 1001~~

203.A. GENERAL. This section addresses the duties and responsibilities of the Board of Zoning Appeals, hereafter referred to as "the board," with respect to the administration of these regulations.

203.B. ESTABLISHMENT OF THE BOARD. The establishment of the board shall be in accordance with the procedures and policies set forth in state law. The board shall consist of the number of members as specified in state law.

203.C. DUTIES AND POWERS. The duties and powers of the board shall be in accordance with SECTIONS 203.C.1 through 203.C.5.

1. **Appeals.** The board shall have the power to hear appeals (of, where, or when) it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer, department, board or bureau in the enforcement of these regulations. Appeal procedures may be found in SECTION 1007.
2. **Variances.** The board shall be permitted to make decisions on requests for ~~The board is empowered to authorize in specific cases~~ a variance from the specific terms of ~~th~~these regulations. Variance procedures may be found in SECTION 1005. ~~e zoning ordinance which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will in an individual case result in unnecessary hardship (total deprivation of use), and provided that the spirit of the zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district.~~

    ~~A request for variance may be granted in such case upon finding by the board that all of the following conditions have been met:~~

    ~~That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and that it is not created by an action or actions of the property owner represented in the application;~~

    ~~That the granting of the permit for the variance will not adversely affect the rights of adjacent property owner represented in the application;~~

    ~~That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.~~

    ~~Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023). The fee shall be paid to the city clerk upon the filing of the variance, for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the persons making such payment and records thereof shall be kept in such a manner as prescribed by law.~~

Commented [KH2]: The detailed information on variances was modified and moved to Section 1005 in Article 10. Procedures.

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~~That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.~~

~~That granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinances.~~

Special exceptions. The board is authorized to grant exceptions to the provisions of these regulations ~~zoning ordinance~~ in those instances where the board is specifically authorized to grant such exceptions. Special exception procedures may be found in SECTION 1006. ~~and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the board have the power to grant exceptions when conditions of this exception, as established in the zoning ordinance, are not found to be present.The board is authorized:~~

~~To grant a permit for a temporary building for commerce or industry in a dwelling district which is incidental to the dwelling development, which temporary building shall be located in the platted development area. No such permit shall be issued for more than 24 months or beyond completion of the project, whichever is shorter.~~

~~To grant a permit for the extension of a use or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership at the time of the adoption of the zoning ordinance, or at the time of annexation, whichever is later.~~

~~To determine in cases of uncertainty, the classification of any use not specifically enumerated in the zoning regulations.~~

3.

4. **Definitions and use classifications.** The board shall have the power to, in cases of uncertainty determined by the Zoning Administrator and pursuant to SECTION 201.E, classify any use or define any word not specifically identified in these regulations. Such use or definition shall be defined and may be permitted as determined by the Board of Zoning Appeals. The board's determination shall be recommended for adoption by the Planning Commission in a public hearing as an amendment to these regulations.

5. **Other duties and powers.** The board shall have the authority to perform all other duties and powers prescribed by these regulations.

203.D. APPEALS. Decisions of the board shall be the final local action. Appeals of such final local action shall be taken to district court.

Commented [KH3]: The detailed information on special exceptions was modified and moved to Section 1006 in Article 10. Procedures.

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~~202 DEFINITIONS~~ARTICLE 3
DEFINITIONS

SECTION 301. LAND USE DEFINITIONS

~~The following definition shall be used in the interpretation and construction of these regulations.~~

301.A. RESIDENTIAL. The following terms define the residential uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Accessory ~~apartment~~dwelling unit (ADU). Means an accessory ~~use~~ dwelling unit that may be wholly within, or may be detached from, a principal ~~single-family dwelling unit~~ structure. ~~Commercial or Industrial district, security only, not as a primary residence.~~ See SECTION 404.E.1.a for special use standards.

Assisted living. Means dwelling units used by adult persons needing or desiring assistance with day-to-day living matters, and may include supervised nursing care, and where skilled nursing care is not prohibited but is provided on an intermittent or limited term basis, or if limited in scope, a regular basis. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents, state-licensed residential health care facilities not attached to a nursing facility and state-licensed intermediate care facility for the mentally retarded. The term assisted living does not include group home, group residence, hospital or nursing facility.

Group home (as defined by K.S.A. 12-736). Means any dwelling unit ~~as defined by K.S.A. 12-736 as amended,~~ occupied by not more than ten persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or the residents of the home, which dwelling unit is licensed by a regulatory agency of the state, including the Kansas Department of Social and Rehabilitation Services, the Kansas Department of Health and Environment or the Kansas Department of Aging. Group home also includes state licensed "Home Plus" adult care residences. See SECTION 404.E.1.b for special use standards.

Group residence. Means a residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, children in need of care under the Code for Care of Children and emergency shelters for the homeless and for victims of crime, abuse or neglect and include establishments providing guidance services for persons receiving non-court ordered alcohol or chemical dependence treatment which will comply with all applicable regulatory requirements of federal, state or local government agencies. The term group residence does not include group home, correctional placement residence, or short-term residential rental.

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Group residence, limited. Means a group residence that is occupied by six to fifteen persons, including staff members who reside in the facility.

Group residence, general. Means a group residence that is occupied by more than fifteen persons, including staff members who reside in the facility.

Live-work. Means a structure consisting of one dwelling unit above or behind a fire-separated flexible ground floor space that can accommodate a range of non-residential uses. The flex space and residential unit typically have separate street entrances, and the flex space typically has a taller height and a shopfront frontage.

Manufactured home (as defined by K.S.A. 12-742). Means a structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such units shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term manufactured home, when used by itself, shall not include a residential design manufactured home as defined in these regulations. See SECTION 404.E.1.c for special use conditions.

Manufactured home park. Means a~~A~~ parcel of land that has been planned and improved in some manner and used or intended to be used by occupied Manufactured Homes not placed on permanent foundations. The term Manufactured Home Park does not include sales lots on which unoccupied Manufactured Homes, whether new or used, are parked for the purposes of storage, inspection, or sale; nor does it include a tract of land on which a Manufactured Home as a second Dwelling Unit has been permitted on a temporary basis as a Conditional Use in accordance with these regulations.

Manufactured home subdivision. Means a subdivision that is platted for development as individual ~~home sites~~ lots for manufactured homes, modular homes, residential-design manufactured homes, and site-built single-family dwelling units, all of which are required to be placed on permanent foundations.

Multi-family. Means the use of a site for ~~three~~ five or more dwelling units within a single building. ~~Typical uses include triplexes, fourplexes, apartments, residential condominiums, and townhouses.~~ For the purposes of these regulations, multi-family shall also mean apartment and multiplex.

Apartment. Means a structure with twelve or more dwelling units arranged side-by-side and/or stacked, typically with a shared entry from the street.

Multiplex. Means a structure with five to twelve dwelling units arranged side-by side and/or stacked, typically with a shared entry from the street.

Residential-design manufactured home (as defined by K.S.A. 12-742). Means a manufactured home on permanent foundation which has:

(1) Minimum dimensions of 22 body feet in width,
(2) A pitched roof, and
(3) Siding and roofing materials which are customarily used on site-built homes~~, and that complies with the architectural and aesthetic standards specified in (see section 504). A residential-design manufactured home shall be considered a single-family dwelling unit (K.S.A. 12/742).~~

See SECTION 404.E.1.d and Appendix E-504 for special use standards.

Commented [KH1]: Three and Four-Family defines the use of three to four dwelling units, including triplexes and fourplexes.

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Single-family. Means the use of a lot for only one detached principal dwelling unit, excluding a structure used as a group residence, which may be a residential design manufactured home but shall not be a manufactured~~obile~~ home.

Three- and four-~~Three-Four~~ family. Means the use of a lot for three or four principal dwelling units within a single building. For the purposes of these regulations, three- and four-family shall also mean triplex and fourplex.

Fourplex. Means a structure with four dwelling units arranged side-by-side and/or stacked, typically with shared or individual entrances from the street.

Triplex. Means a structure with three dwelling units arranged side-by-side and/or stacked, typically with shared or individual entrances from the street.

Two-family. Means the use of a lot for two principal dwelling units within a single building. For the purposes of these regulations, two-family shall also mean a duplex.

Side-by-side two-family. Means the use of a lot for two principal dwelling units arranged side-by-side, typically with separate street entrances.

Stacked two-family. Means the use of a lot for two principal dwelling units arranged one above the other, typically with separate street entrances.

301.B. PUBLIC AND CIVIC. The following terms define the public and civic uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Auditorium or stadium. Means an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Cemetery. Means land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum or columbarium. A funeral home may be included as an accessory use to a cemetery.

Church or place of worship. Means a premise~~s~~ or s~~S~~ite used primarily or exclusively for religious worship and related religious services or established p~~P~~lace of w~~W~~orship, convent, seminary, or similar facility owned or operated by a bona fide religious group for religious activities.

Community assembly. Means an establishment providing meeting, recreational, educational, cultural, or social facilities for a private membership or non-profit association, primarily for use by members and guests. Typical uses include fraternal organizations, Class A Clubs, philanthropic and charitable institutions, private museums, art galleries, observatories, planetariums, botanical gardens, arboretums, zoos, and aquariums.

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Correctional facility. Means a facility providing housing and care for individuals confined for violations of law. Typical uses include jails, prisons, and juvenile detention centers.

Correctional placement residence (as defined by K.S.A. 22-4913). Means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations:

(1) Prior to, or instead of, being sent to prison;
(2) Received a conditional release prior to a hearing;
(3) As a part of a local sentence of not more than one year;
(4) At or near the end of a prison sentence, such as a state operated or franchised work release program, or a privately operated facility housing parolees;
(5) Received a deferred sentence and placed in facilities operated by a community corrections; or
(6) Require court ordered guidance services for alcohol or chemical dependence.

Such facilities will comply with the regulatory requirements of a federal, state, or local government agency; and if such facilities are not directly operated by a unit of government, they will meet licensure requirements that further specify minimum service standards.

Commented [KH2]: While we had a definition for correctional placement residence (limited and general), we did not have one for what a correctional placement residence is.

Correctional placement residence, limited. Means a correctional placement residence occupied by three to fifteen individuals, including staff members who may reside there.

Correctional placement residence, general. Means a correctional placement residence occupied by more than fifteen individuals, including staff members who may reside there.

Day care. Means an establishment that provides care, protection, and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term does **NOT** include the following:

(1) Kindergartens or nursery schools or other daytime programs operated by public or private Elementary, Middle and High Schools or institutions of higher learning;
(2) Facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available;
(3) Special activity programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations; or
(4) A "preschool" operated by a church or place of worship as an accessory use and that is not leased to another group to operate and that meets the Kansas Department of Health and Environment regulations as a "preschool."

Day care, ~~limited~~home occupation. Means a day care center operated as a home occupation that provides care, protection, and supervision for no more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.

~~Day care, general. Means a day care center that provides care, protection, and supervision for more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees, or a day care center for ten or fewer individuals at any one time that is not operated as a home occupation.~~

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Day reporting center. Means a facility that provides nonresidential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for three or more days per week for six or more hours per day.

Golf course. Means a tract of land developed for the purpose of providing private golf recreation services and support facilities. Included within this definition shall be regulation golf courses, executive golf courses, par-three golf courses, and any combination thereof on a common tract of land. Specifically excluded shall be pitch and putt courses, independent driving ranges and miniature golf courses.

Government service. Means buildings or facilities owned or operated by a government entity and providing services for the public, including utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

Hospital. Means an institution that:

(1) Offers services more intensive than those required for room, board, personal services and general nursing care;
(2) Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and
(3) Regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

Library. Means a publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

Neighborhood swimming pool. Means any non-publicly owned swimming pool that is not located on the same lot as a residential dwelling unit but that is intended as an amenity for use by the residents and their guests of that subdivision or by a group of subdivisions in the immediate vicinity.

Nursing facility. Means any state licensed place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to function impairments, need skilled nursing care to compensate for activities of daily living limitations and includes state licensed “nursing facility for mental health; and a state licensed “residential health care facility” when it is attached to a state licensed Nursing Facility. The term nursing facility does not include assisted living, group home, group residence or hospital.

Parks and recreation. Means a park, playground, or community facility that is owned by or under the control of a public agency or homeowners' association and that provides opportunities for active or passive recreational activities, and a cultural facility that provides cultural services to the public, including a museum, art gallery, observatory, planetarium, botanical garden, arboretum, zoo, or aquarium that is owned by or under the control of a public agency. For purposes of this definition, parks and recreation shall include those parks, community facilities, and cultural facilities that are owned by or under the control of a public agency and leased to private entities for recreational activities, including recreational and cultural uses that involve paid admission or that allow the sale of cereal malt beverages or alcoholic beverages for consumption on the premises.

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Recycling collection station, private. Means outdoor freestanding containers that are designed to receive, and store pre-sorted recyclable materials not intended for disposal and that are available only to those members or employees of the church, school, office building, or other principal use located on the same property as the station. ~~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.~~ This definition shall not include containers used for curbside recycling or containers used by a commercial or industrial enterprise for collection and/or compression of materials that are a byproduct or integral part of such enterprise. See SECTION 404.E.2.a for special use standards.

Recycling Collection Station, p~~P~~ublic. Means outdoor freestanding containers not occupying an area greater than 400 square feet (exclusive of area required for vehicular access) that are designed to receive and store~~d~~ pre-sorted recyclable materials not intended for disposal and that are available to the general public. ~~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.~~See SECTION 404.E.2.a for special use standards.

Recycling processing center. Means a building or land use in excess of 400 square feet devoted to the receipt, separation, storage, baling, conversion, and/or processing of recyclable materials, but not including wrecking/salvage yard. See SECTION 404.E.2.b for special use standards.

Renewable e~~E~~nergy s~~S~~ystems. Means either a Wind Energy Conversion System (WECS) or a Solar Energy Conversion System (SECS). Those terms shall mean the following:

(1) Solar Energy Conversion System (SECS). Means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity and includes all associated support facilities including but not limited to, roads, substations, operation and maintenance buildings, as specified in the application.

(2) Wind Energy Conversion System (WECS). Means the combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion Systems consist of the turbine apparatus and any other buildings, support structures and other related improvements necessary for the generation of electric power from wind and intended for wholesale sales of generated electricity.

Reverse vending machine. Means an automated mechanical device that accepts one or more types of recyclable materials and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and reduce materials mechanically, provided the entire process is enclosed within the machine.

Safety services. Means a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

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School, elementary, middle, & high. Means the use of a site for instructional purposes on an elementary or secondary level, including both public schools as well as private schools that have curricula similar to those in public schools.

University or c~~C~~ollege. Means an institution of higher education ~~(post high school)~~ offering undergraduate or graduate degrees in higher learning, including seminaries.

Utility, major. Means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term major utility shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities, communication switching facilities that are accompanied by office uses, telecommunication carrier with transmission equipment for long-distance call and high-speed Internet connections with one or more telecommunication carrier located within a building~~, or other uses defined in this section~~.

Utility, minor. Means services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines, and structures not exceeding 150 cubic feet in size and six feet in height that do not generate discernable noise, odor or vibration within any nearby residential district, and that comply with the setback requirements of the district in which they are located.

301.C. COMMERCIAL. The following terms define the commercial uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Adult entertainment establishment. Means any commercial establishment which is an adult bookstore, adult motion picture theater, adult hotel, adult motion picture arcade, or escort service as defined in ~~Chapter~~ CHAPTER 5, ~~Article~~ARTICLE 7, Haysville Municipal Code, and includes any businesses involving adult entertainment, as defined herein.

Airport or airstrip. Means any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars, and other necessary buildings and open spaces. The term airport or airstrip does not include heliport.

Animal care, general. Means a use providing veterinary services for large animals, and that may include small animals or household pets, and for which boarding facilities may also be provided.

Animal care, limited. Means a use providing veterinary services for small animals or household pets for which there are no outside animal runs, and for which boarding facilities may also be provided.

Automated teller machine ("ATM"). Means a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator. See SECTION 404.E.3.a for special use standards.

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Bank or financial institution. Means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions. The term bBank or fFinancial iInstitution also includes ATMs.

Bed and breakfast inn. Means the use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than fifteen transient guests on a paying basis.

Broadcasting/recording studio. Means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film, or sound recording studios.

Car wash. Means an establishment engaged in cleaning or detailing motor vehicles, whether self-service or automated.

Construction sales and service. Means an establishment engaged in the retail or wholesale sale of materials used in the construction and/or maintenance of buildings or other structures and/or grounds, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvements centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction and trade contractors' storage yards, landscape installation and/or maintenance services and pest extermination services. See SECTION 404.E.3.b for special use standards.

Convenience store. Means an establishment engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use and which may specifically include a car wash as an accessory use, but shall not include vehicle repair.

Entertainment establishment. Means any event center or any person or entity that provides entertainment, excluding adult entertainment, as defined herein.

Event center. Means premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled.

Farmer's market. Means an outdoor place or market area with a formalized location where more than one Kansas farmer or grower gathers to sell agricultural products they have grown or raised. Other activities and other sellers may be accommodated at the market, but the sale of agricultural products shall be the focal point of the market activity. Other products that may be sold would typically include dried flowers, crafts and handicrafts that are made in the home, original artwork, and certain prepared foods.

Funeral home. Means an establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Heliport. Means the area of land, water, or structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters.

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Hotel or ~~/~~motel. Means an establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term use by transient guests, usually for less than a week, in which rooms are furnished for the accommodation of such transient guests, which may have as an accessory use one or more dining rooms, and may include individual kitchen facilities. Typical uses include hotels, motels, tourist courts and emergency shelters for the homeless and for victims of crime, abuse or neglect.

Kennel, hobby. Means premises housing five to ten adult dogs owned by the property resident.

Kennel, boarding/breeding/training. Means premises housing five or more adult dogs, three or more of which are owned by someone other than the business owner, and premises housing over ten adult dogs.

~~Marine facility, recreational. Means a facility relating to recreational boating. Typical uses include boat docks, marinas, boathouses, and yacht clubs.~~

Commented [KH3]: Haysville is not likely to have a marine facility. If one is established, the use Outdoor Recreation and Entertainment covers it.

Medical service. Means an establishment providing therapeutic, preventive, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical laboratories.

Microbrewery. Means a brewery that:

(1) Is licensed by the Director of Alcohol Beverage Control of the state Department of Revenue;
(2) Produces not less than 100 nor more than 30,000~~5,000~~ barrels of beer or more than 100,000 gallons of hard cider per year, in accordance with K.S.A. 41-308B; and
(3) Does so in a completely enclosed building.

See SECTION 404.E.3.c for special use standards.

Mobile food unit. Means any self-contained vehicle, trailer, cart, wagon, or other type of conveyance from which any food and/or beverage is offered for sale.

Monument sales. Means an establishment primarily engaged in the retail sale of monuments, including, but not limited to,~~such as~~ headstones, footstones, markers, statues, obelisks, cornerstones, and ledges for the placement on graves, including indoor or outdoor storage.

Nightclub. Means an establishment that provides entertainment, which may include the provision of dancing by employees or patrons, and which may or may not serve food, alcoholic liquor or cereal malt beverage by the individual drink.

Nurseries and garden centers. Means a place of business where retail and wholesale products and produce are sold to the customer. These centers, which may include a nursery and/or greenhouses, and may include plants, nursery products and stock, and other garden and farm variety tools and utensils.

Office, general. Means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and the teaching of these and similar activities, and communication switching facilities and telecommunication carriers that are accompanied by office uses and with all facilities within the building or underground.

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Parking area, ~~and/or~~ accessory ~~drive, ancillary.~~ ~~Means an area other than a private or commercial parking area, street or alley that is located in any district from the most restrictive through NO inclusive, and that is used for the parking of passenger vehicles as accessory parking to a principal use,that requires the same or a more intensive district than the district in which the ancilliary parking area is located. Parking areas public or customer improved in accordance with the parking appendix.~~ Means a parking lot or garage that is accessory to a parking lot or garage which is constructed as required by these regulations and is located on the same or adjacent lot as the principal use served.

Parking area, commercial. Means a~~n area or structure used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis other than as accessory parking to a principal nonresidential use.~~ parking lot or parking garage that is built as a facility to provide parking for a fee to the general public, as opposed to a parking lot or garage which is constructed as required by these regulations or accessory parking for another building.

Commented [KH4]: Distinguishing this use from a vehicle storage yard by specifying that a fee must be charged, as this is a standalone commercial enterprise.

Pawnshop. Means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property. ~~Temporary outdoor display of merchandise for sale is permitted. No other outdoor storage is permitted.~~

Personal care service. Means an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or his personal goods or apparel. Typical uses include beauty and barber shops, electrolysis studios, shoe shining and/or repair operations, tailors and neighborhood laundry and dry cleaning operations.

Personal improvement service. Means an establishment primarily engaged in the provision or informational, instructional, personal improvement, and similar services of a nonprofessional nature. Typical uses include portrait shops, photography studios, art and music schools, licensed massage therapists, health and fitness studios, swimming clubs, tattooing and body piercing, and handicraft or hobby instruction.

Post office substation. Means a facility or structure owned by the U.S. Postal Service that is used for the collection, sorting, and distribution of mail within several zip code areas and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

~~Printing and Copying, Limited. Means an establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.~~

Commented [KH5]: This is considered a personal improvement service.

Printing and publishing~~, general~~. Means the production of books, magazines, newspapers, and other printed matter, as well as record pressing and publishing, and engraving and photoengraving~~, but excluding printing and copying, limited~~.

Recreation and entertainment, indoor. Means a privately-owned establishment offering recreation, entertainment, or games of skill to the general public or members that is wholly enclosed in a building. Typically uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball, and handball courts, and amusement rides. It does not include buildings typically accessory to a subdivision that are for use by the subdivision's residents and their guests.

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Recreation and entertainment, outdoor. Means a privately-owned establishment offering recreation, entertainment, or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, "pitch and putt" facilities, tennis courts, and amusement rides. It does not include golf courses, parks, open space, and recreational facilities typically accessory to a subdivision that are for use by the subdivision's residents and their guests.

Recreational vehicle campground. Means the use of land designated for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents. See SECTION 404.E.3.d for special use standards.

Restaurant. Means an establishment where the principal business is the sale of food and beverages for consumption, including the retail sale of alcoholic liquor or cereal malt beverages for consumption on the premises.

Retail fulfilment center. Means a commercial use in which goods are stored, assembled, packaged, and fulfilled for direct delivery or customer pickup, where sales transactions primarily occur off-site through online, mobile, or telephone ordering platforms. Retail Fulfillment Centers are distinct from General Retail, Secondhand Stores, and Pawnshops in that sales transactions occur primarily off-site through e-commerce platforms. They are also distinct from Warehousing, Wholesale and Business Services, as well as Freight and/or Truck Terminals, in that all activities are direct to the consumer. See SECTION 404.E.3.e for special use standards.

Retail, general. Means the sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.

Riding academy or stable. Means a commercial establishment for boarding, breeding, training, or raising of horses not owned by the owners or operators of the establishment, rental of horses for riding, or other equestrian activities. ~~Riding academy or stable~~The term riding academy or stable shall not include rodeo.

Rodeo. Means a competition, exhibition, or demonstration involving persons, equines, and/or bovines in which participants display various skills in one more events such as, but not limited to, bareback riding, saddle bronco riding, street wrestling, roping, team roping, tie-down roping, barrel racing, bull riding, or similar events.

Secondhand store. Means a retail establishment other than an antique store that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items. ~~Temporary outdoor display of merchandise for sale is permitted. No other outdoor storage is permitted.~~

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Service station. Means an establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, the minor adjustment or repair of motor vehicles and may specifically include a car wash. See SECTION 404.E.3.f for special use standards.

Short-term residential rental. Means any non-owner-occupied dwelling unit which:

(1) Contains rooms furnished for the purposes of providing lodging to transient guests;
(2) Is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and
(3) Rental is less than 28 days.

See SECTION 404.E.3.g for special use standards.

Tavern and drinking establishment (as defined in K.S.A. 41-2601). Means premises that may be open to the general public, where alcoholic liquor or cereal malt beverage by the individual drink is sold. ~~Means an establishment engaged in the preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premises that derives in a six- month period less than fifty percent (50%) of its gross revenues from the sale of food and beverages for consumption on the premises.~~ For the purposes of these regulations~~is Code~~, the term tavern and drinking establishment shall include Class B Club.

Commented [KH6]: Updated definition to match state statute.

Teen club. Means any building or part or other enclosed place where a teen dance is held or teen dancing is permitted.

Vehicle and equipment sales, outdoor. Means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motor vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, trailers and/or moving trailer rental. See SECTION 404.E.3.h for special use standards.

Vehicle repair, limited. Means a use providing repair of motor vehicles or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities:

(1) Electronic tune-ups;
(2) Brake repairs (including drum turning);
(3) Air conditioning repairs;
(4) Transmission and engine repairs;
(5) Generator and starter repairs;
(6) Tire repairs;
(7) Front-end alignments;
(8) Battery recharging;
(9) Lubrication; and/or
(10) Sales, repair and installation of minor parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc.

Vehicle repair, general. Means an establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment. Typical uses include paint and body shops. See SECTION 404.E.3.i for special use standards.

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Vocational school. Means a use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a university, college, or elementary, middle, and high school.

Warehouse, self-service storage. Means an enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for dead storage of their household goods or personal property.

Wireless communication facility. Means a lot containing equipment at a fixed location that enables wireless communications between user equipment and a communications network, including, but not limited to:

(1) A wireless support structure consisting of a freestanding support structure, such as a monopole, guyed, or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities;
(2) A base station that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics;
(3) Equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and/or
(4) Radio transceivers, antennas, coaxial or fiber- optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

301.D. INDUSTRIAL, MANUFACTURING, AND EXTRACTIVE. The following terms define the industrial, manufacturing, and extractive uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Asphalt or concrete plant, general. Means an establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

Asphalt or concrete plant, limited. Means a temporary establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products for use on a government funded construction project.

Basic industry. Means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing processes that involve or have the potential to involve commonly recognized offensive conditions. Typical uses include fat rendering plants; poultry and rabbit dressing; pulp processing and paper products manufacturing; stockyards; slaughterhouses; steel works; tanneries; acid manufacture; cement, lime, gypsum, or plaster of Paris manufacture; distillation of bones; fertilizer manufacture; garbage, offal or dead animals' incineration, reduction or dumping; glue manufacture; gas manufacture; and petroleum refineries.

Construction burn site, limited. Means a location where clean tree waste that is created as a result of accepted construction industry practices of clearing a property prior to development, or as a result of a construction project, such as the installation, replacement or repair of sewer, water, drainage, paving, or other similar development activities, is permitted to be burned under controlled circumstances three or

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less times a year. Clean tree waste is defined as trunks, branches and attached leaves of woody perennial plants typically characterized by a main or multiple trunks that support branches and leaves. Lumber, sheet rock, yard waste, insulation, or other material normally disposed of at a construction and demolition or municipal solid waste ~~landfill~~landfill is not permitted to be burned or disposed of at a ~~construction burn site~~construction burn site.

Construction burn site, general. Means a location where clean tree waste that is created as a result of accepted construction industry practices of clearing a property prior to development, or as a result of a construction project, such as the installation, replacement, or repair of sewer, water, drainage, paving, or other similar development activities, is permitted to be burned under controlled circumstances four or more times a year. Clean tree waste is defined as trunks, branches and attached leaves of woody perennial plants typically characterized by a main or multiple trunks that support branches and leaves. Lumber, sheet rock, yard waste, insulation, or other material normally disposed of at a construction and demolition, or municipal solid waste ~~landfill~~landfill is not permitted to be burned or disposed of at a ~~construction burn site~~construction burn site. The term ~~Construction burn site~~construction burn site, general does not include ~~a~~ a construction and demolition or a municipal solid waste landfill.

Freight and/or truck terminal. Means a building or area in which freight brought by commercial motor ~~trucks~~ vehicles or rail is assembled and/or stored for routing in intrastate or interstate shipment by commercial motor ~~truck~~ vehicle or rail, or where commercial motor vehicles are stored and dispatched as common carriers. This use may include the overnight parking of commercial motor vehicles and sleeping, laundry, and other facilities for truck drivers.

Commented [KH7]: Middle ground between a commercial parking lot (fee paid) and a vehicle storage yard (long-term storage). There a multiple truck hauling businesses in Wichita that are classified by the LBCS as transit warehouse / warehouse-office combination / truck terminal none of which required a conditional use.

Gas and/or fuel storage and sales. Means the use of a site for bulk storage and wholesale distribution of flammable liquid, gas, or solid fuel, excluding below-ground storage that is clearly ancillary to an allowed principal use on the site.

Hazardous operations. Means activities that present serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal, and radioactive waste handling.

Landfill. Means a disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

Manufacturing, ~~limited~~light. Means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants. ~~an establishment primarily engaged in the on-site production of goods by hand manufacturing that generally involves only the use of hand tools or other equipment not exceeding two horsepower or a kiln not exceeding eight kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site.~~ Typical ~~use~~uses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, ~~ice cream manufacturing, millwork and cabinetry, monument and grave marker manufacturing, precision machining of tools, dies and jigs,~~ production of instruments and lenses for medical, dental, optical, scientific, and other professional purposes, and upholstery shops. See SECTION 404.E.4.a for special use standards.

Commented [KH8]: Redefining manufacturing uses to allow nonobtrusive ones in lesser intense zoning districts. See examples of uses in definition.

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Manufacturing, medium. Means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles. Typical uses include ice cream manufacturing, millwork and cabinetry, monument and grave marker manufacturing, precision machining of tools, dies and jigs, and other professional purposes.

Manufacturing, ~~general~~heavy. Means ~~an establishment engaged in the manufacture, predominantly from previously prepared materials or from lightweight nonferrous materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industry. Typical uses include apparel and garment factories, appliance manufacturing and assembly, bakeries engaged in large-scale production and wholesale distribution, beverage manufacturing and bottling (excluding breweries), boat building and repair, electrical and electronic equipment, food processing (excluding slaughterhouses and rendering plants), furniture and fixtures, jewelry manufacturing, laundry and dry cleaning plants, leather products, meat cutting and wholesale storage, machine shops, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, rubber and plastics products manufacturing, tobacco products manufacturing and toy manufacturing.~~other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

Mining or quarrying. Means the extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand, soil and gravel pit operations, quarries, and mines. See SECTION 404.E.4.b for special use standards.

Oil and gas drilling. Means the subsurface extraction of oil or natural gas.

Research services. Means an establishment engaged in conducting basic and applied research, including production of prototype products when limits to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Rock crushing. Means an establishment engaged in crushing rock or stone milling.

Solid waste incinerator. Means a permanent facility operated alone or in conjunction with a recycling processing center or landfill for the purpose of burning solid waste or trash and converting it to ash.

Storage, outdoor. Means the keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, ~~portable storage containers~~cargo containers, or other similar items ~~not considered accessory uses as listed in this code~~. The term outdoor storage does not include vehicle storage yard. See SECTION 404.E.4.c for special use standards.

Transfer station. Means any enclosed facility where solid wastes are transferred from one vehicle or rail car to another or where solid wastes are stored and consolidated before being transported for disposal elsewhere.

Vehicle storage yard. Means ~~the~~ a site where one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles are stored ~~keeping~~ outside of an enclosed building

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for compensation for more than 72 consecutive hours. ~~of one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles~~. The term vehicle storage yard does not include wrecking/salvage yard. See SECTION 404.E.4.d for special use standards.

Commented [KH9]: This is just a storage use. Freight and/or Truck Terminal is for the dispatching of commercial vehicles and may include overnight storage.

Warehousing. Means the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include major mail distribution centers, frozen food lockers, and moving and storage firms, but excluding self-service storage warehouses.

Welding or machine shop. Means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, and sheet metal shops.

Wholesale or business services. Means an establishment primarily engaged in the display, storage, and sale of bulk goods or services to other businesses, typically retailers, for resale or further distribution. It may also include the sale of bulk goods and services directly to individual consumers

Wrecking/salvage yard. Means a lot, land, or structure, or part thereof, used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards.

301.E. AGRICULTURAL. The following terms define the agricultural uses listed in TABLE 404.D as permitted or conditional in each zoning district.

Agriculture. Means a use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products or for the purpose of raising livestock. The term a~~A~~griculture also includes the roadside selling of products produced on land owned, leased, or legally controlled by the producer (farmer, rancher, horticulturalist, viticulture, apiary, or similar agricultural pursuits). The definition shall include, as a permitted accessory use, the sale of nursery stock, firewood, Christmas trees and other plants and produce raised on-site. Typical activities include, but are not limited to: Farmer's market which permits the sale of agricultural products by other producers; U-pick-it activities; flower arranging; canning/cooking; gardening demonstrations; winery tours and tastings; corn mazes; agriculture related interpretive facilities; agricultural exhibits and tours; agriculturally related educational and learning workshops or experiences; horseback riding; non-commercial camping; bonfire/campfire themed events; service of food and beverages; hayrides; pumpkin patch sales and any other uses determined by the Zoning Administrator to be similar. See SECTION 404.E.5.a for special use standards.

Agricultural processing. Means initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include sawmills and packinghouses. Slaughterhouses are specifically excluded from this definition.

Agricultural research. Means the use of land and buildings for agricultural research and the cultivation of new agricultural products. This shall include greenhouses that are used for research purposes only.

Agricultural sales and service. Means an establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous

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ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses that are used for wholesale and/or retail purposes.

Grain storage. Means facilities for the warehousing of agricultural products. Typical uses include grain elevators.

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SECTION

302. GENERAL DEFINITIONS

302.A. ~~The following definitions shall be used in the interpretation and construction of these regulations.~~

~~Accessory structure and accessory use. Means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and is located on the same zoning lot as the principal use. Accessory structure including below grade substructure, must not be located in easements and may not block drainage.~~

Commented [KH1]: Separated into two distinct definitions and alphabetized.

Adjacent. Means lying near or close to, neighboring. In the context of these regulations, the term adjacent also means touching or abutting.

Adult entertainment. Means any exhibition, performance, interaction, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, computer internet activities, computer programs with sex based content, serving food or beverages, soliciting the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such action is intended to arouse or excite the sexual desires of the entertainer, other entertainers, or the patron(s), or if the interaction is characterized by an emphasis on the exposure, depiction or description of "specified anatomical areas" or the conduct or stimulation of "specified sexual activities," as defined in ~~Chapter~~ CHAPTER 5, ~~Article~~ ARTICLE 7~~, Haysville Municipal~~of the City Code.

~~Alley. A public right-of-way along the side of or in the rear of a lot intended to provide a secondary means of access to and from the street and such lot. An alley is not intended for general traffic circulation. Any such access designated as a fire lane shall meet the fire code requirements for such. No lot shall front upon an alley.~~

Commented [KH2]: Removed as the term is defined in the subdivision regulations.

All-weather surface. ~~Includes:~~Means an improved, generally pervious surface of either~~:~~ ~~1) asphalt, minimum 2" inches depth, shall be placed over base material minimum 4" inches depth, 2) concrete, minimum 4" inches depth, 3)~~

1) Compacted rock or ~~/~~crushed concrete, a minimum of 4" inches deep, utilizing a minimum of 1" inch in diameter rock with not more than 10% fines for a binder. Utilization of the compacted rock or crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage;

Commented [KH3]: Moved to the hard surface definition under 302.H.

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2) Asphalt millings;
3) ~~, minimum 4" inches depth, utilizing minimum 1" inch diameter rock with not more than 10% fines for a binder, 4) B~~brick paver stone, a minimum of 2 3/8" inches thick ~~shall be~~ and placed over base material a minimum of 5 ~~"~~ inches ~~depth~~deep;
4) Any other similar pervious surface; or
5) Any surface defined as a hard surface.

~~Base material shall consist of a minimum 4" inches depth crushed stone or gravel, and topped with sand minimum 1" inch depth. Utilization of the compacted rock/crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage.~~ Every all-weather surface must be properly maintained and kept free of potholes, weeds, grass, dust, trash, and miscellaneous scattered objects (debris) to qualify as an "all-weather" surface. A surface that is not maintained free of weeds and debris is not an "all-weather" surface as an improperly developed or maintained surface does not meet the goals or the intent of this definition.

Commented [KH4]: Moved to own definition as it relates to hard surfaces and all-weather surfaces.

Alteration.~~, structural.~~ Means a~~A~~ny change, addition or modification in the construction of a structure. ~~in the supporting members of a building such as bearing walls, partitions, columns, beams or girders, or any substantial change in roof or exterior walls.~~

~~Attached structure. Any building or structure that is physically connected to another by means of the walls or roof touching.~~

Commented [KH5]: Unnecessary definition, term not used in the zoning regulations.

~~Barndominium. Open concept building with a large square footage, typically "post and beam" construction.~~

Commented [KH6]: Unnecessary definition, term not used in the zoning regulations.

~~Billboard. Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from the display.~~

Commented [KH7]: Defined in the sign regulations.

302.B.

Base material. Means a base layer to be installed underneath certain types of all-weather and hard surfaces that is a minimum of 4 inches deep crushed stone or gravel, topped with sand a minimum of 1 inch deep.

Basement. Means any floor level below the first story in a building.

~~Block. A tract of land bounded by streets, or by a combination of streets, railway right-of-way or waterways.~~

Commented [KH8]: Defined in the Subdivision regulations.

Board ~~of zoning appeals~~. M~~Shall m~~eans the B~~b~~oard of Z~~z~~oning A~~a~~ppeals.

Building (as defined in the 2018 INTERNATIONAL BUILDING CODE). Means any structure utilized or intended for supporting or sheltering any occupancy. For the purpose of these regulations, all buildings shall be considered structures; however, not all structures shall be considered buildings. ~~A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.~~

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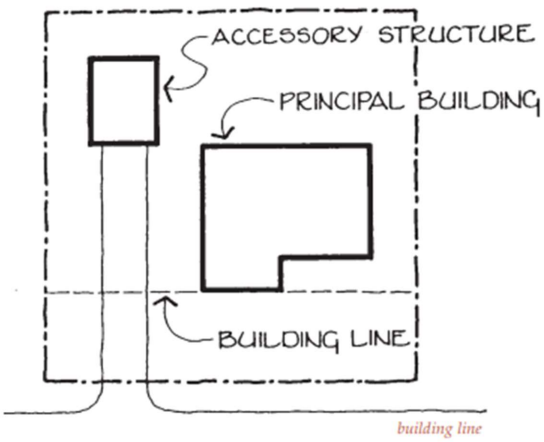
Accessory building. Means a building that is subordinate to and serves a principal building or structure; is subordinate in purpose, floor area, and height to the principal building or structure served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure served; and is located on the same zoning lot as the principal building or structure.

Commented [KH9]: Clarified meaning of "subordinate in size."

Auxiliary building~~Building, auxiliary~~. Means an accessory~~A~~ building~~.~~ that does not exceed 99 square feet in size or any other accessory building that does not require a building permit. Such structures ~~on the same lot as the main building or principal use which~~ may be built on a substandard permanent ~~-~~foundation. ~~and of a nature customarily incidental and subordinate to the main building or principal use and does not exceed 99 square feet. For example, a~~A portable metal storage shed on a concrete slab with modified footings, a gazebo and a dog house are all examples of ~~is an~~ auxiliary buildings.

Principal building. Means a building in which the principal use of the site is conducted.

Temporary building. Means a partially or completely assembled building constructed and designed to be reused multiple times and transported to different building sites. Temporary buildings includes buildings, offices, sheds, warehouses or open-air storage used temporarily by building contractors for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, principal buildings, or other development or community facilities; tents; and other similar structures.



Building~~,~~ height (as defined in the 2018 INTERNATIONAL BUILDING CODE). Means t~~T~~he vertical distance ~~measured~~ above the average existing grade~~from the adjoining curb grade~~ to the highest point of the roof. The height of a stepped or terraced building shall be the maximum height of any segment of the building.~~, provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.~~

Building line. ~~-~~Means the perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of a building or structure.~~A line that is the distance that is required by the city of Haysville Zoning Regulations between a principal structure or accessory structure and the property line of the lot on which the structure is located. This term refers specifically to the exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built but shall~~

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~~not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.~~

302.C.

Code. Means the City of Haysville, Kansas Municipal Code.

Cargo container. ~~(shipping container).~~ Means a~~A~~ny portable, weather-resistant receptacle, container or other ~~structure~~structure that is designed or used for the storage or shipment of household goods, commodities, building materials, furniture, or merchandise. ~~Not to be used as a base, platform, or location for business identification signs or temporary signs.~~ See Appendix E-506 for special use standards.

Class "A" club (as defined in K.S.A. 41-2601). Means a~~A~~ premises ~~which is~~ owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them, as provided in K.S.A. 41-2637. M~~No m~~embership~~s~~ is ~~required~~.

Class "B" club (as defined in K.S.A. 41-2601). Means a~~A~~ premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. Membership~~s~~ is not required~~only~~.

Commission. Means t~~T~~he C~~c~~ity of Haysville Planning Commission.

Comprehensive plan. Means a~~A~~ny plan or map adopted by the C~~c~~ity for guidance of growth and improvement of the C~~c~~ity and its environs including modifications or refinements that may be made from time to time.

Construction equipment. Means equipment used in the construction, improvement, and/or maintenance of buildings or other structures and/or grounds.

Court. Means a~~A~~n open, unoccupied space other than a yard on the same ~~lot~~lot with a ~~building~~building or group of buildings, and which is bounded on two or more sides by such building or buildings.

Inner c~~C~~ourt~~, inner~~. Means a~~A~~ court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

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Outer c~~C~~ourt~~, outer~~. Means a~~A~~ court which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum dimension measured at right angles to its width.

302.D.

District. Means a~~A~~ny section of the City for which the regulations governing the ~~use~~use of ~~building~~buildings and premises and the height and area of buildings are uniform.

Dwelling unit. ~~One or more rooms in a dwelling, apartment, condominium, or hotel designed for occupancy by one family for living purposes.~~Means a building, or a portion of a building, that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

302.E.

~~Easement. A grant of specific property rights to land for the use of the public, a corporation or another person or entity.~~

Commented [KH10]: Defined in the Subdivision regs.

~~Family. An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding household employees) not related by blood or marriage, living together in a single **DWELLING UNIT**.~~

Commented [KH11]: Unnecessary definition, term not used in zoning regulations

302.F.

Floodway fringe (as defined in K.S.A. 12-742). Means those portions of a flood plain outside the boundaries of a regulatory floodway and within stream reaches where such a floodway has been established.

Floodplain (as defined by K.S.A. 12-742). Means land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1%.

Commented [KH12]: Adding these definitions so a riparian setback can be established later. A riparian setback is a setback from aquatic sensitive areas (rivers, streams, floodways, etc.) that is intended to protect the sensitive areas from pollution and the buildings from flooding.

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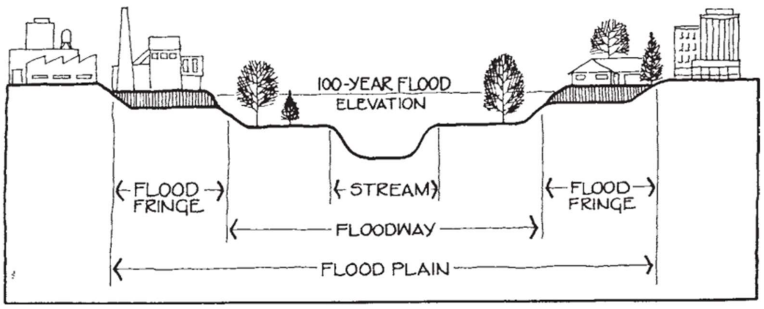

floodplain

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

Frontage. Means ~~The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.~~the lot line(s) abutting a public right-of-way.

Primary frontage. Means the frontage to which the principal structure is oriented. The primary frontage may be determined by the street address in the case of undeveloped lots.

Secondary frontage. Means any frontage that is not the primary frontage.

~~Frontage lot. That portion of the frontage which lies between the side lot lines of a single lot.~~

302.G.

Garage.

~~Private garage.~~ Means a~~A~~n accessory ~~structure~~structure or portion of a ~~main~~ principal ~~building~~ structure for the parking and temporary storage of automobiles of the occupants of the premises, and wherein:

1) ~~(a)~~ N~~n~~ot more than one space is rented for parking to persons not occupants of the premises;
2) ~~(b)~~ N~~n~~ot more than one commercial vehicle per dwelling unit is parked or stored; and
~~1)~~ T ~~(c)~~ the commercial vehicles permitted do not exceed 26,000 pounds gross vehicle weight rating.
~~2)~~
~~3) Public garage. A building other than a private garage used for housing, care or repair of automobiles, or where such vehicles are equipped for operation, repaired, parked or stored for remuneration, hire, or sale.~~
3)

Commented [KH13]: Unnecessary definition, term not used in Zoning regulations

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Grade. Means the lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

Governing body. Means t~~T~~he mayor and city council of the C~~c~~ity of Haysville.

~~Green area. A landscape area set aside and maintained by the owner for the aesthetic enjoyment of the public.~~

Commented [KH14]: Unnecessary definition, term not used in Zoning Regulations

302.H.

Hard surface. Means an improved, generally impervious surface of either:

~~Concrete or other similar surface impervious to water and strong enough for the intended use. A "Hard Surface" differs from an "All-Weather Surface" in that a "Hard Surface" does not include gravel or rock.~~

1) Asphalt, a minimum of 2" inches deep and placed over base material a minimum of 4" inches deep;
2) Concrete, a minimum of 4" inches deep;
3) Pervious concrete; or

~~Other similar generally impervious surface.~~

4)

Home occupation. Means a~~A~~ business, profession, occupation or trade conducted in a dwelling unit ~~,~~ for gain or support by a resident of the dwelling unit and which is accessory to the ~~use~~use of the dwelling unit as a residence.

302.I.

Improvements. Means a~~A~~ll facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for residential, commercial or industrial purposes. Improvements shall include all facilities listed in ~~Article~~ ARTICLE VII of the subdivision regulations adopted by the city.

302.J.

302.K.

302.L.

~~Landscaping. Means the improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects, such as fountains,~~

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~~statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.~~

Commented [KH15]: Defined in the landscaping regulations.

~~Livable area. The total contiguous area of a dwelling unit.~~

Commented [KH16]: Unnecessary definition, term not used in the zoning regulations.

~~Loading space. Space logically and conveniently located for bulk pickups and deliveries, scaled to such vehicles when required off-street parking space is filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. (See also Section 500.)~~

Commented [KH17]: Defined in the parking regulations.

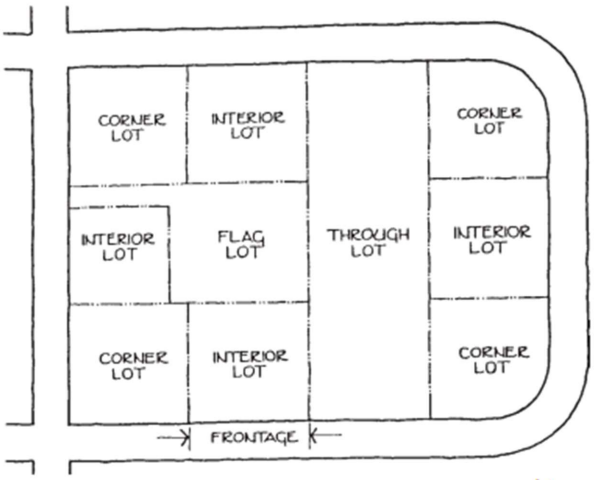
Lot. Means a~~A~~ portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred. A ~~building~~building site or parcel of land occupied or intended to be occupied by a building and accessory ~~buildings~~structures, and including such open spaces as are required under these regulations ~~is article~~ and having its ~~principal~~ primary frontage upon a public street or officially approved place.

Corner lot. Means a lot abutting two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Flag lot. Means a lot not meeting the minimum lot width requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

Interior lot. Means a lot other than a corner lot or a through lot.

Through lot. Means a lot~~, other than a corner lot,~~ with frontage on two parallel or approximately parallel streets.



lot

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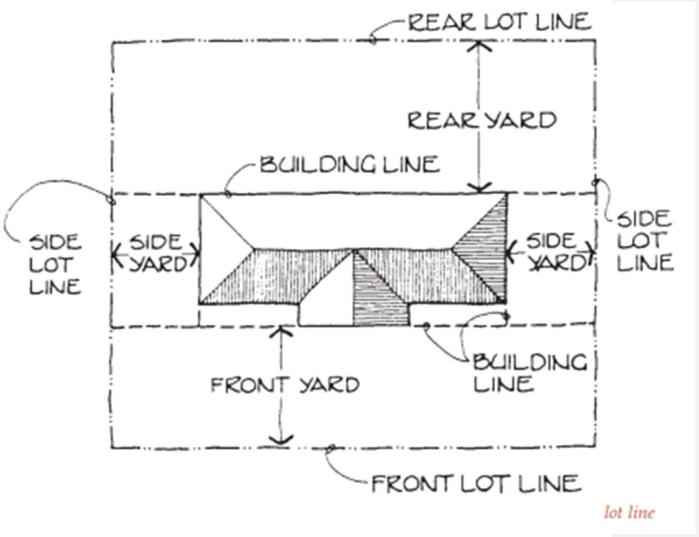
Lot area. Means the total horizontal area within the lot lines of a lot.

Lot depth. Means the horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

Lot lines. Means the lines bounding a lot as defined herein.



lot line

Front lot line. Means a lot line which abuts an existing or dedicated public street. In the case of a corner lot, it shall be the lot line designated as the primary frontage.

Rear lot line. Means a lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular-shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

Side lot line. Means any lot line that is not a front lot line nor a rear lot line.

~~Key lot.~~ ~~A corner lot abutting two or more non-corner (interior or through) lots.~~

~~**TABLE: LOT TYPES**~~

<table>
<tr><td rowspan="2">~~CORNER~~</td><td rowspan="2">~~INTERIOR~~</td><td rowspan="2">~~THROUGH~~</td><td rowspan="2">~~INTERIOR~~</td><td>~~KEY~~</td></tr>
<tr><td rowspan="2">~~INTERIOR~~</td></tr>
<tr><td>~~CORNER~~</td><td>~~INTERIOR~~</td><td>~~INTERIOR~~</td><td>~~KEY~~</td></tr>
</table>

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Lot of record. Means a~~A~~ ~~lot~~lot or portions of one or more lots which are a part of a subdivision~~, the map of which has been recorded in the Office of the Register of Deeds in Sedgwick County,~~ or a ~~plot~~ lot described by metes and bounds, the map and/or description of which has been recorded in the Office of the Register of Deeds of Sedgwick County.

~~Lot split. The dividing or redividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts that meet the criteria established within the subdivision regulations.~~

Commented [KH18]: Defined in the subdivision regulations.

Lot width. Means t~~T~~he horizontal distance between the side ~~lot~~lot lines measured at right angles to the ~~lot~~lot depth at a point midway between the front and rear lot lines measured along lot depth.

302.M.

Manufactured home park boundary line. The outermost property line that encloses the spaces/lots contained within a manufactured home park or manufactured home subdivision.

Manufactured home site. Shall mean a parcel of ground within a manufactured home park that is designated and intended to accommodate one manufactured home or mobile home, that provides service facilities for water, sewer, and electricity. Also referred to as a lot.

Metes and bounds. Means a system of describing and identifying a parcel of land by measures (metes) and direction (bounds) from an identifiable point of reference.

Mobile h~~H~~ome. Means a movable detached s~~S~~ingle-f~~F~~amily d~~D~~welling u~~U~~nit that was manufactured according to standards prior to 1976 or that does not conform to the Manufactured Home Construction and Safety Standards Act (HUD Code). Such units shall provide all of the accommodations necessary to be a d~~D~~welling u~~U~~nit and be connected to utilities in conformance with all applicable regulations. The term m~~M~~obile h~~H~~ome does not include a r~~R~~ecreational v~~V~~ehicle.

302.N.

Nonconforming lot. Means a lot lawfully existing at the time these regulations became effective, or as amended, which does not conform to the setback, lot size or other dimensional or property development standards applicable to the zoning district in which the lot is located.

Nonconforming structure ~~or lot~~. Means a~~A~~ ~~structure~~structure ~~, or lot,~~ lawfully existing at the time ~~this zoning ordinance~~these regulations became effective, or as amended, which does not conform ~~with~~ to the ~~setback~~setback, height, ~~lot size~~ or other dimensional or property development standards applicable to the zoning district in which the structure ~~or lot~~ is located.

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Nonconforming use. Means the u~~U~~se of any land, ~~building~~building or structure which does not comply with the use regulations of the zoning district in which such use is located but which complied with the use regulations in effect at the time the use was established.

302.O.

~~Original tract. A tract of land in existence at the time that Sedgwick County adopted subdivision regulations. (July 1, 1969)~~

Owner. Means a~~A~~ny person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land.

302.P.

Parking. Means the temporary location of motor vehicles (except for inoperable vehicles), boats, trailers, and unoccupied recreational vehicles for not more than 72 consecutive hours.

Parking area, private. Means a~~A~~n area, other than a s~~S~~treet or a~~A~~lley, used or intended to be used for the p~~P~~arking of operable ~~the~~ m~~M~~otor v~~V~~ehicles, boats, t~~T~~railers that are exempt from m~~M~~otor v~~V~~ehicle registration by the state or are registered or are required by law to be registered with a 2M+ Kansas license plate in the city or 8M in the County, and unoccupied r~~R~~ecreational v~~V~~ehicles, any of which shall be owned, leased, borrowed, etc. by the occupants of a d~~D~~welling u~~U~~nit that is located on the same ~~Zoning l~~Lot, and wherein not more than one c~~C~~ommercial v~~V~~ehicle per d~~D~~welling u~~U~~nit is parked and the permitted c~~C~~ommercial v~~V~~ehicle does not exceed 26,000 pounds gross vehicle weight rating.

Parking space. Means an ~~(Automobile) A hard surface, (except may be "all weather" in areas identified as flood plains by the Zoning Administrator), surfaced~~ area on privately owned property within or without a ~~building~~building or on a private or public parking area and sufficient in size for the parking of one automobile.
~~The area shall conform to design criteria set forth in Section 500.~~

~~Parts Car. An inoperable motor vehicle, including any vehicle without current registration, which is owned by a collector to furnish parts which will enable the collector to restore, preserve and maintain a special interest vehicle, street rod vehicle or antique.~~

~~Pedestrian way. A right-of-way for pedestrian traffic.~~

Planned Unit Development. Means a development guided by a total design plan in which one or more of the zoning or subdivision regulations shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Commented [KH19]: Defined in the subdivision regulations.

Commented [KH20]: Unnecessary definition, not used in the Zoning Regulations and synonymous with inoperable vehicle

Commented [KH21]: Defined in the subdivision regulations.

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~~Plat. A drawing/map by a professional surveyor of a tract of land that has been lawfully subdivided meeting the criteria established in the subdivision regulations and duly recorded in the office of the register of deeds of Sedgwick County.~~

Commented [KH22]: Defined in the subdivision regulations.

Porch. Means a~~A~~ roofed structure projecting from a ~~building~~building and separated from the building by the walls thereof and having no enclosing features except roof supports, ~~and open~~ railing, and screen wire.

~~Public way. Any parcel of land unobstructed from the ground to the sky, more than 10 feet in width, appropriated to the free passage of the general public.~~

302.Q.

302.R.

Regulations. Means the City of Haysville Planning and Zoning Regulations.

~~Replat. The re-subdivision of a tract of land that has previously been lawfully subdivided and a plat of such prior subdivision duly recorded.~~

Commented [KH23]: Defined in the subdivision regulations

302.S.

Salvage material. Means material, including but not limited to, scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, playground equipment, old or used machinery of any type, used tools, used appliances, used fixtures, used furniture, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automotive parts, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Screening. Means f~~F~~encing, evergreen vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fences, evergreen vegetation or berms. Appropriate screening materials do not include mesh privacy screens.

Solid screening~~. Solid.~~ Means a solid barrier of 90 to 100 percent opacity made from wood, vinyl, landscaped earth berms, masonry, or other similar materials, including brick, stone, architectural tile, or a combination of these materials erected to enclose, screen, or separate areas from adjacent views. Appropriate materials do not include mesh privacy screens.

Example of 90% Opacity of Screening

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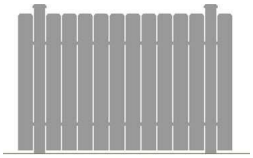

Setback. Means t~~T~~he minimum distance that is required by these regulations ~~is Code~~ between a structure~~Principal Structure or Accessory Structure~~ and the ~~property~~ lot line of the l~~L~~ot on which the s~~S~~tructure is located. ~~(Note: The term Setback refers to a required minimum area, while the term Yard refers to the actual open area.)~~

Front yard s~~S~~etback~~, front~~. Means a s~~S~~etback that is to extend across the full width of the l~~L~~ot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the l~~L~~ot.

~~Setback, interior side. Means a Setback that is to extend from the street right-of-way line to the rear Lot line along the side of a Lot that is contiguous or abutting another Lot, the required depth of which is measured as the minimum horizontal distance between the side Lot line and a line parallel thereto on the Lot.~~

Rear yard s~~S~~etback~~, rear~~. Means a ~~Setback~~setback that is to extend across the full width of a l~~L~~ot, the required depth of which is measured as the minimum horizontal distance between the rear l~~L~~ot l~~L~~ine and a line parallel thereto on the l~~L~~ot.

Side yard setback. Means a setback that is to extend from the front lot line to the rear lot line along the side of a lot that is contiguous or abutting another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Street yard setback~~, street side~~. Means a Setback that is to extend from the front Lot Line to the rear Lot Line along the side of a Lot that is abutting a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side Lot Line and a line parallel thereto on the Lot.

Sexually oriented business. See adult entertainment.

~~Signs. As defined by Appendix D, Haysville Municipal Code.~~

Commented [KH24]: Defined in the sign regulations.

Sight triangle or~~/~~ v~~V~~ision t~~T~~riangle. Means the unobstructed, triangular area located at the intersection of two streets or a street and a driveway; two sides of which are measured from their corner intersection for a distance specified based on roadway speed. The third side is a line across the corner of the lot adjoining the ends of the two sides. ~~A triangular area on a lot that is located adjacent to the area where two streets intersect. The triangle has two sides measured from the center of right-of-way, and a third side across the lot which connects the ends of the two sides. In all districts, the two lot lines~~

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~~establishing the sight triangle shall be a minimum distance of 60 feet. However, such standards may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation or intensity of traffic volumes or speed. At street intersections, which are provided automatic traffic signalization, the Administrative Committee may modify or waive the sight triangle restrictions. The Zoning Administrator or City Inspector shall determine, upon request, the location of any sight triangle. (Code 2023)~~

Obstruction. Means any object within the sight triangle that is between three and eight feet above ground level and would therefor obstruct the driver's view of an approaching vehicle. Obstructions in sight triangles may include, but are not limited to, buildings, vehicles, signs, hedges, trees, bushes, tall crops, walls, or fences.

Example of a sight triangle.

~~Single-Family. Means the use of a lot for only one detached principal dwelling unit, excluding a structure used as a group residence, that may be a residential design manufactured home but shall not be a mobile home.~~

Site plan. Means a plan that outlines the use and development of any tract of land.

Street furniture. Means objects placed in public or semi-public spaces to provide comfort, direction, safety, and convenience. The various types of street furniture include, but are not limited to, benches and other seating, planters, bollards, bicycle stands, litter bins, bus shelters, mail boxes, street lights, and wayfinding signage.

Story. Means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined here in for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such useable or unused under-floor space shall be considered to be a story.

Commented [KH25]: Added to clarify that planters are included in street furniture when it comes to the commercial and mixed use zoning districts and their allowances within the front yard.

Commented [KH26]: Added for clarification when it comes to the MU-R district and the location of commercial uses.

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~~Street. A thoroughfare, whether public or private, 25 feet or more in width. For the purpose of this chapter, the word "street" shall include the words "road," "highway," "boulevard," "avenue," etc.~~

~~Residential street. Any street designed primarily to provide access to abutting property to include lanes, drives, circles, boulevards, or any other designation that might be given to such streets.~~

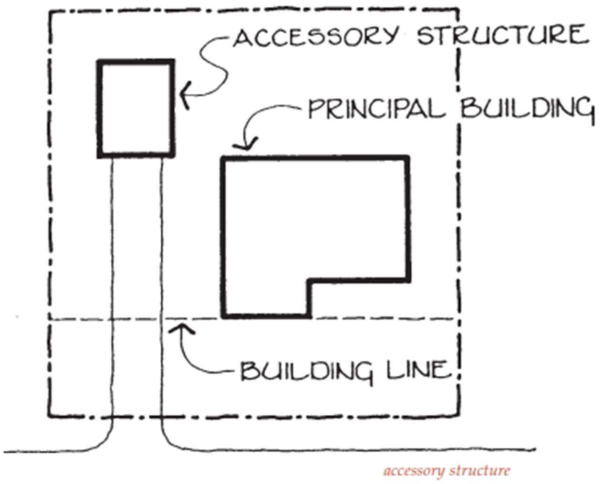
~~Road or roadway. The paved or improved area existing on the street right-of-way exclusive of sidewalks, driveways or related uses.~~

~~Sub collector. Any street designed to provide passage to residential streets and convey traffic to collector streets or through traffic to lower order streets.~~

Commented [KH27]: Defined in the subdivision regulations.

~~Street lines. A property line identified between a parcel of land and the street right of way.~~

Structure ~~(as defined in the 2018 INTERNATIONAL BUILDING CODE)or building.~~. Means that which is built or constructed. For the purpose of these regulations, all buildings shall be considered structures; however, not all structures shall be considered buildings. ~~Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.~~ Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.



accessory structure

Accessory structure. Means a structure that is subordinate to and serves a principal building or structure; is subordinate in purpose, floor area, and height to the principal building or structure served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure served; and is located on the same zoning lot as the principal building or structure. A pool, or a below grade substructure, shall be considered an accessory structure. ~~Attached structure. Means any building or structure that is physically connected to another by means of the walls or roof touching.~~

Commented [KH28]: Unnecessary definition, term not used in Zoning Regulations

Auxiliary structure. Means an accessory structure that does not exceed 99 square feet in size or any other accessory structure that does not require a building permit. Such structures may be built on a substandard permanent foundation. A portable metal storage shed on a concrete slab with modified footings, a gazebo and a dog house are all examples of auxiliary structures.

Principal structure. Means a structure in which the principal use of the site is conducted.

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Temporary structure. Means a partially or completely assembled structure constructed and designed to be reused multiple times and transported to different building sites. Temporary structures includes buildings, offices, sheds, warehouses or open-air storage used temporarily by building contractors for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, principal buildings, or other development or community facilities; tents; and other similar structures.

~~Subdivider. The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of the subdivision regulations for the purpose of subdividing land.~~

~~Subdivision. Any division or redivision of land by means of mapping, platting, conveying, changing, or rearranging of boundaries, or otherwise, and shall also relate to the process of subdividing or other land subdivided, where appropriate to the context.~~

Commented [KH29]: Defined in the subdivision regulations.

~~Tattooing and Body Piercing Facility. Means any room or space, or part thereof, where the act of tattooing, body piercing, or permanent color technology is conducted.~~

Commented [KH30]: This is considered a personal improvement service and does not need its own definition

302.T.

Transient g~~G~~uest. Means a person who occupies a short-term residential rental, hotel or motel for not more than twenty-eight ~~(28)~~ consecutive days.

302.U.

Use~~, principal.~~ Means t~~T~~he ~~main and primary~~ purpose for which land or a building or ~~structure~~structure is designed, arranged or intended, or for which either land or a building or structure ~~it~~ may be occupied or maintained under these regulations~~is ordinance~~.

Accessory use. Means a use that is subordinate to and serves a principal use; is subordinate in purpose to the principal use served; contributes to the comfort, convenience, or necessity of the occupants of the principal use served; is located on the same lot as the principal use; but is not an incidental use.

Conditional use. Means a use allowed in accordance with certain procedures and standards of these regulations.

Incidental use. Means a use that occurs as a result of, or in connection with, a principal use.

Principal use. Means the main and primary use of land, a building or structure.

302.V.

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Variance. Means ~~To~~ authorization by the Board of Zoning Appeals,~~e~~ in specific cases, a deviation from the specific terms of these regulations ~~zoning ordinance~~, which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of these regulations ~~e zoning ordinance~~ will, in an individual case, result in unnecessary hardship, and provided the spirit of these regulations ~~zoning ordinance~~ shall be observed, public safety and welfare secured and substantial justice done.

Vehicle. Shall mean any commercial vehicle, inoperable vehicle, motor vehicle, passenger vehicle, or recreational vehicle as defined herein.

Commercial v~~V~~ehicle~~, Commercial~~. Means any truck, van, panel truck, delivery van, t~~T~~railer, semitrailer or pole trailer drawn or designed to be drawn by a m~~M~~otor v~~V~~ehicle, which vehicle was designed, used and/or maintained for the transportation of more than ten persons or the delivery of property for hire, compensation, profit or in the furtherance of any commercial enterprise.

Inoperable v~~V~~ehicle~~, Inoperable~~. Means any vehicle that is unable to operate or move under its own power. It shall also mean any m~~M~~otor v~~V~~ehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition that includes having no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts, cannot be operated in a normal, and safe manner. It shall also mean any vehicle with an absence of display of current registration. An i~~I~~noperable v~~V~~ehicle shall not include vehicles needing only the inflation of tires, the installation of a battery or the addition of fuel in order to operate. An ~~In the City, an~~ i~~I~~noperable v~~V~~ehicle shall also include any v~~V~~ehicle with uninflated tires, or otherwise meeting the definition of nuisance automobile ~~Inoperable Vehicle~~ in ~~Chapter~~ CHAPTER 8 of the Code of the City of Haysville.

Motor v~~V~~ehicle~~, Motor~~. Means every motorized vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. ~~See Vehicle, Commercial and Vehicle, Passenger.~~

Passenger v~~V~~ehicle~~, Passenger~~. Means a m~~M~~otor v~~V~~ehicle that is designed primarily to carry ten or fewer passengers, and that is not used as a c~~C~~ommercial v~~V~~ehicle.

Recreational v~~V~~ehicle~~, Recreational~~. Means a unit designed as temporary living quarters for recreational,

camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a m~~M~~otor v~~V~~ehicle. Recreational v~~V~~ehicle shall include ~~motor homes,~~ travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar units as determined by the Zoning Administrator. A r~~R~~ecreational v~~V~~ehicle may or may not include individual toilet and bath.

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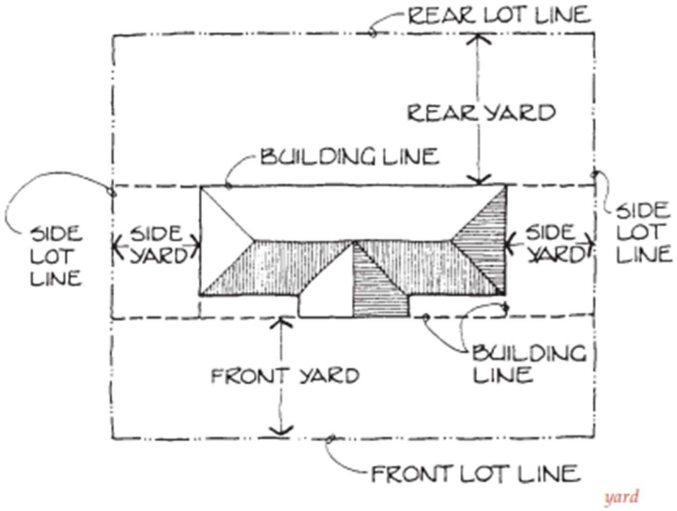
302.W.

302.X.

302.Y.



Yard. Means a~~A~~n open space, other than a court, on the same ~~lot~~lot with a ~~building~~building or group of buildings, which open space lies between the building or group of buildings and the nearest ~~lot~~lot line, is unoccupied and unobstructed from the ground upward, except as provided in these regulations~~is chapter~~.

Front yard. Means a~~A~~ yard extending across the full width of the ~~lot~~lot, the depth of which is the minimum horizontal distance between the front ~~property~~ lot line and the ~~building~~building line. ~~On corner lots, the street address shall determine the primary front yard requirement which shall have the required front yard depth. The subordinate front yard shall have no less than fifteen (15) feet.~~

Rear yard. Means a~~A~~ yard extending across the full width of the ~~lot~~lot between the nearest rear main ~~building~~building and the rear ~~lot~~lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines. ~~In case of through lots and corner lots there will be no rear yards, but only front and side yards.~~

Side yard. Means a yard extending f~~F~~rom the front yard to the point of intersection of the rear yard or ~~property~~ lot line ~~,~~ when no rear yard exists.

Street yard. ~~The area of a lot~~Means a yard~~,~~ which lies between the property line abutting a street and the street wall line of the ~~building~~building. If a building has a rounded street wall or if the building is on an irregular-shaped lot, wall lines extending parallel to the street wall from the points of the wall closest to the side property lines shall be used to define the limits of the street yard.

Commented [KH31]: This was added to Article 4. General Regulations

Commented [KH32]: This was added to Article 4. General Regulations

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302.Z.

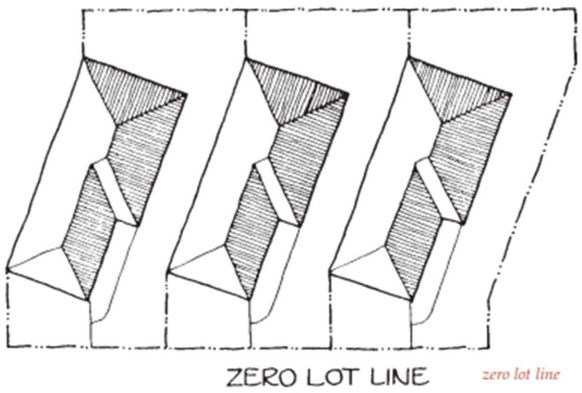
Zero lot line. Means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning (as defined by K.S.A. 12-742). Means the regulation or restriction of the location and uses of buildings and uses of land.

Zoning lot. Means a parcel of land that is designated by its owner or developer as a tract, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:

1) A single lot of record;
2) A portion of a lot of record; or
3) A combination of complete lots of records, complete lots and portions of lots of record, or portions of lots of record.

Commented [KH33]: The term/definition was recommended to be added by the city engineer/on-call planner. The definition was taken from the City's landscaping regulations.



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~~DRAFT~~

~~ARTICLE~~ ARTICLE 4~~3.~~
~~GENERAL REGULATIONS~~GENERAL REGULATIONS

SECTION 4~~3~~01. ~~BASE DISTRICTS~~BASE DISTRICTS.

401.A. GENERAL. The z~~Z~~oning d~~D~~istricts 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 z~~Z~~oning d~~D~~istrict. All land in the C~~c~~ity has a b~~B~~ase d~~D~~istrict classification. Base d~~D~~istrict regulations control the types of uses allowed and the way in which uses, and buildings may be developed on a site. The b~~B~~ase d~~D~~istrict regulations are the default regulations~~; t~~ ~~t~~hey always control unless expressly overridden by or pursuant to any applicable Overlay Zoning District regulations.

401.B. BASE DISTRICTS ESTABLISHED. The base d~~D~~istricts 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
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;~~

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~~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.

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

402.A. OFFICIAL ZONING MAP. ~~-~~Boundaries of the base zoning districts set out in SECTION~~Section 4301~~0 are hereby established as shown on the map designated as the "O~~o~~fficial Z~~z~~oning M~~m~~ap." 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 C~~c~~ity C~~c~~lerk to keep in file in his or her office an authentic copy of the map, and all chan~~r~~ges, amendments or additions thereto.~~, and~~ D~~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 Z~~z~~oning ~~district~~ M~~m~~ap," 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 Z~~z~~oning A~~a~~dministrator, 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 Z~~z~~oning ~~district~~ M~~m~~ap," the Z~~z~~oning A~~a~~dministrator 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.

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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.A~~E~~. ZONING DISTRICT. ~~—~~All land hereafter annexed shall be classified as ~~SF15~~SF-15, ~~SF~~SF-5 or ~~SFZ~~SF-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 t~~he ~~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.~~

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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.

Table 404.D. Use Chart.
Table 404.D. to be inserted here after adoption

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).** 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

Commented [KH3]: New special use conditions were added due to potential legislative changes at the state level that could make ADUs a permitted use in all residentially zoned districts.

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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 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.

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

~~a.~~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.

2. **Public and civic uses.**

a. **Recycling collection station, private and public.** Public and private recycling collection stations shall be permitted by right 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 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-way~~s 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.

Commented [KH4]: Language added to clarify the meaing behind "adequately" and "solidly" screened in regards to fence height.

3. **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 by right, 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

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established within 200 feet of any microbrewery after the premises have been established; and

~~c.~~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 by right provided that solid screening, in addition to the landscape buffer required in accordance with APPENDIX E, SECTION 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 by right 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.

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

~~e.~~i. Liquids, not to exceed one 300 gallon drum;

~~f.~~ii. Tires, to be stored in a container not to exceed 100 square feet located at least 18 inches off the ground; and

~~g.~~iii. Scrap metal, to be in a container not to exceed 100 square feet.

~~h.~~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.

~~i.~~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;

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~~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;

~~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.

4. **Industrial, manufacturing and extractive uses.**

a. **Freight and/or truck terminal.** Freight and/or truck terminals shall be permitted by right 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.

~~j.~~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.~~ .

~~k.~~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.

5. **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

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maintenance of buildings thereon so long as such buildings are used for agricultural purposes.

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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.

~~1.~~ 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. Corner lots shall have side yards along the secondary frontage.

Commented [KH5]: Moved here from 405.J. Setbacks section.

~~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 ~~9~~6.

~~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.~~

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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, SECTION 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.~~

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, SECTION 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, SECTION 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.)~~

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

2.

~~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.~~

~~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~~

Commented [KH6]: Added to match provisions regulations as listed in the Landscaping Regulations.

Commented [KH7]: K.S.A. 757a and K.S.A. 74-623 restrict the city's ability to regulate mining activities.

Commented [KH8]: K.S.A. 12-763 restricts the city's ability to regulate manufactured homes.

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~~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 [KH9]: 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.

~~1.~~

~~2. 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.

~~J.~~**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, SECTION 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.

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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, 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.

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SECTION ~~304 ACCESSORY USES AND STRUCTURES, ALL DISTRICTS~~407. ACCESSORY USES AND STRUCTURES; ALL DISTRICTS.

407.A. ~~ACCESSORY~~ USE~~S~~ STANDARDS; ACCESSORY STRUCTURES~~AND STRUCTURES~~. Accessory uses and structures are p~~Are p~~ermitted in connection with any lawfully established p~~P~~rincipal u~~U~~se 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. **Side and rear setback.** Accessory structures m~~M~~ust meet district accessory setback requirements, as prescribed in TABLE 407.B.
3. ~~1.~~**Corner lot setback.** Accessory structures shall not be located nearer to the primary frontage than the principal structure and must meet the district setback requirements for the secondary frontage.
4. ~~2.~~ **Location.** Accessory structures may~~Can~~ only be located in the side or rear yards, as prescribed in TABLE 407.B.
5. ~~3.~~ **Building separation.** Unless attached to the principal structure, accessory structures s~~S~~hall ~~not~~ be located ~~closer~~ at least ~~than~~ three feet from the primary structure.
6. ~~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.
7.
8. ~~5.~~ **Easements.** Accessory structures s~~S~~hall 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	✓	
HMC	3	3		
HC	3[1]	3[1]	✓	
LI	3[1]	3[1]	✓	

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HI	3[1]	3[1]	✓	

1. Setbacks shall be 6 feet for combustible structures.

~~**B. 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 [KH10]: 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.

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Table 404.D. Use Chart.

Use Type	SF-15	SF-5	SF-3Z	TH	TF	MF4	MFA	MH	LC	HMC	HC	LI	HI	Special Use Standards
Zoning Districts														
Residential														
Accessory Dwelling Unit (ADU)~~Apartment~~	C	C	C	C	C	C	C	C	C	C	~~C~~	~~C~~	~~C~~	See 404.E.1.a
Assisted Living	~~C~~	C	C	C	C	P~~C~~	P	C	C/P ~~C~~	P				See 602.F.2
Group Home	P	P	P	P	P	P	P	P	C					See 404.E.1.b
Group Residence, Limited	~~C~~	~~C~~			C	P~~C~~	P	P	C/P	P	~~P~~			See 602.F.2
Group Residence, General						P	P~~C~~	P	C/P	P	~~P~~			See 602.F.2
Live-Work							P		P	P				
Manufactured Home, Residential-Design	P	P	P	P				P						See 404.E.1.d
Manufactured Home								P						See 404.E.1.c
Multi-Family					~~C~~	C	P		C/P	P				See 602.F.2
Single-Family	P	P	P	P	P	P	C~~P~~	P						
Two-Family	C	C	C	C	P	P	P							
Three and Four-Family					C	P	P		C/P	P				See 602.F.2
Public and Civic														
Auditorium or Stadium							~~C~~		P	P~~C~~	P	P	P	
Cemetery	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	
Community Assembly	C	P	P	P	P	P	P		P~~C~~	P	P	P	P	
Correctional Facility											C	C	C	
Correctional Placement Residence, Limited									C		C	C	C	
Correction Placement Residence, General											C	C	C	
Day Care~~, Limited~~	P	P	P	P	P	P	P	P	P	P	P	P	P	
~~Day Care, General~~					~~C~~	~~C~~	~~C~~	~~C~~	~~P~~					-
Day Reporting Center									C	C	C	C	C	
Golf Course	C~~P~~	C~~P~~	C	C	C~~P~~	C~~P~~	C~~P~~	C	C	C	C	C	C	
Government Service	P~~C~~	P~~C~~	P	P	P~~C~~	P~~C~~	P~~C~~	P	P	P	P	P	P	
Hospital	~~C~~					~~P~~	P		P~~C~~	P	P	P	P	
Library		P	P	P	P	P	P	P	P	P	P	P	P	
Neighborhood Swimming Pool	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P	P	P	P	P	
Nursing Facility		C	C	C	C	P~~C~~	P	C	P	P				
Parks and Recreation	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	P	P	P	P	P	See 404.E.2.a
Recycling Collection Station, Public							C	C	C	C	P	P	P	See 404.E.2.a
Recycling Processing Center											P	P	P	~~Provided any operation that is not entirely conducted within an enclosed building shall be required to place all items stored on an all-weather surface and must be screened from adjacent properties and~~

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														~~any public roadway.~~See 404.E.2.b
Renewable Energy System														
Reverse Vending Machine							P	P	P	P	P	P	P	
Safety Service	C	C	C	C	C	C	C	C	P	C	P	P	P	
School, Elementary, Middle & High	C~~P~~	C	C	C	P~~C~~	P~~C~~	P~~C~~							
University or College	C	C	C	C	C	P	P		C	C	C	C	C	
Utility, Major	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	
Commercial														
Adult Entertainment Establishment														
Airport or Airstrip												P~~C~~	P~~C~~	
Animal Care, Limited							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	See 404.E.3.a-
Bank or Financial Institution							P		P	P	P	P	P	
Bed and Breakfast Inn	P~~C~~	P~~C~~	C~~P~~	P	P	P	P~~C~~		P~~C~~	P				
Broadcast/Recording Studio							P		P	P	P	P	P	
Car Wash									C	C~~P~~	P	P	P	
Construction Sales and Service									P	P	P	P	P	~~Provided materials and equipment are prohibited in the front setback, all material on premises of the outside storage area shall be located on a hard or all-weather surface and arranged to permit reasonable inspection and access to all parts of the premises by fire, police, and city authorities and must be screened from adjacent properties. Rock, decorative pavers or statues, and any live plant materials shall not require all weather surface but shall be kept in an orderly manner and must still meet screening requirements.~~See 404.E.3.b
Convenience Store							C		C	P	P	P	P	
Entertainment Establishment						P	P~~C~~		P	P	P	P	P	
Event Center	C					P	P~~C~~		P	P	P	P	P	
Farmer's Market	P	C~~P~~							P	P	P	P	P	

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Funeral Home									P					
Heliport	~~C~~										~~C~~	~~P~~C	~~C~~P	
Hotel or Motel							C		C	P	P	P	P	
Kennel, Hobby									P	P	P	P	P	
Kennel, Boarding/Breeding/Training							P		P	P	P	P	P	
~~Marine Facility, Recreational~~	~~C~~										~~P~~	~~P~~		
Medical Service							P		P	P	P	P	P	
Microbrewery	~~C~~								P	P	P	P	P	See 404.E.3.c~~.~~
Mobile Food Unit							P		P	P	P	P	P	
Monument Sales											P	P	P	
Nightclub							P		P	P	P	P	P	
Nurseries and Garden Centers							P		P	P	P	P	P	
Office, General							P		~~C~~P	P	P	P	P	
~~Parking Area and/or Accessory Drive, Ancillary~~Parking Area, Accessory	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	C	C	C	C	C	C	C	C	
Parking Area, Commercial							C		C	C	C	C	C	
Pawnshop							P		P	P	P	P	P	
Personal Care Service							P		P	P	P	P	P	
Personal Improvement Service							~~C~~P		P	P	P	P	P	
Post Office Substation							P		P	P	P	P	P	
~~Printing and Copying, Limited~~									~~P~~					
Printing and Publishing, General							P		P	P	P	P	P	
Recreation and Entertainment, Indoor							P		P	P	P	P	P	
Recreation & Entertainment, Outdoor	~~P~~						P		P	P	P	P	P	
Recreational Vehicle Campground	C										C	P	P	~~Solid screening required when adjacent to less intensive zoning district.~~See 404.E.3.d
Restaurant							P		P	P	P	P	P	
Retail, General							~~C~~P		P	P	P	P	P	
Retail Fulfillment Center									P	P	P	P	P	See 404.E.3.e
Riding Academy or Stable	~~C~~										P	P	P	
Rodeo	~~C~~										P	P	P	
Secondhand Store							P		P	P	P	P	P	
Service Station										P	P	P	P	~~Outside storage of recyclable materials: i. Liquids, not to exceed one 300-gallon drum; ii. Tires, to be stored in a container not to exceed 100 cu. ft. located at least 18" off the ground; and iii. Scrap metal, to be in a container not to exceed 100 cu. ft.~~See 404.E.3.f
Short-term Residential Rental	P	P	P	P	P	P	P		P					See 404.E.3.g~~Permit required.~~
Tavern and Drinking Establishment							P~~C~~		P	P	P~~C~~	~~C~~P	P	-

Commented [KH1]: BZA Case 2026-001 classified online auction houses as retail fulfillment centers.

Commented [KH2]: 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.

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Teen Club							P~~C~~		P	P	P	P	P	-
Vehicle and Equipment Sales, Outdoor										P	P~~C~~	P	P	~~Provided all vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on an all-weather surface; and loading/unloading of vehicles takes place off of public streets.~~See 404.E.3.h
Vehicle Repair, Limited									C	P	P~~C~~	P	P	-
Vehicle Repair, General											P~~C~~	P	P	~~Provided no inoperable vehicle storage for more than 45 days.~~See 404.E.3.i
Vocational School	C	C	C	C	C	C	C	C	C	C	C~~P~~	C~~P~~	C~~P~~	
Warehouse, Self-Service Storage											C	C	C~~P~~	
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~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P	P	P	P	P	
Asphalt or Concrete Plant, General												P	P	
Basic Industry												P~~C~~	P	
Construction Burn Site, Limited	P	P	P	P	P	P	P	P	P	P	P	P~~C~~	P	
Construction Burn Site, General	C	C	C	C	C	C	C	C	C	C	C	C	P	
Freight and/or Truck Terminal												P~~C~~	P	
Gas and/or Fuel Storage and Sales												P~~C~~	P	
Hazardous Operations													C	
Landfill													C	
Manufacturing, ~~Limited~~Light							P		P~~C~~	P	P	P	P	~~Provided all manufacturing is conducted wholly within a completely enclosed building.~~See 404.E.4.a
Manufacturing, Medium											P	P	P	
Manufacturing, ~~General~~Heavy											~~C~~	P	P	~~Provided all manufacturing is conducted wholly within a completely enclosed building.~~
Mining or Quarrying	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	P~~C~~	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	P	

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Rock Crushing	C	C	C	C	C	C	C	C	C	C	C	C	C	
Solid Waste Incinerator	~~C~~	~~C~~			~~C~~	~~C~~	~~C~~		~~C~~		~~C~~	C~~P~~	C~~P~~	
Storage, Outdoor												C	P	~~Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway.~~See 404.E.4.c
Transfer Station												P	P~~C~~	
Vehicle Storage Yard												C	P~~C~~	~~Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway. Storage of inoperable vehicles (45 days) is not allowed~~See 404.E.4.d
Warehousing											P	P	P	
Welding or Machine Shop											P	P	P	~~Provided if this use abuts residential, the area is screened by a minimum six-foot-tall opaque screen.~~
Wholesale or Business Services											P	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	P	
Grain Storage	P										P	P	P	

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ARTICLE 54
RESIDENTIAL ZONING DISTRICTS

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

501.A. PURPOSE. The purpose of this~~is~~ 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		
87,120	15,000[1]	75	100	25	5~~6~~	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 m~~M~~aximum building height shall be 45 feet if the structure is located at least 25 feet from all lot lines. There is n~~N~~o 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, SECTION 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, SECTION 501.

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.).

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

Commented [KH3]: The minimum density that can support city infrastructure (generally) is 1 dwelling unit per two acres. The maximum lot area caps the lot size at two acres.

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501.F. ~~–~~SPECIAL ~~"~~SF-15~~"~~ ~~DD~~ISTRICT 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~~z~~oning A~~a~~dministrator.

~~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 C~~c~~ity 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 [KH4]: Private water supply, i.e., wells, do not require large amounts of space.

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

x. ~~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. ~~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.

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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.

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~~6,000~~	45~~50~~	80~~90~~	20~~25~~	5~~6~~	~~15~~10	10~~20~~	45[1]	600

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

502.D.
PARKING REGULATIONS.~~:~~ See ~~APPENDIX~~APPENDIX E, SECTION 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, SECTION 501.

Commented [KH5]: OVERVIEW: The dimensional standards were changed to reduce lot size, width, depth, and setbacks.

Commented [KH6]: The lot sizes were adjusted to consider the City's existing subdivisions. The oldest subdivisions in the City were platted prior to adopting Zoning Regulations, and, as a result, many are nonconforming lots under our current regulations. We are making the regulations on nonconformities stricter with this zoning update, so it's best to eliminate the residential nonconforming lots.

Commented [KH7R6]: Additionally, the 2025 Community and Economic Development Survey identified a need for smaller lot homes, or patio homes. The rental community, as identified in the 2023 Housing Assessment, needs smaller homes as well.

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SECTION 503. SF-3Z ~~/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~~A~~ minimum distance of 5~~10~~ feet shall be required ~~between structures~~.
2. ~~1.~~2. Heights for conditional uses shall be determined as part of the conditional use approval.

503.D. PARKING REGULATIONS. See APPENDIX E, SECTION 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, SECTION 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 [KH8]: 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 [KH9]: Matching SF-5 requirement

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SECTION 504. TH TINY HOME RESIDENTIAL DISTRICT

Commented [KH10]: No changes were made to this section. Any redline is the cause of reformatting the section, rewording some lines, and moving the parking regulations.

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~~A~~ll properties shall have an approach per the Standard Drive Entrance requirements with an amended minimum width being 10 feet~~'~~. See ~~Appendix~~APPENDIX E, ~~Section~~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 8½'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, SECTION 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: S~~hall, 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.

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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.

Commented [KH11]: The section references for the International Residential Code on tiny homes have changed.

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.

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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

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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.

~~l.~~ 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 c~~onsidered private and maintained by the homeowner's association;
2. C~~, shall be c~~onstructed 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.

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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		
Single-Family	2,750~~6,000~~	25~~50~~	80~~90~~	20~~25~~	0[1]~~6~~	10	10~~20~~	45~~35~~[2]	600
Stacked Two-Family	4,500	45	80	20	5				
Side-by-Side Two-Family	6,050	55	80	20	5				
Non-Residential	5,000	45	80	20	5				

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.

505.D. PARKING REGULATIONS. See ~~Appendix~~APPENDIX E, SECTION 500.

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

Commented [KH12]: 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 [KH13]: Matching SF-5 requirement.

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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		
Single-Family	2,7506,000	2550	8090	2025	06[1]	1510	1020	4535[2]	600
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				
Fourplex	7,800	60	80	20	5				
Non-Residential	5,000	35	80	20	5				

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.

506.D. PARKING REGULATIONS. See ~~Appendix~~APPENDIX E, SECTION 500.

506.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

Commented [KH14]: 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 [KH15]: Matching SF-5 requirement

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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, SECTION 500.

507.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 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

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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.

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e.c.

2. **Recreations, lLandscape, and sScreening**

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.

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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		
Single-Family	2,750	25	80	20	0[1]	~~15~~10	10~~20~~	55[2]	See 601.F.1
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				
Fourplex	7,800	60	80	20	5				
Multiplex	10,000~~6,000~~	80~~50~~	80~~90~~	20~~25~~	5~~6~~				
Apartment	14,175	105	80	10	0[1]				

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Live-Work	3,150	35	80	10	0[1]				

1. 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.
2.

601.D~~E~~. PARKING REGULATIONS.~~:~~ See ~~Appendix~~APPENDIX E, SECTION 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, SECTION 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.
   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:

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.

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.

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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 [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).

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SECTION 602. MU-~~L~~C MIXED USE ~~LIGHT~~ 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				Maximum building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Non-Residential	~~6,000~~3,150	35~~50~~	80~~90~~	10	0[1]~~6~~	10	10	55~~45~~[2]	See 601.F.1
Triplex	5,175	45	80	15	5				
Fourplex	7,800	60	80	15	5				
Multiplex	10,000	80	80	15	5				
Apartment	14,175	105	80	10	0[1]				
Live-Work	3,150	35	80	10	0[1]				

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.

602.D. PARKING REGULATIONS. See ~~Appendix~~APPENDIX E, SECTION 501 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~~APPENDIX E, SECTION 501.

Commented [KH6]: Moving to before HMC in heirarchy. HMC is for larger lot development than MU-C.

Commented [KH7]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

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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 existing non-residential buildings or units shall be demolished or converted to be reused as residential uses except as approved by the Planning Commission following the Conditional Use procedures in SECTION 1002.
3. 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.
4. 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 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 [KH8]: 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 [KH9]: Respondents prioritized shade in pedestrian areas in the South Meridian Corridor Plan (page 60).

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SECTION 603. HMC HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS

603.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.*

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 dimensional 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. 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.

603.D~~E~~. ~~——~~PARKING REGULATIONS.~~:~~ See APPENDIX E, SECTION 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.

Commented [KH10]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

603.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

603.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.

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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. ~~T~~he 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.

603.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.

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1. It is recommended that the primary entrance to the principal structure face the street.
2. It is recommended that 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 [KH11]: 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.

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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 [KH12]: 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.

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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.

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SECTION 604. HC HEAVY COMMERCIAL DISTRICT REGULATIONS

604.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.*

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 following 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.

604.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	8090	2035	10[1]	2035	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.~~ **604.D. PARKING REGULATIONS.** See APPENDIX E, SECTION 500 for the full parking regulations.

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

Commented [KH13]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

604.E. LANDSCAPING REGULATIONS. See APPENDIX E, SECTION 501.

604.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 o~~O~~utdoor operations, display ~~and~~ or storage ~~are~~ is ~~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.

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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~~or~~ 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.

604.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 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 [KH14]: 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.

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ARTICLE 7
INDUSTRIAL ZONING DISTRICTS

SECTION 701. LI LIGHT INDUSTRIAL DISTRICT REGULATIONS

701.A. PURPOSE.
This district is intended for light industrial businesses which are consistent with the capacity and availability of public and private utility services, and which do not require large amounts of land, generate large amounts of traffic, or create environmental problems in the way of odor, smoke, dust, glare, vibration or sound. This district is generally compatible with the "Commercial Mixed Use" and "Industrial" designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan.*

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

701.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 701.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 701.C. LI 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	60	90	35	10[1]	35	20	None

~~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 in the rear on at least two sides of the building.
~~2. Heights for conditional uses shall be determined as part of the conditional use approval.~~
~~3.~~1.

701.D. PARKING REGULATIONS. See ~~Appendix~~APPENDIX E, ~~Section~~SECTION 500.

701.E. LANDSCAPING REGULATIONS. See ~~Appendix~~APPENDIX E, ~~Section~~SECTION 501.

701.F. SPECIAL LI DISTRICT REGULATIONS. The following special regulations shall apply to all property in the LI District, except as otherwise allowed or approved in accordance with these regulations.

1. No o~~O~~utdoor operations, display, ~~and~~ or storage is ~~prohibited~~ permitted within the front yard ~~setback~~, except as provided for below:~~.~~
    a. Required and accessory customer and employee vehicle parking and parking for vehicles

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used in conjunction with the business occupying the zoning lot is permitted in the front yard.

b. If the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may be located on hard surface areas within the front yard.

~~a.~~c. Outdoor display and storage may be allowed in the front yard if items are stored immediately adjacent to the principal structure.

~~2. No required off-street parking space or loading space area shall be utilized for storage or the display of vehicles or items for sale.~~

2. All i~~I~~tems stored outdoors must be kept on an all-weather or hard surface.

3. All items stored outdoors, excluding those permitted by SECTION 701.F.1, shall not be visible ~~from any adjacent non-elevated street nor~~ from ground level view in any adjacent lot that is a lesser ~~ower intensity~~ zoning district or from ground level view of any adjacent collector or arterial street.~~and kept on an all-weather surface.~~

~~4. All business activities shall occur within fully enclosed structures or solid screened areas, except as otherwise allowed or approved in accordance with these regulations.~~

4. Operations or products ~~are~~ must not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

5. 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.

Commented [KH1]: Historically, parking regulations have required excess parking that is rarely fully utilized. Property owners should be allowed to exercise their own discretion on whether a parking space is needed or can be used for another purpose.

Commented [KH2]: Hard to enforce and unnecessary in one of the highest zoning districts.

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SECTION 702. HI HEAVY INDUSTRIAL DISTRICT REGULATIONS

702.A. PURPOSE. This district is intended for uses that have the potential of generating limited environmental impact, including but not specifically limited to the creation of odor, smoke, dust, glare, vibration, noise, and the use of dangerous and/or hazardous materials. This district is generally compatible with the "Industrial" designations on the Official Land Use Map adopted in the *City of Haysville Comprehensive Plan.*

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

702.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 702.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures.

Table 702.C. HI 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	100	100	35	~~1~~0[1]	35	~~2~~0[2]	None

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

1. If ~~zero lot line development is allowed~~a side yard is provided, a setback of not less than 5 feet shall be provided.
2. If a rear yard is provided, a setback of not less than 5 feet shall be provided. Additionally, if ~~or~~ any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided in the rear yard on at least two sides of the building.

~~2.~~

702.D. PARKING REGULATIONS. See ~~Appendix~~APPENDIX E, ~~Section~~SECTION 500.

702.E. LANDSCAPING REGULATIONS. See ~~Appendix~~APPENDIX E, ~~Section~~SECTION 501.

702.F. HI DISTRICT SPECIAL REGULATIONS. The following special regulations shall apply to all property in the HI District, except as allowed or approved in accordance with these regulations.

1. No o~~O~~utdoor operations, display, ~~and~~ or storage is ~~prohibited~~ permitted within the front yard ~~setback~~, except as provided for below:
    a. 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.
    b. If the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may be located on hard surface areas within the front yard.

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~~a.~~c. Outdoor display and storage may be allowed in the front yard if items are stored immediately adjacent to the principal structure.

~~1. No required off-street parking space or loading area shall be utilized for storage or the display of vehicles or items for sale.~~

2. All i~~I~~tems stored outdoors shall be kept on an all-weather or hard surface.

~~2.~~3. All items stored outdoors, excluding those permitted by SECTION 702.F.1, shall not be visible ~~from any adjacent non-elevated street nor~~ from ground level view in any adjacent lot that is a lesser~~ower intensity~~ zoning district or from ground level view of any adjacent collector or arterial street. ~~and kept on an all-weather surface.~~

~~3. All business activities shall occur within fully enclosed structures or solid screened areas, except as otherwise allowed or approved in accordance with these regulations.~~

~~4. Operations or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.~~

~~5.~~ 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.

~~6.~~4.

Commented [KH3]: Historically, parking regulations have required excess parking that is rarely fully utilized. Property owners should be allowed to exercise their own discretion on whether a parking space is needed or can be used for another purpose.

Commented [KH4]: Hard to enforce and unnecessary in the highest zoning district.

Commented [KH5]: This is the one zoning district where operations should be allowed to be objectionable.

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ARTICLE 8
SPECIAL ZONING DISTRICTS

SECTION 801. "P-O" PROTECTIVE OVERLAY DISTRICT REGULATIONS

~~A.~~

801.A. PURPOSE. The protective overlay district may be applied in combination with any base zoning district. By tailoring use or dimensional ~~property development~~ standards to individual projects or specific properties, the protective overlay district is intended to:

1. Eensure compatibility among incompatible or potentially incompatible land uses;
2. Eease the transition from one zoning district to another;
3. Aaddress sites or land uses with special requirements; and
4. ~~4. Gg~~uide development in unusual situations or unique circumstances.

4.

801.B. USE AND ~~PROPERTY DEVELOPMENT~~DIMENSIONAL STANDARDS. The protective overlay district, can be used to modify and restrict the use and ~~property development~~dimensional standards of an underlying base zoning district. All requirements of a protective overlay district are in addition to and supplement all other applicable standards and requirements of these regulations~~is Code~~. Restrictions and conditions imposed by a protective overlay district shall be limited to the following:

1. ~~prohibiting~~Prohibiting otherwise permitted or conditional uses and accessory uses; or making an otherwise permitted use a conditional use;
2. ~~decreasing~~Decreasing the number or average density of dwelling units that may be constructed on the site;
3. ~~increasing~~Increasing minimum lot size or lot width;
4. ~~increasing~~Increasing minimum setback requirements;
5. ~~restrictions~~Restrictions on access to abutting properties and nearby roads, including specific design features; and
6. ~~6. any~~Any other specific development standards required or authorized by these regulations~~is Code~~.

6.

801.C. METHOD OF ADOPTION. Restrictions imposed through a protective overlay district are considered part of t~~his zoning code text~~ hese regulations and accompanying map. All property included in a protective overlay district shall be identified on the "Official Zoning Map" by adding the letters "P-O" and a number to the base zoning district symbol. The number shall be assigned when the application is filed and numbers shall run consecutively beginning with number 1. The~~is~~ ordinance zoning or rezoning property to the protective overlay district shall specifically state the modifications imposed

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pursuant to ~~Section~~ SECTION 801.B~~417B~~ of these regulations~~is Code~~. The restrictions imposed shall be considered part of the text of these regulations~~is Code~~, and a violation of the restrictions shall be a violation of these regulations.~~is Code.~~

~~B.~~ **801.D. EFFECT OF PROTECTIVE OVERLAY DESIGNATION.** When the p~~P~~rotective overlay zoning designation is applied in combination with a base zoning district it shall always be considered to result in a more restrictive designation than if the base district did not have the protective overlay classification. In the event that the protective overlay designation was not originally requested as part of the rezoning application, but instead is added during the staff review or public hearing process, re-notification and re-~~-~~advertisement of the requested zoning change shall not be required.

SECTION 802. ~~"~~HD-O~~"~~ ORIGINAL TOWN HISTORIC OVERLAY DISTRICT REGULATIONS

~~C.~~ **802.A. PURPOSE**. The Original Town Historic Overlay District (HD-O) is intended to accommodate development and redevelopment within the area recognized as the Original Town of Haysville, while recreating the historical significance and unique qualities of the area. The design review provisions applicable within the HD-O are intended to preserve and recreate the area's special historic character. The HD-O district is an overlay district; property within the district shall comply with the overlay district regulations of this section and the standards of the underlying zoning district. In the case of conflict between the regulations in this section and those of the underlying zoning district, the regulations in this section shall prevail.

802.B. APPLICATION AREA. The officially recognized Original Town Historic Overlay District shall be classified as "District – HD-O – Historic District," and shall be used henceforth for purposes of recognizing all structures and real estate within the "Original Town" as part of a zoning overlay district. The official zoning map of the city of Haysville, Kansas shall be amended by this ordinance to clearly show the overlay area.

~~D.~~

Such overlay district shall consist of the following parcels of property:

1. Haysville Town Site (Original Town Plat);
2. Hays' 1st Addition;
3. W.E. Blaine 2nd Addition;
4. Solar Addition;
5. Metes and Bounds parcel ~~facing~~ southeast of the intersection of Grand Avenue and Main Street immediately to the ~~north~~east of the Haysville Town Site and ~~generally having the dimensions of 140 feet by 220 feet~~legally described as: beginning at a point 50 feet south and 679.17 feet east of the northwest corner of the northwest quarter of Section 5, Township 29 South, Range 1 East; thence west 33.96 feet; thence south 3.26 feet; thence southwesterly along a curve a distance of 142.09 feet; thence east 8.9 feet; thence south 40 feet; thence east 80 feet; thence north 170

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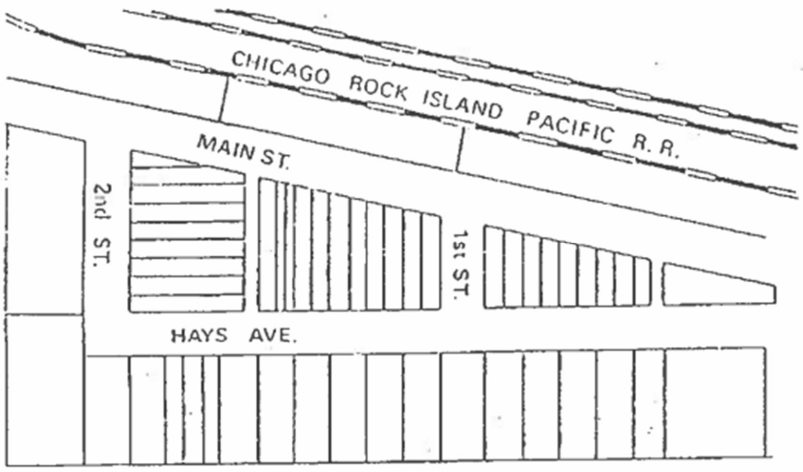
feet to the point of beginning;

~~5.~~6. Metes and bounds parcel southwest of the intersection of Grand Avenue and Main Street and immediately to the east of the Haysville Town Site and legally described as: beginning at a point 50 feet south and 459.17 feet east of the northwest corner of the northwest quarter of Section 5, Township 29 South, Range 1 East; thence east 86.04 feet; thence south 2.9 feet; thence southwesterly along a curve a distance of 104.72 feet; thence southwest 24.17 feet to the east line of Hays Street; thence north 80.74 feet to the point of beginning; and

7. Metes and Bounds parcel facing Main Street immediately south of the Solar Addition continuing to the s~~S~~outhern city l~~L~~imits.

Figure 802.B. Application Area



802.C. USE ~~REGULATIONS~~STANDARDS. The use ~~regulations~~ standards of this overlay district shall supplement and be in addition to the use ~~regulations~~ standards of the underlying districts. However, whenever an actual conflict arises between the language of the use ~~regulations~~ standards governing the underlying district and the language of this historic overlay district, the use ~~regulations~~standards of this overlay district shall prevail over the underlying district(s).

1. **Permitted Uses**. The following uses, as prescribed in TABLE 802.C, shall be allowed by-right in the HD-O district. These additional uses are intended to supplement those uses permitted by the regulations of the underlying district(s) that are not otherwise specifically included in SECTION 802.C.2 or 802.C.3.

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2. **Conditional Uses**. The following uses, as prescribed in TABLE 802.C, shall be allowed only as a conditional use in the HD-O district, regardless if said uses are stated as permitted uses in the underlying district(s).

3. **Prohibited Uses.** Unless determined by the Zoning Administrator to be keeping with the intent and purpose of this district and these regulations, all other uses not prescribed in TABLE 802.C shall be prohibited, regardless if said uses are stated as permitted or conditional uses in the underlying district(s). Such determination must be made with the concurrence of the Historic Committee.

Commented [KH1]: Adding in prohibited uses ensures that the other uses allowed in the LC district (underlying base district) aren't permitted by right but can be permitted if the Historic Committee so chooses.

Table 802.C. Use Standards

PERMITTED USES	
Bed and breakfast inn	Church or Place of Worship
Blacksmith shop	Farm and Art Market
Museum	Public park, playgrounds and community buildings
CONDITIONAL USES	
Printing press operations including newspaper presses, catalogs and bindery	Restaurant, including catering as an incidental use

~~a~~ **802.D. ~~HEIGHT REGULATIONS~~DIMENSIONAL STANDARDS**. ~~No building shall exceed two stories or 35 feet; except a church steeple may extend beyond this height.~~The dimensional standards of this overlay district shall supplement and be in addition to the dimensional standards of the underlying zoning district. However, whenever a conflict arises between the language of the dimensional standards governing the underlying district and the language of this historic overlay district, the dimensional standards of this overlay district shall prevail over the underlying district.

~~D.~~ **Table 802.D. Dimensional Standards (in feet, unless otherwise noted).~~~~AREA REGULATIONS.~~**

~~1. Lot Area Regulations:~~

~~a The minimum lot size requirements shall be waived.~~

~~b The minimum lot width requirement shall be waived.~~

~~2. Setbacks:~~

~~The minimum front setback shall be 35 feet from the centerline of the street.~~

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
None	*None*	*None*	35	0	0	0	35[1]

1. ~~1.~~ A church steeple may extend beyond this height.

802.E. ~~SPECIAL~~ PARKING REGULATIONS. The requirements of ~~Appendix~~APPENDIX E, SECTION 500 shall be waived.

~~E.~~ **802.F. LANDSCAPING REGULATIONS.** The requirements of APPENDIX E, SECTION 501 shall be waived.

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802.G. DESIGN REVIEW PROCEDURES.

1. **Applicability**. No permits involving alterations to building exteriors, or permits for signs, fences, sidewalks, driveways or demolition shall be issued by the Public Works Department for any structure or site located wholly or partially within the HD-O district until an application for such permit has been reviewed for compliance with the design standards of this ~~article~~ section and approved by the Planning and Zoning Administrator, or his or her designee.

2. **Application**. An application for a permit with the HD-O district shall be submitted in a form required by the Zoning Administrator. A complete application should include, as necessary, to-scale drawings, elevations, sections, relevant plans of site and/or immediate environs if appropriate, and shall indicate materials and colors to be used, as to conduct an adequate review of the application.

~~1.~~ **Action**. After reviewing the completed application, the ~~Planning and~~ Zoning Administrator or his or her designee, shall approve with conditions or modifications, or deny the request, in accordance with the design standards of

3. this ~~article~~section. A property owner in the HD-O may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

~~2.~~4. **Time limit on Action**. If within fourteen days from the date of receipt of a complete application by the ~~Planning and~~ Zoning Administrator, no action has been taken on the application, the Public Works Department may issue the necessary permits and the project may proceed. This time limit may be waived by mutual consent of the applicant and staff. This time limit ~~It~~ shall not apply if Historic Committee review is required pursuant to ~~section~~APPENDIX C. ~~418.f.5.~~

802.H. DESIGN STANDARDS.

1. **General**.

   ~~a)~~a. New Buildings, Reproductions and Alterations should be respectful of the character of the original town of Haysville. All building designs should be compatible with the major elements of the 1890-1910 eras of the prairie plains.

   ~~b)~~b. Metal windows and doors should be anodized or properly primed and enameled.

   c. Permanent fences should avoid wire materials whenever possible.

2. **Standards for Rehabilitation and Remodeling**.

   ~~a)~~a. All construction, remodeling or rehabilitation of exteriors should ensure the visual integrity of the building and be compatible with the overall architectural character of the district.

   ~~b)~~b. Additions to buildings should be compatible in appearance by coordinating style, materials, scale and detail with the ~~exisiting~~existing buildings in the district.

   ~~c)~~c. Accessory buildings should generally be compatible with the other structures on the street and be subject to these guidelines.

   d. Existing doors and windows may be replaced with new products of design and/or materials similar to those which existed at the time of passage of these regulations~~is Code~~.

~~6.~~3. **Standards for New Construction, Reconstruction and Reproduction**.

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~~a)~~a. All buildings should be set back from the street uniformly to present a continuous façade line along the street, except that minor recesses or projections for entries and similar elements may be acceptable.

~~b)~~ Mechanical or electrical equipment and trash receptacles should be hidden or screened from street level view.

b.

~~7.~~ **Signs.** Signage within the HD-O district shall be subject to the provisions of ~~Appendix~~APPENDIX ~~Article~~D ~~2 of the Code of the City of Haysville~~, as well as the following

4. requirements as reviewed and approved by staff.

a. All signs, including interior and exterior window signs, must be approved as to design, colors, materials, placement, method of attachment, and method of illumination (if applicable).

b. Signs shall be designed and placed so as to appear as an integral part of the building design, in proportion to the structure and environment, and to respect neighboring properties within the HD-O district.

c. Signs should be designed with appropriateness relative to the services of the establishments served.

~~I.~~ **802.I. EXCEPTIONS AND MODIFICATIONS**. The design standards in this ~~article~~ section may be modified or waived by the Zoning Administrator to allow for alterations that are required in order to maintain the continued functional viability of existing uses, or in extraordinary situations of development characteristics, economic hardship, or other circumstances, provided that the purposes and intent of these Standards are maintained through such interpretation.

~~J.~~ **802.J. EMERGENCY REPAIRS**. The ~~Director of Public Works~~Zoning Administrator and/or Public Works Director may waive the standards and review procedures of this ~~article~~ section in instances in which emergency repairs are required, provided that subsequent repairs comply with this ~~article~~section.

~~K.~~ **802.K. CONFLICTS WITH OTHER CODE PROVISIONS**. No section of ~~this~~ SECTION 802 ~~article~~ shall be construed to compel alterations that will conflict with any health or safety codes or prohibit any alterations that are required to bring buildings into compliance with the Building Code.

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ARTICLE 9.

NONCONFORMITIESNG LOTS AND STRUCTURES

SECTION 901. PURPOSE, POLICY AND APPLICABILITY

901.A. PURPOSE. The purpose of this section is to establish regulations that govern uses, structures, lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Codethese regulations, in compliance withpursuant to K.S.A. 12-771. Such use, structure, lot or other current circumstances are considered nonconforming.

901.B. POLICY. It is the general policy of the City to allow nonconforming uses, structures or lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Code to continue to exist and be used productively, while working to bring as many aspects of such use into conformance with the current Zoning zoning Code regulations as is reasonably practicable, and to terminate the right to carry out any nonconformityng use as soon as such nonconformityng use actually ceases, all subject to the limitations of this section. The limitations of this section are intended to recognize the interests of the property owner in continuing to use the property in a manner that no longer conforms to the requirements of these regulations is code but to control the expansion of the nonconformity and to control the re-establishment of abandoned uses and limit the re-establishment of buildings and structures that have been substantially destroyeddamaged.

1000.C. NO NONCONFORMITIES CREATED BY ADOPTION OF THE MARCH 15, 1999 ZONING REGULATIONS. No use of a building, structure or property that was in existence on March 14, 1999, and complied with the zoning ordinance or zoning resolution in effect prior to March 15, 1999, shall become or be deemed to have become nonconforming or noncomplying due to adoption of this Code. Any use of a building, structure or property and any building, structure or property that complied with the zoning ordinance or zoning resolution in effect prior to March 15, 1999 may be rebuilt, repaired or otherwise re-established to the extent that it existed on March 14, 1999. The burden of proof to establish that any contested use was in existence on March 14, 1999, and the scope of such use upon that date, is upon the property owner claiming the applicability of this section.

901.C. APPLICABILITY. This article shall apply only to any such use, structure, lot or other current circumstance that was legally established and/or permitted in conformance with the then applicable requirements of these regulations but that do not conform to all of the applicable requirements of these regulations today. Any such use, structure, lot or other certain circumstance that was not legally established and/or permitted shall be a violation of these regulations and shall be subject to the procedures established in ARTICLE 11 of these regulations.

Commented [KH1]: This article covers more than just lots and structures. It covers nonconforming uses, lots, structures, and "other certain circumstances" (e.g. fences, landscaping, etc.).

Commented [KH2]: While implied given the title of this article, the word nonconforming is never said in the purpose section.

Commented [KH3]: Removing this in favor of "nonconforming" simplifies this section.

Commented [KH4]: Per the Title section, this document is known as the "Zoning Regulations" and should be referred to as "these regulations."

Commented [KH5]: The nonconformity section of the zoning code had a major update in 1999. This section was added then. It is not needed, because it is assumed that any use lawfully established prior to the adoption of "these regulations" (no matter the date) is a nonconforming use.

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SECTION 902. NONCONFORMING USES

902.A. DEFINITION. Nonconforming use means the use of any land, building or structure which does not comply with the use regulations of the zoning district in which such use is located but which complied with the use regulations in effect at the time the use was established, or as otherwise defined in SECTION 302 of these regulations.

902.B. MAINTENANCE, ~~AND~~ REPAIR AND MODIFICATION OF STRUCTURES. Any structure which is part of a nonconforming use may be maintained, repaired, ~~or altered~~or remodeled on the same terms as set forth~~,~~ under SECTION 903.B and SECTION 903.C of these regulations. Such structures shall not be expanded, modified or altered outside of their existing building footprint.~~Article 6.602.~~

902.C. ~~ENLARGEMENT AND EXPANSION WITHIN A BUILDING AND ENLARGEMENT AND EXPANSION OF A BUILDING~~MAINTENANCE, REPAIR AND MODIFICATION OF PROPERTIES. Any property which is part of a nonconforming use may be repaired and maintained as needed to continue the nonconforming use. The property may not be altered or modified unless such alteration or modification will benefit the public health, safety, and morals. A benefit may include decreasing the degree of nonconformity. Such benefit shall be determined by the Zoning Administrator with an appeal to the Board of Zoning Appeals. Appeal procedures may be found in SECTION 1007. ~~nonconforming use may be expanded within the floor area of an existing, conforming structure or within an expanded structure, subject to the limitations listed herein.~~

~~In any residential district, such expansion shall be permitted into an area equal to the original floor area of the nonconforming use, when the expansion:~~

~~Does not increase the number of dwelling units;~~

~~Includes plans for all off-street parking and loading required to serve the expansion area;~~

~~If greater than 50 percent of the original floor area, is found by the Board of Zoning Appeals to be compatible with the neighborhood and not detrimental to the community, as determined by the effect of the expansion on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services.~~

~~**1001.C. EXPANSION OF OUTDOOR NONCONFORMING USES.** A nonconforming use of premises for which the principal use is not enclosed within a building, such as a salvage yard or a motor vehicle sales lot, may not be expanded except if such use may be expanded in a manner that conforms to the requirements of this Code. The Board of Zoning Appeals shall review a plan to enlarge a nonconforming use with a conforming use to determine whether the nonconforming use may be brought into conformity with the zoning code as part of the development of such expansion.~~

902.D. CHANGE IN USE. A nonconforming use may not be changed to another ~~new~~ nonconforming use. When a nonconforming use is abandoned or changed, the property owner may not again establish a use that is in any manner inconsistent with these regulations. ~~, provided that the new use shall be of a character less intensive (and thus more closely conforming) than the existing, nonconforming use. The initial determination of whether a proposed new use is a conforming use or is a less intense nonconforming use shall be made by the Planning and Zoning Administrator, or his/her designee, with an appeal to the Board of Zoning Appeals. In either case, the determination shall be based on the use hierarchy established by the Zoning Regulations. A nonconforming use, if changed to a conforming use~~

Commented [KH6]: According to Hertz' the property owner has no rights to expand a nonconforming use. The only have the right to continue such use.

Commented [KH7]: According to Hertz' this is too lax, and the property owner has no rights to change the use to a different nonconforming use.

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~~or less intensive nonconforming use, may not thereafter be changed back to the less conforming use from which it was changed.~~

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SECTION 903. NONCONFORMING STRUCTURES

903.A. DEFINITION. Nonconforming structure means a structure lawfully existing at the time these regulations became effective, or as amended, which does not conform to the setback, height, or other dimensional or property development standards applicable to the zoning district in which the structure is located, or as otherwise defined in SECTION 302 of these regulations.

903.B. MAINTENANCE AND REPAIR. General maintenance, repair, and r~~R~~emodeling of a nonconforming structure within the existing building footprint shall be permitted without a ~~zoning~~ variance, if ~~all~~ in conformance with current building codes.

903.C. SUBSTANTIAL DAMAGE. Any nonconforming structure damaged to the extent of 50 ~~percent~~% or less of its fair market value by fire, wind, tornado, earthquake, or other natural disaster, may be rebuilt in conformance with current building codes, provided such rebuilding does not increase the intensity of use as determined by the number of dwelling units (for residences) or floor areas or ground coverage (for nonresidential uses). The structure shall not be rebuilt closer to the property line than the original structure or the applicable setback lines, whichever is closer. Nonconforming structures damaged 50% or less of their fair market value by flooding may be rebuilt as set forth in this section, provided such reconstruction shall conform to all requirements of the adopted building code related to construction in flood hazard areas. Any building so damaged more than 50 ~~percent~~% of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for buildings in the district in which it is located, provided that such restoration as may be made is to the fullest extent possible in conformance with development standards.

903.D. ~~ENLARGEMENT AND~~ EXPANSION, ALTERATION OR MODIFICATION. Any expansion, modification or alteration of the nonconforming structure that increases the degree of nonconformance is prohibited. Expansions, modifications and alterations of the structure that do not increase the degree of nonconformance shall be permitted and shall not require a variance. The initial determination of whether a proposed expansion, modification or alteration increases the degree of nonconformity shall be made by the ~~Planning and~~ Zoning Administrator or his/her designee~~,~~ with an appeal to the Board of Zoning Appeals. Appeal procedures may be found in SECTION 1007.

Commented [KH8]: According to Hertz, this is not a right of the property owner. Other cities (Maize and Goddard) still allow this.

903.E. RELOCATION. If a nonconforming structure is relocated within the area to which these regulations~~is Code~~ is applicable, it shall be placed only in a location in which it fully conforms to the requirements of these regulations~~is Code~~.

903.F. UNSAFE STRUCTURES. Nothing in this section shall be construed to permit the continuing use of a building found to be in violation of basic life, safety or health codes of the C~~c~~ity. The right to continue to use a nonconforming~~mplying~~ structure shall be subject to all applicable housing, building, health and other life safety and health codes of the C~~c~~ity.

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SECTION 904. NONCONFORMING LOTS

904.A. DEFINITION. Nonconforming lot means a lot lawfully existing at the time these regulations became effective, or as amended, which does not conform to the setback, lot size or other dimensional or property development standards applicable to the zoning district in which the lot is located, or as otherwise defined in SECTION 302 of these regulations.

904.B. GENERAL POLICY. A lot shown on an approved and recorded subdivision plat on the date on which ~~this Code~~these regulations became applicable to the lot, or a parcel shown on the assessor's records as a separate parcel on such date may be occupied and used although it may not conform in every respect with the dimensional requirements of ~~this Code~~these regulations, subject to the provisions of this section.

904.C. VACANT LOT. If the lot or parcel was vacant on the date on which ~~this Code~~these regulations became applicable to it, then the owner may use the property as permitted by the current applicable zoning district, provided that the use shall comply with the current applicable dimensional requirements of ~~this Code~~these regulations to the maximum extent practicable. If the applicable zoning district permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements shall be permitted. Otherwise the owner may seek a variance from such requirements from the Board of Zoning Appeals. Variance procedures may be found in SECTION 1005.

1003.C. LOT WITH BUILDING OR STRUCTURE. If the lot or parcel contains a building or structure on the date on which ~~this code~~these regulations becomes applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in any way that does not increase the degree of nonconformity. An increase in building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required setback or other dimensional standard. Remodeling of a structure within the existing building footprint or expansion in compliance with ~~this section~~the applicable dimensional standards and building code shall not require a variance but shall be reviewed by the ~~Planning and~~ Zoning Administrator, City Inspector or his/her designee as though the lot were conforming.

904.E. LOT MERGER. If the lot or parcel is smaller than would otherwise be required by ~~this Code~~these regulations and such lot or parcel is at any time on or after the date on which ~~this Code~~these regulations became applicable to such lot or parcel under common control with an adjacent lot or parcel, then the two shall be considered merged for purposes of ~~this Code~~these regulations and shall in the future be considered together for purposes of determining compliance. If the merged lots or parcels contain sufficient area for the actual or proposed use, then they shall be deemed fully conforming. If the merged lots or parcels together do not contain sufficient area for the actual or proposed use, they shall nonetheless be considered together for purposes of reducing the degree of nonconformity. ~~When a~~The merged nonconforming lots or parcels shall not again be used as a separate lots or parcels, unless they are~~it is~~ subdivided from the lot or parcel with which it has been merged; subdivision shall require full compliance with the requirement of ~~this Code~~these regulations and the applicable subdivision regulations.

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SECTION 905. OTHER NONCONFORMITIES

905.A. EXAMPLES OF OTHER NONCONFORMITIES. The types of other nonconformities to which this section applies include but are not limited to:

1. Ffence height or location;
2. Llack of, or inadequate, buffers or screening;
3. Llack of, or inadequate, landscaping;
4. Llack of, or inadequate, off-street parking; and
5. Oother nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use.

905.B. REMOVAL OF OTHER NONCONFORMITIES. ~~However, a~~A nonconformity other than those enumerated in SECTIONS 902, 903 and 904 shall be brought into conformance upon the occurrence of any one of the following:

1. Any increase on the premises of more than 30 percent floor area or 50 percent value;
2. ~~For a property in a commercial or industrial zone, a~~Any change in use ~~to a more intensive use when a new certificate of occupancy is required~~.

The requirement that nonconformities be brought into conformance shall be subject to variance by the Board of Zoning Appeals where it finds that such conformance would involve an unreasonable hardship.

905.C. GENERAL POLICY. Because other nonconformities involve less investment and are more easily corrected than those involving lots, buildings and uses, it is generally the policy of the Cc~~i~~ity to eliminate such other nonconformities as quickly as practicable.

905.D. INCREASE PROHIBITED. The extent of such other nonconformities shall not be increased, with or without a variance.

Commented [KH9]: This change matches the provisions listed in the landscaping and off-street parking regulations for removal of nonconformities.

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SECTION 906. NONCONFORMITIES CREATED BY PUBLIC ACTION

906.A. ~~NONCONFORMITIES CREATED BY PUBLIC ACTION~~GENERAL. When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of ~~this Code~~these regulations without ~~resort~~ a variance~~to~~ from the Board of Zoning Appeals.

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SECTION 907. DISCONTINUANCE

907.A. ~~NONCONFORMING USE~~SUBSTANTIAL DAMAGE. ~~When a nonconforming use has been abandoned, such nonconforming use shall not be renewed.~~ When a nonconforming structure or a building containing a nonconforming use has been destroyed or damaged to an extent exceeding 50 percent of its fair market value, such ~~nonconforming use~~nonconformity shall terminate and shall not be renewed, and the structure or building shall not be restored in a way that is designed primarily for ~~a~~such nonconforming use or in any way not in conformance with these regulations.

907.B. ~~WHEN~~ ABANDON~~MENTED~~. When a nonconforming use has been abandoned, such nonconforming use shall not be renewed. A nonconforming use shall be presumed abandoned when any of the following has occurred:

1. The owner has in writing or by public statement indicated intent to abandon the use;
2. There has been a change in use~~A less intensive use has replaced the original nonconforming use~~;
3. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures; or
4. The owner has ~~physically~~demolished ~~changed~~ the building or structure or removed ~~its permanent~~ the equipment necessary to perform ~~in such a way as to indicate clearly a change in use or activity to something other than~~ the nonconforming use; or
4.5. The property~~, if a land use conducted primarily outside of a building,~~ has been vacant or completely inactive for 12 months;
5. ~~The property, if a land use conducted primarily inside of a building, has been vacant or completely inactive for 24 months.~~

907.C. OVERCOMING PRESUMPTION OF ABANDONMENT. A presumption of abandonment based solely on the length of time a land use has remained vacant or inactive may be rebutted within 90 days of such use being deemed abandoned upon a showing, to the satisfaction of the ~~Board of~~ Zoning ~~Appeals~~Administrator, that during such period of vacancy or inactivity the owner of the land or structure:

1. ~~H~~has been maintaining the land and structure in accordance with the all applicable building codes~~,~~ and
2.1. has been actively and continuously marketing the land or structure for sale or lease based upon the existence of the nonconforming use; or
3.2. H~~h~~as been engaged in other activities that would affirmatively prove that there was not an intent to abandon.

907.D. ZONING AMENDMENT. A nonconformity shall be considered discontinued if an amendment to these regulations renders the nonconformity once again in conformance with these regulations. Any limitations imposed on the property due to the nonconformity shall also be discontinued.

907.E. VARIANCE. A nonconformity shall be considered discontinued if a variance is granted that renders the nonconformity in compliance with these regulations. Variance procedures may be found in

Commented [KH10]: This has been changed to the previously believed and enforced definition of abandonment for nonconforming uses.

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SECTION 1005. Any limitations imposed on the property due to the nonconformity shall be discontinued after the granting of the variance.

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SECTION 908. DETERMINATION OF NONCONFORMINGTY STATUS

908.A. GENERAL. In all cases, the property owner shall have the burden of establishing that a nonconforming use, ~~or nonconforming~~ structure, lot, or other certain circumstance lawfully exists under these regulations.

Commented [KH11]: This article covers more than just lots and structures, and such all should be required to be determined by the property owner.

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~~SECTION 1008. REGISTRATION ON NONCONFORMITIES~~

~~**1008.A. RIGHTS CONDITIONAL.** The rights given to those using or owning property involving nonconformity are specifically conditioned on the registration of the nonconformity with the Planning and Zoning Administrator , or his/her designee.~~

~~**1008.B. REGISTRATION PROCESS.** The Planning and Zoning Administrator, or his/her designee, shall establish a process for the registration of nonconformities and shall establish a system for keeping records of such nonconformities. The Zoning Administrator, or his/her designee, shall provide registration forms for this purpose.~~

~~**1008.C. REGISTRATION DEADLINES**. Property owners shall have one year from the date on which the nonconformity first became nonconforming to register it. Subject to the verification procedures established by the Planning and Zoning Administrator, or his/her designee, nonconformities so registered shall be deemed to be lawful nonconformities, to the extent documented on the registration form. All rights to continuance, maintenance, repair and other continuation of the nonconformity shall apply.~~

~~**1008.D. EFFECT OF NOT REGISTERING APPEAL.** The Planning and Zoning Administrator or his/her designee shall refuse to permit the expansion, continuance, repair, maintenance or other continuation of nonconforming status for nonconformity not registered in accordance with this section. An aggrieved party may appeal such denial to the Board of Zoning Appeals, which may grant a late registration status to the nonconformity if it finds that:~~

1. ~~The failure to register the nonconformity occurred because the owner was unaware that the situation was nonconforming or from excusable neglect; and~~
2. ~~The nonconformity was established lawfully in conformance with the then applicable Zoning Code, or is otherwise entitled to protection under a specific section of this Article.~~

~~**1008.E.** If the Board of Zoning Appeals grants late registration status to the nonconformity, the owner shall then be entitled to all of the rights accorded to the nonconformity as though it were registered in accordance with the requirements of this section.~~

Commented [KH12]: Registration is not required by state statute, and staff has never created procedures for the registration of nonconformities. Currently, nonconformities are automatically granted the rights given to them by this article. The existence of nonconformities is based on staff knowledge. Provided staff resources, an inventory of all nonconformities in the City should be conducted and mapped.

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ARTICLE 10
PROCEDURES

SECTION 1001. ZONE CHANGE

1001.A. GENERAL. ~~The governing body may, from time to time, on its own motion or on petition, as provided herein, amend, supplement, change, modify, or repeal the regulations and restrictions as established herein and may change, restrict, or extend the boundaries of the various districts established herein.~~ A Zone Change application shall be obtained to change or modify the zoning district or regulations, respectively, which govern specific property within city limits. The intent and purpose of this section is to outline the procedures for Zone Change applications under these regulations, in conformance with K.S.A. 12-757.

1001.B. APPLICATION. An application for a Zone Change may be proposed by the owner(s), the authorized agent(s) of such owner(s), the contract purchaser(s)/lessee(s) of the subject property, or the governing body of the City.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1001.C. SUBMITTAL. An application, in writing, for such Zone Change shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The application shall include the following:

1. The complete legal description and general street location of the subject property;
2. Current and requested zoning district;
3. A certified list of the names and addresses of all property owners within 200 feet of the property under consideration, excluding public streets and ways. If the property is located adjacent to or outside the City's limits, the certified list of names and address shall extend to at least 1,000 feet in the unincorporated area. Such list shall be obtained from an abstract company;
4. A copy of restrictive covenants, if any; and
5. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1001.D. HEARING. Prior to making the final decision on a Zone Change, a public hearing shall be held by the commission. Such hearing may be adjourned from time to time, and an accurate written summary shall be made. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

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1. In addition to such public notice, written notice of such Zone Change shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.

2. ~~Whenever~~ If the City initiates a ~~rezoning~~ Zone Change from ~~from~~ a less restrictive to a more restrictive zoning ~~classification~~ district of 10 or more ~~contiguous or noncontiguous~~ lots~~, tracts or parcels~~ of the same zoning ~~classification~~ district that hav~~e~~ing five or more owners of record, written notice of such Zone Change shall be mailed ~~such amendment shall require notice by publication and hearing in like manner as the required to be mailed~~ to only the owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition, in accordance with K.S.A. 12-757(c)(2).

1001.E. AUTHORITY. The Planning Commission shall have the authority to make recommendations on Zone Change requests and recommend protective overlays and other safeguards as deemed necessary to protect and enhance the health, safety, and welfare of the surrounding area. The governing body shall have the authority to make the final decision on Zone Change requests.

1. In addition, the ~~Any notice in compliance with the provisions set forth above is sufficient to permit the c~~Planning ~~C~~ommission shall have the authority to make recommendations ~~amendments to zoning regulations~~ which affect only a portion of the ~~land~~ property described in the public hearing notice or which give all or any part of the ~~land~~ property described a zoning ~~classification~~ district of lesser change than that set forth in the notice. A recommendation of a zoning ~~classification~~ district of lesser change than that set forth in the notice shall not be valid without republication ~~and, where necessary,~~ unless the ~~Planning Commission~~commission has previously established a ~~a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications.~~ hierarchy of the zoning districts which is available to the public.~~At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard in accordance with the procedural rules of the Planning Commission.~~

1001.F. ACTION BY THE PLANNING COMMISSION. An accurate written summary of the public hearing held by the commission shall be made. The public hearing may be adjourned from time to time. ~~An accurate written summary of the Public Hearing held by the Planning Commission shall be made. The Public Hearing may be adjourned from time to time.~~ Within 60 days following the conclusion of the public hearing, the ~~planning~~ commission shall prepare its recommendations, and by an affirmative vote of a majority of the ~~entire membership of the Planning Commission~~members present and voting may (1) recommend approval of the Zone Change; (2) recommend approval with the addition of a protective overlay; or (3) recommend denial of the Zone Change including a statement of the reason(s) for such denial. ~~adopt the same in the form of the proposed change, either general or property specific, and shall submit the same,~~ The recommendation, together with a written summary of the hearing thereon, shall be submitted to the governing body. If the ~~planning~~ commission fails to make a recommendation on a Zone Change within 60 days following a public hearing, the c~~Planning C~~ommission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing shall be submitted to the governing body for further action.

1001.G. ACTION BY THE GOVERNING BODY. Upon receipt of the recommendation from the commission and the reasons therefor, the governing body ~~either~~ may (1) approve such recommendation~~s~~ by the adoption of ~~the same by~~an ordinance; (2) override the commission's recommendations by a 2/3 majority vote of the membership of the governing body, and adopt an ordinance setting forth the action

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determined appropriate by such majority of that body; or (3) ~~may~~return the recommendations~~same~~ to the ~~Planning Commission~~commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

1. If the governing body returns the commission's recommendation for further consideration, the commission, at its next regularly scheduled meeting, shall consider the same and, after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt, such recommendation by an ordinance, or it need take no further action thereon. If the commission fails to deliver its recommendation to the governing body following the commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the commission as a resubmission of the original recommendation and proceed accordingly.

1001.H. PROTEST. Regardless of the commission's decision on a Zone Change ~~whether or not the planning commission approves or disapproves a zoning amendment,~~ if a protest petition against such ~~amendment~~ Zone Change is filed in the Office of the City Clerk ~~office of the city clerk~~ within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the Zone Change~~any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified of the proposed rezoning of a specific property~~, excluding streets and public ways, the ordinance adopting such ~~amendment~~ Zone Change shall not be passed except by at least a ~~three-fourths~~3/4 majority vote of all the members of the governing body. For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning, or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the total real property within the area required to be notified. Protest petition procedures may be found in SECTION 1008.

1001.I. APPEALS. The governing body's decision on a Zone Change shall be the final local action. Appeals of such final local action shall be taken to district court.

1001.J. AMENDMENTS TO ZONE CHANGES. Zone Changes approved with the addition of a protective overlay may be amended by following the same procedures as required for consideration and approval of the original Zone Change application.

1001.K. REVIEW CRITERIA FOR ZONE CHANGES. ~~Relevant matters considered when approving or disapproving zoning requests, may not necessarily be given the same weight in relation to any proposed amendment, including but not limited to, the following:~~ 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 ~~Planning Commission~~commission and incorporated into any recommendation in support of the requested Zone Change.

~~a.~~1. Character of the neighborhood;

2. Zoning and uses of the property nearby;

~~b.~~3. Suitability of the subject property for the uses to which it has been restricted;

~~c.~~4. Extent to which removal of the restrictions will detrimentally affect nearby property;

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~~d.~~5. Length of time the subject property has remained vacant as zoned;

~~e.~~6. Relative gain to the public health, safety and welfare ~~by the destruction of the value of the petitioner's property~~ as compared to the ~~hardship~~loss in value or the hardship imposed upon the ~~individual landowners~~ applicant;

7. ~~Recommendations of permanent staff;~~ Conformance of the requested change to the adopted or recognized ~~master~~ comprehensive plan~~being utilized by the City~~;

8. Impact of the imposed development on community facilities;

9. Opposition or support of neighborhood residents; and

10. Recommendations of permanent staff.

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SECTION 1002. CONDITIONAL USE PERMIT.

1002.A. GENERAL. A Conditional Use permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a district, but shall not be allowed under the general conditions of the district as stated in these regulations. The intent and purpose of this section is to outline the procedures for Conditional Use requests under these regulations.

1002.B. APPLICATION. An application for a Conditional Use permit may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

~~1. 1002.C. SUBMITTAL. 702 CONDITIONAL USES~~
~~1. The governing body may, from time to time, on its own motion or on petition, in the manner provided for herein, authorize in specific cases such conditional uses as are expressly allowed in the various districts.~~
~~2. A. Application.~~ An application, in writing, for such Cconditional Uuse permit shall be filed with Office of the ~~Planning Commission~~City Clerk and~~,~~ accompanied by such data and information as may be prescribed by the ~~Commission~~ Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The application shall include the following:

~~1.~~

1. ~~1. On the application, the property for which the conditional use is sought shall be designated by~~The complete legal description and general street location of the subject property;

~~1.~~ Site plan;~~.~~

~~2.~~

2.

3. ~~2. A cccompanying the application, a c~~ertified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be obtained from an abstract company and is to be provided by the petitioner. ~~If the proposed designated property is located in the "SF15" Residential District, or adjacent to the "SF15" Residential District, the area of notification of the action shall be extended to at least 1,000 feet in the "SF15" Residential District.~~ If the proposed designated property is located adjacent to or outside the ~~city~~City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area;

~~3.~~ A copy of restrictive covenants, if any; and~~.~~

~~4.~~

4.

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5. ~~3.~~ Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code. ~~Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023). The permit fee shall be paid to the city clerk upon the filing of each application for each lot, tract, or parcel included in the application for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the person making such payment and the records thereof shall be kept in such a manner prescribed by law.~~

~~2.~~ **1002.D. ~~B.~~ ~~PUBLIC~~ HEARING.** Prior to making the final decision on a Conditional Use permit, a public hearing shall be held. The ~~Planning Commission~~Zoning Administrator shall establish the time and place of the public hearing.

~~3.~~

~~4.~~ ~~1.~~ At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the C~~c~~ity of Haysville.

1. ~~2.~~ In addition to such public notice, written notice of such C~~c~~onditional U~~u~~se permit shall be mailed to all property owners and applicable addresses ~~within 200 feet of the property (excepting public streets and ways)~~included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.

1002.E. AUTHORITY. The Planning Commission shall have the authority to make recommendations on Conditional Use permit requests and recommend conditions and safeguards as deemed necessary to protect and enhance the health, safety, and welfare of the surrounding area. The governing body shall have the authority to make the final decision on Conditional Use permit requests. The authorization of the Conditional Use permit shall not be made unless the evidence presented is such to establish: ~~. If the proposed designated property is located in the "SF15" Single-Family Suburban Residential District, or adjacent to the "SF15" , the area of notification of the action shall be extended to at least 1,000 feet in the "SF15" . If the proposed designated property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.~~

~~C. Consideration. The objective of permitting specific conditional uses within a district is to provide adequate consideration of the conditions in terms of this Code to assure:~~

~~a.~~1. ~~1.~~ That proposed uses will not be contrary to the public interest.

~~b.~~2. ~~2.~~ That the spirit of these regulations ~~Code~~ is observed.

~~c.~~3. ~~3.~~ That public safety and welfare is secured.

4. ~~4.~~ That substantially equal treatment under the law is preserved.

1002.F. ACTION BY THE PLANNING COMMISSION. An accurate written summary of the ~~Public Hearing~~public hearing held by the ~~planning commission~~commission shall be made. The ~~Public Hearing~~public hearing may be adjourned from time to time. Within 60 days following the conclusion of the public hearing, the ~~planning commission~~commission shall prepare its recommendations, and by an

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affirmative vote of a majority of the members present and voting may ~~entire membership of the Commission either~~ (1) ~~adopt the recommendation~~recommend approval including any conditions to be met in allowing the C~~c~~onditional U~~u~~se permit, or (2) ~~deny~~recommend denial of the application including a statement of the reason(s) for such denial. ~~, and~~ T~~t~~he recommendation, together with the written summary of the public hearing thereon, shall be submitted to the governing body. If the ~~Planning Commission~~commission fails to make a recommendation on a C~~c~~onditional U~~u~~se ~~request~~permit within the allotted timeframe, the ~~Planning Commission~~commission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing~~,~~ shall be submitted to the governing body for further action.

1002.G. ACTION BY THE GOVERNING BODY. Upon receipt of the recommendation from the ~~Planning Commission~~commission and the reasons therefor, the governing body ~~either~~ may~~:~~ (1) a~~A~~pprove such recommendation by the adoption of a resolution~~n Order~~; (2) override the ~~Planning Commission~~commission's recommendations by a 2/3 majority vote of the membership of the governing body, and adopt a resolution ~~n Order~~ setting forth the action determined appropriate by such majority of that body; or (3) ~~may~~ return the recommendation to the ~~Planning Commission~~commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

1. If the governing body returns the ~~Planning Commission~~commission's recommendation for further consideration, the ~~Planning Commission~~commission, ~~shall~~ at its next regularly scheduled meeting, shall consider the same~~,~~ and, after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. ~~Except as otherwise required by 700(E) above, upon~~ Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt~~,~~ or may revise or amend and adopt, such recommendation by ~~order~~resolution, or it need take no further action thereon. If the ~~Planning Commission~~commission fails to deliver its recommendation to the governing body following the ~~Planning Commission~~commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the ~~Planning Commission~~commission as a resubmission of the original recommendation and proceed accordingly.

1002.H. PROTEST. Whether or not the commission recommends approval or disapproval of a Conditional Use permit, if a protest petition against such permit is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the Conditional Use permit, excluding streets and public ways, the resolution adopting such permit shall not be passed except by at least 3/4 majority vote of all the members of the governing body. Protest petition procedures may be found in SECTION 1008.

1002.I. SUCCESSIVE APPLICATIONS. In the event that the final action on a Conditional Use permit is that it be denied, a similar application shall not be refiled for one year from the latest advertised public hearing date on said application. The Zoning Administrator may permit a refiling of said application after six months of the latest advertised public hearing date when it determines that significant physical, economic, or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the application is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes that the applicant deems significant and upon which the applicant relies for rifling the original application.

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1002.J. APPEALS OF FINAL ACTION. The governing body's decision on a Conditional Use permit shall be the final local action. Appeals of such final local action shall be taken to district court.

1002.K. EXERCISING OF PERMIT. A Conditional Use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. When such permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the commission upon written application.

1002.L. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of a Conditional Use permit, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Conditional Use is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Conditional Use restrictions. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007 of these regulations.

1002.M. AMENDMENTS TO CONDITIONAL USES. Approved Conditional Uses may be amended by following the same procedures as required for consideration and approval of the original Conditional Use application.

1002.N. CONDITIONAL USE REVIEW CRITERIA. 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~~Conditional Use permit may be developed by the ~~Planning Commission~~commission and incorporated into any recommendation in support of the requested ~~conditional use~~Conditional Use permit.

~~a.~~1. Access and traffic load and/or flow;

~~b.~~2. Noise, light and odor;

~~c.~~3. Screening;

~~d.~~4. Parking, refer to parking section;

~~e.~~5. Access and affect to services (public utilities);

~~f.~~6. Public health and safety;

~~g.~~7. Adequacy of facility and lot size;

~~h.~~8. Signs;

~~i.~~9. Review by fire marshal for designation;

~~j.~~10. Time limitations for exercising the Conditional Use permit may be incorporated within the conditions of the permit when appropriate to ensure that when the use has been established the criteria upon which the permit was approved remains essentially the same; and

~~k.~~11. Other considerations as appropriate.

~~10.~~ **1002.O. EXISTING CONDITIONS.**

~~11.~~

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~~12. H. Protest. The same protest provisions set forth in Section 701 above shall apply to this conditional use process.~~

~~13.~~

~~14.~~ ~~I. Existing Conditions.~~ Uses which were legal ~~at the time~~prior to ~~of~~ the adoption of these regulations~~is zoning ordinance~~ that would be Cconditional Uuses under these regulations ~~e zoning ordinance~~ shall be considered nonconforming uses and shall be continued and maintained in conformance with the provisions of ~~Section 600~~ARTICLE 9.

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SECTION 1003. PLANNED UNIT DEVELOPMENT (PUD).

~~1.~~ **1003.A. PURPOSE.** ~~PURPOSE.~~ The purpose of ~~the~~ Planned Unit Development (PUD) ~~Districts~~ is to encourage innovation in residential, commercial, and industrial development; to gain a more efficient use of land; to utilize new technologies in urban land development; and to provide for a greater variety and flexibility in type, design, and layout of buildings.

1003.B. GENERAL PROVISIONS. ~~GENERAL PROVISIONS.~~ Applications for a PUD may be made for land located in any of the established Haysville zoning districts.

~~a.~~1. A PUD shall be in general conformity with the provisions of the adopted comprehensive plan.

2. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of these regulations ~~is Ordinance~~ or the Subdivision Regulations, the provisions of this article shall prevail for the development of land for PUDs. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in these regulations~~is ordinance~~.

~~b.~~3. A successful PUD application shall constitute an amendment to these regulations for the addition of a Planned Unit Development district. The Zone Change requirements for notice to property owners, advertisement of the public hearing, protest petitions, and adoption by the governing body shall apply to PUD applications.

~~2.~~ **1003.C. TYPES OF PUDS.** ~~TYPE OF PLANNED UNIT DEVELOPMENTS.~~ The following types of planned unit developments may be established. PUD requests may combine two or more types ~~of uses~~ into a single plan.

~~a.~~1. PUD-R Planned Residential District

~~b.~~2. PUD-C Planned Commercial District

~~c.~~3. PUD-I Planned Industrial District

1003.D. STANDARDS AND CONDITIONS. The following provisions shall apply to all PUD requests:

~~a.~~1. The ~~tract~~ subject property must be a continuous parcel ~~under one ownership or held jointly by two or more owners.~~; and

~~b.~~2. The applicant shall satisfy the Planning Commission that he or she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within 18 months following approval of the final application by the governing body, and a minimum of 50 percent of the total planned construction shall be completed within a period of six years following such approval or the approval of the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Planning Commission upon the showing of good cause by the developer.

1003.E. APPLICATION. ~~PLANNED UNIT DEVELOPMENT APPLICATION PROCEDURE.~~ An application for a PUD may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property. ~~An application for a PUD shall constitute the filing of an~~

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~~application for a PUD District and shall be processed in the same manner prescribed for amending these zoning regulations. The same requirements for notice to property owners, advertisement of public hearing, protest petitions, and adoption by the governing body shall be required as in conventional zoning.~~

1. **Pre-application meeting.** ~~PRE-APPLICATION CONFERENCE.~~ All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific project.

~~d.~~2. **Pre-application charrette.** All applicants are encouraged to hold a charrette with the public before submitting an application. The purpose of the charrette is to gather meaningful public input to ensure the community as a whole will benefit from the proposed development. The applicant is encouraged to utilize the public input gathered from the charrette to modify their plans. ~~A pre-application conference shall be held with the PUD subcommittee of the Planning Commission in order for the applicant to become acquainted with the planned unit procedures and related city requirements.~~

Commented [KH1]: The EPA encourages the use of charrettes to gather public input in the PUD process to ensure the community benefits and knows what to expect. This was found in the 2012 Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes.

1003.F. SUBMITTAL. An application, in writing, for such PUD shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The application shall include the following:~~SUBMISSION AND REVIEW OF THE APPLICATION.~~

~~An applicant shall make application for the approval of the PUD to the Planning Commission. The applicant shall include, as part of the application, a preliminary development plan for the PUD.~~

~~a. The preliminary development plan shall include both, a development plan map and written statement, 9 copies of each.~~

1. ~~The~~ Complete legal description and common street location of the subject property;

~~b.~~2. A Planned Unit Development ~~map~~ site plan or map which shall contain the following information:

~~i.~~a. Existing topography with contours at two-foot intervals~~;~~

~~ii.~~b. Areas subject to one-hundred-year flooding~~;~~

~~iii.~~c. Proposed location of buildings and other structures, parking area, drives, walks, screening, drainage patterns and plan, public streets, and any existing/proposed easements~~;~~

~~iv.~~d. Internal traffic circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way~~;~~

~~v.~~e. Proposed screening and landscaping features~~;~~

~~vi.~~f. Areas that are to be conveyed, dedicated, or reserved as common open space.

~~vii.~~g. Relationship of abutting land uses and zoning districts~~;~~

~~c.~~3. A~~The~~ written ~~PUD~~ statement to accompany the ~~map~~ site plan or map which shall contain the following information:

~~i.~~a. An explanation of the character of the PUD~~;~~

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~~ii.~~b. A statement of the present ownership and legal description of all the land included within the PUD;~~.~~

~~iii.~~c. Copies of any special agreements, conveyances, restrictions, or covenants that will govern the use, maintenance, and continued protection of the PUD and any of its common open space areas;~~.~~

~~iv.~~d. A statement of the anticipated residential density, the proposed total gross floor area, and the percentage of the development that is to be occupied by structures;~~.~~

~~v.~~e. As appropriate, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development; and~~.~~

~~vi.~~f. Maximum height of all buildings.

~~d.~~ A written~~A~~ statement of the objectives showing the relationship of the PUD to the Comprehensive Plan with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit or both.

4. Such written statement shall also include a~~A~~ time schedule for completion of the project or each phase thereof and improvements to be requested of the ~~city~~City and improvements to be made by the developer;~~.~~

~~e.~~5. A certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be obtained from an abstract company and is to be provided by the petitioner. If the proposed designated property is located adjacent to or outside the City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area;

~~f.~~6. A~~The applicant may submit a~~ny other information or exhibits the applicant deems pertinent in evaluation of the proposed PUD; and~~.~~

~~g.~~7. ~~Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of the application. (Code 2023)~~Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1003.G. HEARING. Prior to making the final decision on a PUD, a public hearing shall be held. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1. In addition to such public notice, written notice of such PUD shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.
2. The applicant is encouraged to hold a charrette prior to the scheduled public hearing, regardless of the applicant's involvement in a pre-application charrette. The purpose of the charrette is to gather meaningful public input to ensure the community as a whole will benefit from the proposed development. The applicant is encouraged to utilize the public input gather from the charrette to modify their plans.

Commented [KH2]: The EPA encourages the use of charrettes to gather public input in the PUD process to ensure the community benefits and knows what to expect. This was found in the 2012 Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes.

1003.H. ACTION ON A PRELIMINARY PUD PLAN. ~~ACTION ON PRELIMINARY PUD PLAN.~~ Within sixty days after receiving the application, the Planning Commission shall review the application and hold a public hearing in accordance with state statute.

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e.1. **Action by the planning commission.** Within thirty days after the public hearing the Planning Commissioncommission shall prepare findings of fact with respect to the extent to which the preliminary PUD plan complies with the standards and conditions established, together with its recommendations to the governing body with respect to the action to be taken on the preliminary PUD plan. The Planning Commissioncommission may (1) recommend approval, (2) recommend approval with contingenciesconditions, or (3) recommend disapproval of the preliminary plan.

f.2. **Action by the governing body.** The governing body, after a 14-day protest period, shall consider the Planning Commission's commission's recommendation on the preliminary PUD plan. The governing body may (1) approve such recommendation, (2) override the commission's recommendation by a 2/3 majority vote of the membership of the governing body, or (3) return the recommendation to the commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

i. If the preliminary PUD plan is approved, the governing body shall adopt an ordinance approving the preliminary PUD plan and establishing a Planned Unit Development dDistrict within these regulations for the parcel or tract of landsubject property included in the preliminary PUD plan. The applicant, within 15 days after receiving notification of the approval of the preliminary plan, shall file with the Sedgwick County Register of Deeds a statement that such plan has been filed with the approving authority and has been approved and that such Planned Unit Development district is applicable to certain specifically legally-described land and that copies of said are on file with the City.

a.

ii. If the preliminary PUD plan is disapproved by the governing body, after following the necessary procedures as established by state statute, the applicant shall be furnished with a written statement of the reasons for disapproval of the plan.

iii.b. In the case of approval, the applicant, within 15 days after receiving notification of the approval of the preliminary PUD plan, shall file with the County Register of Deeds a statement that such plan has been filed with the approving authority and has been approved and that such PUD is applicable to certain specifically legally described land and that copies of said are on file with the city.

3. **1003.I. ACTION ON A FINAL PUD PLAN.** FINAL PUD PLAN CONTENTS AND APPROVAL.

Within six (6) months after approval of the preliminary plan, the applicant shall have the final plan prepared in conformance with the preliminary development plan and submitted with the Office of the City Clerk.

a.1. Such The final plan shall include the following:

i.a. Construction drawings of all buildings to include elevations, grading, and floor plans;.

ii.b. Site plan;.

iii.c. Drainage Plan;.

iv.d. Landscape and screening plan showing --species and size of all plant material, areas to be seeded, etc.;.

v.e. Copies of any dedications for easements or rights-of-way and restrictive covenants;.

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~~vi.~~f. Evidence that no lots, parcel or tract or dwelling unit in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such PUD; and~~.~~

~~vii.~~g. Such bonds or guarantees and other documents that may have been required by the preliminary ~~PUD~~ plan pursuant to the provisions and procedures of the Subdivision Regulations.

~~b.~~2. The final plan shall be deemed to be in substantial compliance with the preliminary plan ~~previously~~ given tentative approval, provided any modification ~~by the landowner~~from the preliminary plan ~~of the plan as tentatively approved~~ does not:

~~i.~~a. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area~~;~~ nor

~~ii.~~b. Increase by more than ~~10~~ ten percent the floor area proposed for non-~~-~~residential use~~;~~ nor

c. Increase by more than five percent the total ground area covered by buildings; nor

~~iii.~~d. ~~I~~involve a substantial change in the height of buildings~~;~~ nor

~~iv.~~e. Substantially change the design of the plan so as to significantly alter, as determined by the Planning Commission:

~~a.~~i. Pedestrian or vehicular traffic flow.

~~b.~~ii. The juxtaposition of different land uses.

~~c.~~iii. The relation of open space to residential development.

~~d.~~iv. The proposed phasing of construction.

~~c.~~3. A public hearing need not be held for the ~~approval~~ final action of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilitates for water, storm water, sanitary sewers or other public facilities.

~~d.~~a. In the event a public hearing is not required for final ~~approval~~ action and the application of final ~~approval~~ plan has been filed, together with all drawings, specifications and other documents in support thereof, the ~~Planning Commission~~commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the governing body for final action~~its final approval~~.

~~e.~~b. In the event the final plan submitted contains substantial changes from the approved preliminary plan, the applicant shall resubmit the original plan. ~~This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.~~This final development plan shall become a new preliminary development plan and must be resubmitted and approved following the procedures in this section.

~~f. In the event that a plan or section hereof is given final approval and thereafter the landowner shall abandon said plan or section, he shall so notify the city thereof in writing.~~

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1003.J. PROTEST. Whether or not the commission recommends approval or disapproval of a preliminary plan, if a protest petition against such preliminary plan is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the preliminary plan, excluding streets and public ways, the ordinance adopting such preliminary plan shall not be passed except by at least 3/4 majority vote of all the members of the governing body. Protest petition procedures may be found in SECTION 1008.

~~4.~~ **1003.K. APPEALS.** The governing body's decision on a PUD shall be the final local action. Appeals of such final local action shall be taken to district court.

~~5.~~ **1003.L. PERIOD OF VALIDITY.** ~~In the event the landowner shall fail to commence the PUD within 18 months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner.~~The proposed construction shall begin within 18 months following approval of the final application by the governing body, and a minimum of 50 percent of the total planned construction shall be completed within a period of six years following such approval or the approval of the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. In the event the landowner shall fail to commence the PUD within 18 months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the commission upon written application by the landowner.

1003.M. ENFORCEMENT OF PLAN. ~~ENFORCEMENT AND MODIFICATION.~~ To ensure the mutual interest of the resident and owners of the PUD and of the general public, the enforcement ~~and modification~~ of the provisions of the ~~Plan~~PUD, as finally approved—whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

~~a.~~1. Enforcement by the ~~city~~City covers the provisions of the plan relating to:

~~i.~~a. The use of land and the use, bulk and location of buildings and structures.

~~ii.~~b. The quality and location of common space.

~~iii.~~c. The intensity of use or the density of residential units.

2. Enforcement by the r~~R~~esidents and o~~O~~wners cover any additional items not listed in item (a) above.

~~b.~~3. All enforcement proceedings shall be subject to the provisions provided for by state statute.

1003.N. AMENDMENTS TO PUDS. ~~Modification:~~ A Planned Unit Development District adopted via ordinance or an approved preliminary or final PUD plan may be amended by the governing body after a public hearing as outlined in ~~Section~~ SECTION 801.

1. In the event that a plan or section hereof is given final approval and thereafter the landowner shall abandon said plan or section, he or she shall so notify the City thereof in writing.

~~a.~~2. No changes in the development plan that are approved under these regulations ~~is ordinance~~ are to be considered as a waiver of the covenants limiting the use of the land, buildings, structures,

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and improvements within the area of the PUD, and all rights to enforce these covenants against any changes permitted are expressly reserved.

~~b.~~3. All ~~enforcement and~~ modification proceedings shall be subject to the provisions provided for by state statute.

1003.O. REVIEW CRITERIA FOR PUDS. 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 Planned Unit Development may be developed by the commission and incorporated into any recommendation in support of the requested Planned Unit Development.

1. Protection of sensitive habitat, cultural resources, and connected, usable open space;
2. Street design and connectivity to existing infrastructure, particularly transportation systems and public services;
3. Variety of lot sizes and home sizes;
4. Integration of mixed uses;
5. Design guidelines covering site planning and general building form;
6. Provisions for parking, particularly shared parking and on-street parking, showcasing efficient land use; and

~~6.~~7. Conformance to the comprehensive plan.

Commented [KH3]: These are recommended criteria by the Environmental Protection Agency (EPA) in their 2012 Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes document.

1003.P. ~~K.~~ PLATTING~~PLATTING~~. For unplatted tracts or tracts being replatted, the approval of the preliminary ~~PUD~~ plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. The final plat shall be in accordance with the Subdivision Regulations and may be submitted with or incorporated with the final ~~development~~ plan. The final ~~development~~ plan and the final plat may be reviewed by the ~~Planning Commission~~commission concurrently and recommended to the governing body for final ~~approval~~action.

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SECTION 1004. ADMINISTRATIVE ADJUSTMENT.

1004.A. GENERAL. The intent and purpose of this section is to allow for administrative action on requests for minor modifications or adjustments to certain provisions of these regulations.

1004.B. AUTHORITY. The Zoning Administrator, with the concurrence of the Deputy Administrative Officer, shall have the authority to approve applications for Administrative Adjustments.

1004.C. AUTHORIZED ADMINISTRATIVE ADJUSTMENTS. Administrative Adjustments shall be limited to the following:

1. Reducing the minimum lot area, width, or depth by up to 10 percent.
2. Increasing the maximum structure height by up to 20 percent.
3. Reducing the minimum front, rear, or side yard by up to 20 percent.
4. Increasing the maximum lot coverage by up to 10 percent.
5. Reducing off-street parking and loading requirements, the required depth of parking stalls and the required width of circulation aisles by up to 25 percent.

1004.D. APPLICATION. An application for an Administrative Adjustment may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting**. All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1004.E. SUBMITTAL. An application, in writing, for such Administrative Adjustment shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The following shall be included with the application:

1. The complete legal description and general street location of the subject property;
2. Written statements, diagrams or exhibits explaining the following:
    a. How strict compliance with the limitations and/or special conditions or requirements imposed by these regulations prevent the proposed use or construction;
    b. Why the proposed Administrative Adjustment will not cause substantial injury to the value of other property in the neighborhood; and
    c. How the proposed Administrative Adjustment is to be designed, arranged, and operated in order to permit the development and use of the neighboring property in accordance with these regulations.
3. A site plan demonstrating how the subject property will be developed if the requested Administrative Adjustment is approved, drawn to scale, and indicating how the proposed adjustment will meet the requirements of these regulations;

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4. Other information, such as photographs, renderings, landscaping or screening plans, or other reports as may be required by the Zoning Administrator. Such materials will be made part of the case file and become public record; and
5. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1004.F. ACTION BY THE ZONING ADMINISTRATOR. Upon submission of the Administrative Adjustment application, the Zoning Administrator shall render and issue a written decision to the applicant in the form of an Administrative Adjustment to be filed with the Sedgwick County Register of Deeds Office or a written denial of the requested Administrative Adjustment containing specific findings of fact to be filed with the application.

1004.G. CONDITIONS. In granting an Administrative Adjustment, the Zoning Administrator may attach such conditions upon the property and/or the applicant benefited by the Administrative Adjustment deemed necessary to address issues raised during the application process. The Zoning Administrator may choose to file protective covenants which run with the land to guarantee that conditions will be carried out at a future date. Such covenants and any conditions shall be filed with the Sedgwick County Register of Deeds. Such conditions may include, but are not be limited to:

1. Length and time of operation and ownership limitations;
2. Screening, landscaping and fencing;
3. Provision of utilities, drainage, sidewalks and other public improvements;
4. Additional access or access control;
5. Off-street parking and loading requirements; and
6. Platting, dedications and/or guarantees.

1004.H. APPEALS. The applicant may appeal the final decision on an Administrative Adjustment made by the Zoning Administrator. Appeal procedures may be found in SECTION 1007.

1004.I. EXERCISING OF ADMINISTRATIVE ADJUSTMENT. An Administrative Adjustment shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.

1004.J. PERIOD OF VALIDITY. An Administrative Adjustment issued pursuant to these regulations shall lapse and become ineffective if the Administrative Adjustment is not exercised upon the property within 180 days and/or continuously maintained on the property thereafter; provided, that the Zoning Administrator may grant additional extensions, not exceeding 180 days each, upon written application.

1004.K. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of an Administrative Adjustment, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Administrative Adjustment is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Administrative Adjustment. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007 of these regulations.

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1004.L. AMENDMENTS TO ADMINISTRATIVE ADJUSTMENTS. Approved Administrative Adjustments may not be amended. If a different adjustment is requested, a new application must be submitted.

1004.M. REVIEW CRITERIA FOR ADMINISTRATIVE ADJUSTMENTS. The Zoning Administrator may grant an Administrative Adjustment based upon specific written findings of fact made after consideration of the request and any comments and/or evidence presented in light of relevant factors, including but not limited to the standards in Section 1004.G ~~1009~~ of these regulations.

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SECTION 1005. VARIANCE.

1005.A. GENERAL. The Board of Zoning Appeals may authorize, in certain cases, a Variance from the specific terms of these regulations, in conformance with K.S.A. 12-759.

1005.B. APPLICATION. An application for a Variance may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1005.C. SUBMITTAL. An application, in writing, for such Variance shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The following shall be included with the application:

1. The complete legal description and general street location of the subject property;
2. Written statements, diagrams or exhibits explaining how the review criteria in SECTIONS 1005.K.1 through 1005.K.5 will be met.
3. A site plan of the subject property demonstrating the condition for which the Variance is being requested;
4. A certified list of the names and addresses of all property owners within 200 feet of the subject property (excepting public streets and ways) and obtained from an abstract company. If the subject property is located adjacent to or outside the City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area; and
5. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1005.D. HEARING. Prior to making the final decision on a Variance, a public hearing shall be held. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1. In addition to such public notice, written notice of such Variance shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.

1005.E. AUTHORITY. The Board of Zoning Appeals shall be permitted to approve, approve with conditions, or deny a request for a Variance from the specific terms of these regulations. Such variance will not be contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case result in unnecessary hardship (total deprivation of use), and provided that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not allow the establishment of a use in a zoning district where such use is not permitted.

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1005.F. ACTION BY THE BOARD OF ZONING APPEALS. After testimony and discussion, the board shall render a final decision on the Variance. The board may adjourn to a specific time and location in order to obtain additional information before making a final decision. If the board fails to make a decision within 60 days following the conclusion of the public hearing, the board shall be deemed to have made a decision of denial, and such default decision shall be final.

1005.G. APPEALS. The board's decision on a Variance shall be the final local action. Appeals of such final local action shall be taken to district court.

1005.H. EXERCISING THE VARIANCE. A Variance shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. When such Variance is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the commission upon written application.

1005.I. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of a Variance, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Variance is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Variance. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007 of these regulations.

1005.J. AMENDMENTS TO VARIANCES. Approved Variances may be amended by following the same procedures as required for consideration and approval of the original Variance application.

1005.K. REVIEW CRITERIA FOR VARIANCES. A request for Variance may be granted in such case upon finding by the board that **ALL** of the below conditions have been met.

1. That the Variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and that it is not created by an action or actions of the property owner represented in the application;
2. That the granting of the Variance will not adversely affect the rights of adjacent property owner represented in the application;
3. That the strict application of the provisions of these regulations of which Variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. That the Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting of the Variance desired will not be opposed to the general spirit and intent of these regulations.

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SECTION 1006. SPECIAL EXCEPTIONS.

1006.A. GENERAL. The intent and purpose of this section is to outline the procedures for the authorization of a Special Exception to the provisions of these regulations, in conformance with K.S.A. 12-759.

~~4.~~ **1006.B. AUTHORITY.** The Board of Zoning appeals shall have the authority to grant exceptions to the provisions of these regulations in those instances where the board is specifically authorized to grant such exceptions and only under the terms of these regulations. In no event shall exceptions to the provisions of these regulations be granted where the use or exception contemplated is not specifically listed as an exception in these regulations. Further, under no conditions shall the board have the power to grant exceptions when conditions of this exception, as established in these regulations, are not found to be present.

1006.C. TYPES OF SPECIAL EXCEPTIONS. The board shall have the power to authorize the following special exceptions:

~~a.~~1. ~~To grant a permit for a temporary building for commerce or industry in a dwelling district which is incidental to the dwelling development, which temporary building shall be located in the platted development area. No such permit shall be issued for more than 24 months or beyond completion of the project, whichever is shorter.~~To allow temporary accessory structures to be located in the front yard.

Commented [KH4]: The regulations allow this without a special permit in Article 4.

2. To grant a permit for the extension of a use or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership at the time of the adoption of these regulations, or at the time of annexation, whichever is later.

~~b.~~3. To allow an individual business to occupy more than 5,000 square feet of floor area on the site of a property zoned MU-R Mixed Use Residential, pursuant to the conditions of SECTION 602.F.2.

1006.D. APPLICATION. An application for a Special Exception may be proposed by the owner(s), the authorized agent(s) of such owner(s), or the contract purchaser(s)/lessee(s) of the subject property.

1. **Pre-application meeting.** All applicants are encouraged to meet with applicable City staff prior to submitting an application. The purpose of the pre-application meeting is to provide staff and the applicant an opportunity to discuss the steps and any other applications that may be necessary prior to the commencement of a specific building project.

1006.E. SUBMITTAL. An application, in writing, for such Special Exception shall be filed with Office of the City Clerk and accompanied by such data and information as may be prescribed by the Zoning Administrator so as to assure the fullest possible presentation of facts for the permanent record. No application shall be processed until the application is complete and the required fee paid. The following shall be included with the application:

1. The complete legal description and general street location of the subject property;
2. Site plan of the subject property demonstrating the condition for which the Special Exception is being requested;
3. Protective covenants, if any;

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4. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1006.F. ACTION BY THE BOARD OF ZONING APPEALS. After testimony and discussion, the board shall approve, approve with conditions, or deny the Special Exception request. Failure of the board to make a decision on a Special Exception request after a period of 30 days shall deem the request denied by the board.

1006.G. APPEALS. The board's decision on Special Exceptions shall be the final local action. Appeals of such final local action shall be taken to district court.

1006.H. EXERCISING THE SPECIAL EXCEPTION. A Special Exception shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.

1006.I. FAILURE OF CONDITIONS. If the Zoning Administrator finds that there is a violation of any of the conditions of a Special Exception, the Zoning Administrator, in addition to reinforcing the other remedies, may, with the concurrence of the Deputy Administrative Officer, declare that the Special Exception is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property affected by the Special Exception. A copy shall be sent to the Deputy Administrative Officer. The Zoning Administrator's declaration shall be final unless appealed in accordance with SECTION 1007.

1006.J. REVIEW CRITERIA FOR SPECIAL EXCEPTIONS. A request for a Special Exception may be granted in such case upon finding by the board that **ALL** of the below conditions have been met:

1. The proposed Special Exception will not be contrary to the public interest;
2. The spirit of these regulations shall be observed;
3. The public safety and welfare is secured;
4. Substantial justice is done.

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SECTION 1007. APPEALS.

1007.A. GENERAL. The intent and purpose of this section is to outline the procedures for appeals, in conformance with K.S.A. 12-759.

1007.B. AUTHORITY. Any person aggrieved by any officer, department, board or bureau of the municipality during the enforcement of these regulations or affected by any decision of the Zoning Administrator regarding the applicability of such restrictions and/or requirements imposed by these regulations may appeal such decision to the Board of Zoning Appeals. Such grievance shall be taken within a reasonable amount of time to the board for consideration and/or action by filing an appeal within 14 days of the decision specifying the grounds thereof and paying the fee required. The officer, department, board or bureau from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed was taken.

1007.C. APPLICATION. The following shall be included in any application for appeal:

1. A written statement shall be filed with the Board of Zoning Appeals accompanied by such data and information as may be prescribed by the board as to assure the fullest possible presentation of facts for the permanent record;
2. The property for which review and consideration is sought shall be designated by legal description and general street location;
3. A certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be provided by the petitioner. If a proposed appeal to property for which review and consideration is sought is located adjacent to or outside the City's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area; and
4. Filing fees paid to the City Clerk, as determined in CHAPTER 17 of the City Code.

1007.D. STAY PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application or notice to the officer from the appeal of which is taken and on due cause shown.

1007.E. ACTION BY THE BOARD OF ZONING APPEALS. In exercising the powers set out in this article, such board may reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and that end shall have all powers of the officer from whom the appeal is taken.

1007.F. VOTE REQUIRED TO REVERSE. The concurring vote of a majority of the members appointed to the board shall be required to reverse any order, requirement, decision, or determination of any such administrative officer, department, board or bureau of the municipality or to decide in favor of the applicant on any matter upon which it is required, or to affect any variation of the zoning regulations.

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1007.G. EXPIRATION OF AUTHORITY TO APPEAL. If no interested person appeals an action or decision to the Board of Zoning Appeals within 14 days, all interested persons will be bound by that action or decision and will not be able to contest at a later time.

1007.H. APPEALS. The board's decision on an appeal shall be the final local action. Appeals of such final local action shall be taken to district court.

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SECTION 1008. PROTEST PETITIONS.

1008.A. GENERAL. The intent and purpose of this section shall be to outline the procedures in protesting a Zone Change, Conditional Use permit, Variance or any other request reviewed by the Planning Commission during a required public hearing.

1008.B. APPLICATION. Any owners of record within the required notification area of a public hearing may submit a protest petition. A protest petition may be submitted regardless of whether the commission recommended approval or denial of a request.

1008.C. SUBMITTAL. A protest petition, in writing, shall be submitted to the Office of the City Clerk within 14 days of the public hearing. Such petition shall include the following:

1. Information about the request for which the protest is submitted;
2. Contact information, address, and full legal description and general street location of the protestor's property;
3. If the protester's property has more than one owner, all owners of the property must sign the protest petition to ensure that it will be found valid; and
4. Acknowledgement by a notary public.

1008.D. VALID PROTEST PETITION. A protest petition must be signed by the owners of record of at least 20% of the land within the required notification area of a request to be considered valid. Notification areas are dependent on the request type. Please refer to the specific procedures for each request for the extent of the notification area.

1. If the ownership of the protestor's property is different from that shown on the certified ownership list submitted with the request, it is the responsibility of the protestor(s) to provide proof of ownership.
2. If a protestor is signing on behalf of a property owner, the protestor must provide proof of legal authority to do so and specify the formal capacity in which they are signing (e.g., as a legal guardian, power of attorney, etc.).
3. Protest petitions must be submitted within 14 days following the conclusion of a public hearing.
4. Protest petitions submitted prior to the conclusion of a public hearing will not be considered valid.

1008.E. EFFECT OF VALID PROTEST PETITION. If a valid and sufficient protest petition is submitted, approval of the request requires an affirmative vote by at least a ¾ majority of the members of the governing body.

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SECTION 1009. AMENDMENTS.

1009.A. GENERAL. The intent and purpose of this section shall be to outline the procedures for amending these regulations, in conformance with K.S.A. 12-756 and 12-757.

1009.B. INITIATION. Amendments to these regulations may be initiated by the governing body or the planning commission.

1009.C. HEARING. Prior to making the final decision on an amendment, a public hearing shall be held by the commission. Such hearing may be adjourned from time to time, and an accurate written summary shall be made. The Zoning Administrator shall establish the time and place of the public hearing. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

1009.D. AUTHORITY. The Planning Commission shall have the authority to make recommendations on proposed amendments. The governing body shall have the authority to make the final decision on amendments.

1009.E. ACTION BY THE PLANNING COMMISSION. Within 60 days following the conclusion of the public hearing, the commission shall prepare its recommendations, and by an affirmative vote of a majority of the entire membership of the commission may (1) recommend approval of the requested amendment; (2) recommend approval with modifications; or (3) recommend denial of the requested amendment including a statement of the reason(s) for such denial. The recommendation, together with a written summary of the hearing thereon, shall be submitted to the governing body.

1009.F. ACTION BY THE GOVERNING BODY. Upon receipt of the recommendation from the commission and the reasons therefor, the governing body may (1) approve such recommendation by the adoption of an ordinance; (2) override the commission's recommendations by a 2/3 majority vote of the membership of the governing body, and adopt an ordinance setting forth the action determined appropriate by such majority of that body; or (3) return the recommendation to the commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

1. If the governing body returns the commission's recommendation for further consideration, the commission, at its next regularly scheduled meeting, shall consider the same and, after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt, such recommendation by an ordinance, or it need take no further action thereon. If the commission fails to deliver its recommendation to the governing body following the commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the commission as a resubmission of the original recommendation and proceed accordingly.

1009.G. PROTEST. Regardless of the commission's decision on an amendment, if a protest petition against such amendment is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of the total real property within the area required to be notified by the amendment,

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excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a 3/4 majority vote of all the members of the governing body. Protest petition procedures may be found in SECTION 1008.

1009.H. APPEALS. The governing body's decision on an amendment shall be the final local action. Appeals of such final local action shall be taken to district court.

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ARTICLE 11
VIOLATIONS AND ENFORCEMENT

Commented [KH1]: This article is new to the zoning regulations. Most of the text came from Sedgwick County's violation procedures, but some was inspired by Brattleboro, VT (authority, investigation, and notice).

SECTION 1101. VIOLATIONS

1101.A. TYPES OF VIOLATIONS. Any of the following shall constitute a violation of these regulations, including any appendices incorporated by reference in SECTION 101.A, and shall be subject to the enforcement remedies and penalties provided by these regulations and state law.

1. **Development or use without a permit.** To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City of Haysville without all of the required permits, approvals, certificates and other forms of authorization required by these regulations in order to conduct or engage in such activity.
2. **Development or use inconsistent with permit**. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.
3. **Development or use inconsistent with these regulations.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to use any land in violation or contravention of any zoning, subdivision, or general regulations of these regulations, or any amendment thereof.
4. **Making lot or setback noncomplying.** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by these regulations and the final plat or plan.
5. **Increasing intensity of use.** To increase the intensity of the use of any land or structure, except in accordance with the procedural and substantive requirements of these regulations.
6. **Continuing violation.** To continue any of the above violations. Each day of a violation shall be considered a separate offense.
7. **Removing, defacing, obscuring notice.** To remove, obscure, or otherwise interfere with any notice required by these regulations.

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SECTION 1102. ENFORCEMENT PROCEDURES

1102.A. GENERAL. This section shall outline the enforcement procedures and effects of violations of these regulations.

1102.B. AUTHORITY. ~~It shall be the duty of the~~The Zoning Administrator, or designee, shall have the authority to enforce the provisions of ~~this Code~~these regulations and to refuse to issue any permit for any building or structure~~,~~ or for the use of any premises that would violate any of the provisions hereof~~, and to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or be in violation of any provision of this Code~~.

1102.C. INVESTIGATION. The Zoning Administrator may enter onto any property as necessary to investigate an alleged violation of these regulations or cause any building, structure, place, or premises to be inspected and examined.

1102.D. NOTICE. The Zoning Administrator may issue a notice of violation for any violation of these regulations. The Zoning Administrator must send notice of violation to the property owner by certified mail. Notice of the violation may be sent to any tenants by regular mail. The notice of violation must:

1. Describe the violation;
2. Identify the specific provision(s) of these regulations being violated;
3. State the specific action required to abate the violation;
4. State that if the violation is not abated within 15 days of the receipt of the letter, the City may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under these regulations for each day the violation continues from the date of the notice;
5. State that the notice of violation may be appealed as per SECTION 1007.

1102.E. PENALTY. Any violation of the provisions of these regulations shall be a misdemeanor and shall be punishable by a fine of not to exceed $500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense. ~~Fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023).~~

1102.F. ENFORCEMENT. In the case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of these regulations~~is Code~~, the Zoning Administrator, or designee, is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation and to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, or use in or about such premises.

1102.F. OTHER ENFORCEMENT MATTERS.

1. **Other powers.** In addition to the enforcement powers specified in this section, the City may exercise any and all enforcement powers granted to them by Kansas law, as it may be amended from time to time.

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~~1.~~2. **Continuation**. Nothing in these regulations shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid resolutions, ordinances and laws.

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ARTICLE 12
FLOODPLAIN MANAGEMENT

Commented [KH1]: No changes to the article text. An article title has been added and the article has been formatted to match the City Code.

SECTION 1201. FLOODPLAIN MANAGEMENT ORDINANCE INCORPORATED

1201.A. GENERAL. There is hereby incorporated by reference, for the purpose of regulating and managing floodplains within the corporate limits of the City of Haysville, Kansas, a "Floodplain Management Ordinance." At least one copy of said Model Floodplain Management Ordinance shall be marked "Official Copy as adopted by Ordinance No. 1104" and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

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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: Review of the Master Park Plan

Date: April 23, 2026

The Planning Commission reviews the City's *Master Park Plan* annually to ensure accurate data and information and consider any proposed changes.

On March 2, 2026, the Park Board reviewed the *Master Park Plan* and found changes to be considered. Those changes are before you for review in two different formats:

1) Clean draft of the *Master Park Plan*. The proposed changes are not marked.
2) Redline draft of the *Master Park Plan*. The proposed changes are show in purple, blue and red. Deletions are struck-through and additions are underlined.

The Planning Commission may approve and adopt the proposed changes into the *Master Park Plan*, approve with changes and adopt, or deny the proposed changes.

For your convenience, an outline of the proposed changes is also attached.

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OUTLINE OF PROPOSED CHANGES

Purpose (pg. 2)

- Rewrote purpose statement to include the Master Park Plan as a part of the Comprehensive Plan
- Summarized the responsibilities of the Tree Board

Project Priority List (pg. 2)

- Removed completed projects (ADA accessibility at Riggs and sidewalks in the Historic Park)

Fred A. Cohlmia Memorial Park & Dewey Gunzelman Swimming Pool (pg. 7)

- Added the We-Go Round installed in 2026 to the completed projects list and removed it from the planned improvements list.

WW Hays Historic Park (pg. 18)

- Removed the paving of pathways from the planned improvements list. This was completed in 2026.

NEW – Tree Board Responsibilities (pg. 32)

- This new section establishes the responsibilities of the Tree Board as it relates to the new City Tree Planting Program. A background on the program is provided, as well as considerations for tree species, planting, and maintenance.

Bicycle and Pedestrian Master Plan (pg. 35)

- Added a reference to the BPAC

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2026 Haysville

Master Park Plan

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Purpose

Purpose
The Haysville Master Parks Plan is part of the City's *Comprehensive Plan*. It documents existing park facilities and open spaces, identifies future needs, and sets goals and priorities to guide improvements.

The Park Board is committed to providing safe, welcoming, and enjoyable outdoor spaces for residents of all ages.

Tree Board Responsibilities
The Park Board serves as the Tree Board and oversees the City Tree Planting Program, which expands the tree canopy on City-owned property by planting nursery-grown trees. The program is designed to fit within current staffing, maintenance, and budget resources and meets Tree City USA standards.

Project Priority List

- Replacement of an old structure with one free standing piece at Kirby Park
- Add agility equipment to the Dog Park
- Add Pour-in-Place Base to the following playgrounds: Cohlmia (HAC); Riggs Swings; Dorner Park
- Add 4-Square Courts to Cohlmia (HAC), Riggs and Dorner Park
- Add interactive musical equipment to Historic Park

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Riggs Park

Riggs Park contains approximately 19.5 acres. The Cowskin Creek forms its eastern boundary and extends approximately 2,200 linear feet along the park. There is a small, picturesque lake in the northern part of the park which occupies a large portion of the Cowskin Creek floodplain. The lake is stocked and is used regularly by citizens. A wide and relatively deep channel, which was an old meander of a creek, bisects the park and gives the lower half of Riggs some interesting topographic character. The City Hike & Bike Path was installed and curves through the park. With the installation of the path, antique style lighting, black wire benches and trash receptacles were installed to make this section uniform with other portions of the path. The lighting increases park security and extends hours of utilization.

The northern portion of the park has two shelters: Timberlane Shelter, an open picnic shelter, and the Lion's Club Shelter. Both shelters are on concrete pads and provide clean, attractive areas for picnic activities. The Lions Club Shelter is enclosed and has restrooms, kitchen facilities and an outdoor barbeque grill. Restroom facilities in the northern section of the park were remodeled in 2012, with an additional set of ADA compliant restrooms added to the south side of the existing facilities. These facilities are open year-round. Two off-street parking areas have been developed in the northern park and are accessible from Park Drive. The parking area to the west has a gravel surface and a capacity of approximately 25 to 30 vehicles.

The eastern parking area is paved and contains handicapped parking for 4 vehicles. The south portion of the park contains two picnic shelters: Riggs Shelter and the Police Shelter.

Riggs Shelter was rebuilt in 2003, and its design serves as the template for several park shelters built since then. These structures are brick and have ADA compliant bathroom facilities, which were engineered for favorable air flow to keep restroom temperatures tolerable, and to aid in odor control. The two shelters have electricity and water facilities available by key to renters of the shelters. A Band Shell is also available for rental and is used as a stage for a variety of events.

The south side of the park has a large, asphalt off-street parking lot, which can be accessed at two points from Hungerford. The parking area is not marked but is estimated to hold approximately 16 vehicles. There is adequate security lighting in the parking lot, and throughout the park.

Playground equipment is located throughout the park but can be viewed as consisting of two distinct areas. The northern area was redone in 2017 and consists of equipment meant to serve ages 2-5 years old. The southern area features a 6 bay-swing set and a main play structure area that was installed April 2024. There are two recycled benches for seating.

Completed Improvements

In 2012 the pond was dredged to a depth of 6', and trees were removed from around the pond when this project was completed. The spillway was replaced with a recessed structure, and the well pump and fountain were replaced. The parking lot to the north was surface sealed in 2010. Damaged slides in the southern park were

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replaced, and a nine-hole disc-golf course was installed throughout the park in 2011. The fence was removed around the horseshoe pits for easier maintenance. In 2015, the old swings and merry go round north of the south shelter were removed. A new 3-bay swing structure was installed with a concrete apron, drainage system and new wood chips. In 2015 a floating dock and sidewalk from the north parking lot was installed. This was to allow for ADA accessibility after a complaint was received after the rip rap was installed around the lake. In 2017, a drinking fountain was installed that has an additional attachment for canine usage. This fountain is located on the south end of the park by the hike/ bike path. In 2012 the north teeter-totters were replaced, the other equipment was replaced in 2017. This included a new slide, play structure and tire swing with a concrete border. Near this area, the Girl Scouts completed a beautification project on the WWII Veteran's Memorial. Additional larger rip rap was placed around the lake in 2018. In 2024 the south playground equipment was replaced and pour-in-place surfacing was installed. ADA swing installed

Planned Improvements

- Replace the gravel road with a twelve-foot concrete roadway.
- Replace the water main.
- Add a concrete 4-square game.
- Replace horseshoe pits with pickleball courts.
- Replace the two benches in the northern park area that do not match the standard.
- Mark gravel parking lot to bring it to ADA compliance.
- Landscaping is deemed complete, but continual maintenance on areas such as the concrete H is a necessity.

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History

Harley and Mildred Riggs were the original owners of the park area. The city grew around their land. Before being taken into the city, Harley platted his ground, and in the original plat there were three streets to be named for his three grandchildren - Sarah (Lane), Christine (Court) and Larry (Drive). Larry Drive was eventually omitted for drainage purposes. The northern 11 acres of the park were originally platted as Timberlane Park when that addition was developed. The dividing line between the two parks was described as an old drainage tributary that extended from the Park Drive and Timberlane Drive Intersection almost directly east to the Cowskin Creek. In May of 2015 the Park Board voted to combine the two parks into one, in accord with popular perception of the entire area as Riggs Park.

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Fred A. Cohlmia Memorial Park & Dewey Gunzelman Swimming Pool

Fred A. Cohlmia Memorial Park contains approximately 7 acres and is located along the east bank of the Cowskin Creek. Approximately 650 linear feet of Cowskin Creek make up the park's west boundary. The park is relatively flat over its total area. The Dewey Gunzelman Swimming Pool is located within this park. The park contains a playground area designed for 5-12 year olds with shaded seating, two sand volleyball courts with lights available for after-hours usage, a drinking fountain, security cameras and a bike rack. A portion of the City's Hike & Bike Path runs parallel to the Cowskin Creek.

The Dewey Gunzelman Swimming Pool, constructed in 1993, is an eight lane 50-meter offset "L" shaped swimming pool. The diving bay includes both one-meter and three-meter diving boards, and a drop slide.

The shallow end of the main pool has a 160-foot blue slide and an ADA compliant chair lift. The intermediate pool includes a small water slide and baby pool. The pool also has a concession stand, picnic tables, seven shade structures, benches and showers in the bathroom facilities. A new parking lot located south of the HAC provides ample parking to serve the needs of patrons for the HAC and pool. Additional parking is located north of the swimming pool on Sarah Lane.

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Completed Improvements

- In 2008 installation of a splash pad was completed on the northwest corner of the pool.
- Two benches, a shade structure and fencing were installed. The fencing was constructed so that citizens can access the splash pad when the pool is closed.
- In 2013 a sidewalk was added along the south side of the volleyball courts from Clinton Ave to the Hike and Bike Path.
- In 2017 on-street parking was added during construction of the Activity Center, a second sand volleyball court and a bike fix-it station.
- In 2018, a new playground was installed, a drinking fountain, 2 canopies and security cameras. Bike racks were installed next to the HAC and the playground. 7 trees were planted as part of the Arbor Day Tree Planting.
- In 2019, picnic tables with ADA accessibility were purchased for the pool concession stand. Deck chairs were purchased for patrons to use.
- In 2021, a Gaga Pit was built as an Eagle Scout project by Ben Woodworth.
- In 2022, the PVC pipe around the sand volleyball courts was replaced with concrete. Permanent concrete cornhole boards were installed next to the volleyball courts.
- We-Go-round ADA installed in 2026.

Planned Improvements

- Add a concrete 4-square game
- Pool Study (Aquatics feasibility)
  1. Potential Improvements based on community input.
  2. Indoor pool and improvements to outdoor pool are large ticket items. A large amount of funds would have to be committed over multiple years.
  3. An aging pool will eventually have to be addressed.
- An additional parking lot could be added for overflow parking to the north of Sarah Lane.

History

Fred A. Cohlmia was a local businessman and supporter of the community. He owned Cohlmia's Clothing Store. Dewey Gunzelman Swimming Pool was named after Dewey Gunzelman, who lived north of the floodway. Before Haysville had a public pool, he owned a private pool which he opened up for use by area children.

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Plagens-Carpenter Park/Sports Complex

Plagens-Carpenter Park consists of 30 acres located south of 63rd Street and west of Mabel Street. Four multi-use diamonds exist on the north section of the land with a storage area and concession stand in the middle. Field 1 and 3 are home to the Campus High School Colts and the Haysville Aviators Collegiate baseball teams. This field has an announcer box and flagpole for use during games. Two multi-use diamonds are located to the south, that also serve as practice fields for the Campus softball team. Two youth-sized diamonds are located to the east. When HJBL dissolved in 2014 the HAC took over the youth baseball and softball program. A sign was placed at the fields at Nelson Elementary in 2011 when they were named after Carl Hall, a Campus High graduate that played baseball. With the completion of the two east fields in 2016, the sign was moved to Plagens-Carpenter. Two batting cages are located between fields 2 and 3. All the fields have irrigation systems.

The park area of Plagens-Carpenter Park includes two shelters. The main enclosed shelter was built in 2003, adhering to the template used in the other City parks. The second shelter was built as an Eagle Scout project and is not enclosed. The basketball court is in the southeast corner of the park. The parking lot is gravel and extends the entire length of the park, east to west and south along field six. A smaller parking lot is located to the north of field eight. Although not marked, the parking lots can hold approximately 300 vehicles. The parking lot must remain gravel to maintain FEMA Floodplain requirements, but ADA compliance needs to be evaluated.

Completed Improvements

Fields 5, 6, 7 and 8 were added, completing the design. An announcer box and flagpole were added to field 1 in 2011. Yellow capping and irrigations systems have been added to all fields. Three additional storage sheds have been installed for equipment. Additional bleachers have been added to fields 1, 5, 6, 7 and 8. Concrete pads were added and sidewalks going to 7 and 8. In 2016, new score boards were added on fields 2, 3 and 4, along with an LED sign on field 1. In 2017, a new scoreboard was installed on field 1. At this same time WIFI coverage was expanded with a second access point placed on the new scoreboard. In 2022 shade structures were installed over the bleachers on all fields and the dugouts on fields 5/6. In 2022 the block walls were removed in front of the restrooms doors and concrete was installed in the walkway between fields 3 and 4. In 2023 the playground equipment and swings were replaced. Another storage shed was added. Canopies were added to fields 1-4 plus concrete bases. In 2024 the sidewalk system was completed connecting this area to the cities pathway system.

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History

The park was named after Otto Plagens and Jack Carpenter who the city purchased the front 10 acres of land from. The back 10 acres were purchased by the Sunflower Improvement district for park land. The original name of the park was Carpenter-Plagens.

Jack Carpenter asked for the name to be changed to what it is today. In 1987 dirt work began, in 1994 the first ball game was played on Field 1. Fields 1 and 2 were completed at that time. In 1998 fields 3 and 4 started construction and they were completed after tornado damage in 1999. The Concession stand was completed around 2000.

Planned Improvements

- Consider play ability improvements for field 1 (Reduce field size, new dugouts, bullpens fencing, turf). Make playability improvements to field 1 as communicated by USD261 and Haysville Aviators.
- Mark lines on the curb of the parking lot to accommodate additional parking. Evaluate the parking lot and any construction on fields 5 and 6 with FEMA guidelines.
- Repaint the small shelter in the park.
- Install a drinking water fountain next to Carl Hall fields.
- Construct restroom facilities between the south and east fields.
- Add concrete pads to the bleachers on fields 5 and 6.
- Install protective netting between fields.
- Finish the concrete to the dugouts around the concession stand area.
- Add lighting to fields 5 and 6.

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Orchard Acres Park

Orchard Acres Park is located on South Ward Parkway to the west of the Orchard Acres Addition and north of the South Field Addition. It is a long, narrow parcel and contains approximately 3.0 acres. Most of the site is relatively flat and is bordered on the west by a 60-foot-wide drainage channel. On the north end of park is a concrete basketball court. In the middle is a small open shelter with picnic tables next to a large playground area. On the south end (Southfield addition) is the main shelter, built in 2003, which adheres to the template used in the other City parks. The Old Oak disc golf course runs through this park as well. There is parking available along the street.

Completed Improvements

The playground area has been updated with a new drainage system, new wood chips, a concrete apron and three additional pieces of equipment. The open shelter next to the playground was repaired and repainted. Three additional trees were planted next to the basketball courts as a part of the Arbor Day Tree Planting in 2018. The merry-go-round was replaced in 2024. Wooden picnic tables were replaced with recycled materials tables.

History

Mary and Leon Miller were the original owners of the land, Charlie June was the developer. Mike Dirck platted and developed the Southfield addition.

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Pear Tree Park

Pear Tree Park is in the east central portion of town between North Marlen Drive and Moy Avenue. Much of the site contains a major drainage channel; however, there are two parcels that are flat and large enough to contain facilities. One has been developed into Pear Tree Park, the other Whisler Park, which will be discussed later. Pear Tree Park contains a shelter, basketball court, playground area and sprinkler system. The shelter was built in 2003 and adheres to the template used in the other City parks.

Completed Improvements

In 2015, the outdated playground equipment was removed. New equipment, along with a new drainage system, wood chips and concrete apron, were installed. The equipment is suited for ages 5-12 years old.

History

The original owners were the Hurley's. Marlen and James McIntosh purchased the land from them. The McIntosh's owned a realty company next to the current Noah's donut shop. McIntosh did not finish the development.

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Whisler Park

Whisler Park is located just north of Freeman Avenue at the location where the drainage channel exits the Pear Tree Addition. The site is approximately .4 acres in size. The park contains an open shelter and toddler play equipment for ages 2-4 years.

Completed Improvements

In 2016, on street parking was installed. New toddler playground equipment was installed, as well as two expression swings. In 2017, irrigation design and repairs were made.

Planned Improvements

- Install a splash pad.
- Add benches and smaller sunshades near the spray ground.
- Install a drinking water fountain.
- Plant additional trees throughout park.

History

The area was platted with the Pear Tree addition. Marlen and James McIntosh platted the property. The park was renamed in memory of Norman Whisler, who died in August 1998. Norman lived next to the park on Moy Street. The original park had trees, a swing set and slide that were dedicated to his memory.

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Old Oak Park

Old Oak Park is in the Old Oak Addition next to the Public Works main office on South Jane Street. Most of the park consists of a spring-fed lake and the banks surrounding it. The banks have been cleaned and lined to accommodate fishing.

Completed Improvements

An 18-hole disc golf course has been installed in the park with assistance from the Air Capitol Disc Golf Association. The course includes tees for both amateur and professional golfers. In 2015, an aerator was added to the lake due to prevent algae growth. In addition, a dock was added to allow access to the middle of the lake for fishing and ADA accessibility on the east side of town. In 2016, two sets of launching pads were poured for each disc golf hole. Steppingstones were also added at the south end of the ditch so players can cross over to the connecting shelter. Signage was completed for both the short and long tees. Signage with rules was placed near the Public Works office. A bike fix-it station was installed near the Public Works building in 2017. In 2020, the dock was moved to the lake in Dorner Park due to the inconsistency of the water level.

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Planned Improvements

- Install a drinking water fountain next to the repair station.
- Plant additional trees throughout the park.

History

Delos Nelson was the original owner of the land which was purchased by Lusk development. W.E. Lusk Jr developed and platted the area. The pond and skate park were included in the Old Oak development.

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Chris Elsen Memorial Skate Park

The Chris Elsen Memorial Skate Park was opened in May of 2005 and funded by the Haysville Park Board. The park contains a half pipe, quarter pipe, two moguls, and grinding bar. A portion of the Hike & Bike Path leads to the park, and a basketball court is located adjacent to the park.

Completed Improvements

In 2018, new lighting was installed, along with security cameras.

Planned Improvements

- Evaluate equipment to determine which pieces should be replaced.
- Expand existing equipment to increase BMX track capabilities.

History

In the spring of 2005, Tim Elsen, brother of Chris Elsen (middle school student who had recently passed away due to a heart condition), approached Park Board to discuss the possibility of naming the new skate park in memory of his brother. Skateboarding was one of Chris's favorite pastimes. City Council approved this decision, and the park was named in Chris's memory.

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Kirby Park

Kirby Park is located east of Chatta Drive, south of West Leonard. The park contains approximately 4 acres, is flat, and drains to the east. The Kirby Shelter was built in 2003, adhering to the template used in the other City parks. The first playground equipment was based off the same template as the other parks in 2003. A basketball court sits at the northeast corner of the park, and practice soccer fields are located to the east. The park has an irrigation system, and a pond is situated at the southeast corner of the park, extending through the surrounding residential development. The pond is maintained by the city.

Completed Improvements

Trees have been removed from the banks as the pond has matured. Two additional pieces of playground equipment were purchased and installed in the play area along with a concrete apron, drainage system and wood chips in 2015. In 2016, a new teeter totter was replaced, and rock lining was placed around the lake.

Planned Improvements

- Install a drinking water fountain on the shelter building.
- Install a spray ground similar to the splash pad at Fred A. Cohlmia.
- Plant additional trees in the area.

History

Howard Rischel owned and developed the Peachwood addition (Grand to 4th street) which tied into the Southampton development. The original owners of the Hampton property were Marcell and Melvin Hampton Sr.; they platted the pond for park space. The city bought the park land from Hampton for dedication in conjunction with the Peachwood development. The park was named after DL Kirby who worked for public works that died in early 1980's. The swing set was later donated by Curtis Hampton in memory of his daughter, Stephanie Hampton Downing, who passed away. The HOA requested a dock be added to the lake similar to what was installed in Dorner and Riggs Park. Prices were provided and discussion with the HOA included the fact the dock would have to allow public access, and which has been an issue in the past with fishing. No action was taken.

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Kirby Park and Shelter

Kirby Park Shelter

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WW Hays Historic Park

On August 1, 1891, W.W. Hays and his wife Juliet platted the land they owned so that the town, later know as Haysville, could begin. This area was 161.5 acres located at E 1/2 NE 1/4 of Section 6 and W 1/2 NW 1/4 of Section 5, Township 29 Range 1 East, Sedgwick County. The original plat included Lots 1 through 28 running along what was called Main Street (now called South Main). In March of 1898, Haysville First Addition, which included Lots 1 through 15 on Hays Street, was platted. A small town boasting a lumberyard, blacksmith shop, two stores and a meat market had been founded.

In 1999, this area of "original" Haysville was destroyed by a tornado. In the aftermath, the City of Haysville designated the devastated area a park, naming it W.W. Hays Village Historic Park, and adopted a Master Plan to guide development within the area. The park now includes the Wire House, Blacksmith Shop, Haysville State Bank and accompanying outhouses, John Deere Tractor, Library, Community Building, Hometown Market, Historic Gazebo, perennial gardens, a windmill, walking path, and rental house.

Completed Improvements

Existing and planned buildings are shown on the map. In 2019 the Wire house was re-sid-ed and painted and the porch was replaced, portions of the Community Building were re-sided and painted, the Historic bank was remodeled and turned into an office. In 2020 a Veterans Memorial was completed. In 2023, walking tour signs were added. In 2023, permanent lighting was added to the buildings. In 2026, the walking path was paved to make W.W. Hays Historic Park more ADA accessible.

Planned Improvements

- See map for future additions, a large amount of funds would have to be raised to complete this plan. The feasible vs. cost would have to be looked at.
- Add inclusive playground equipment along the path.

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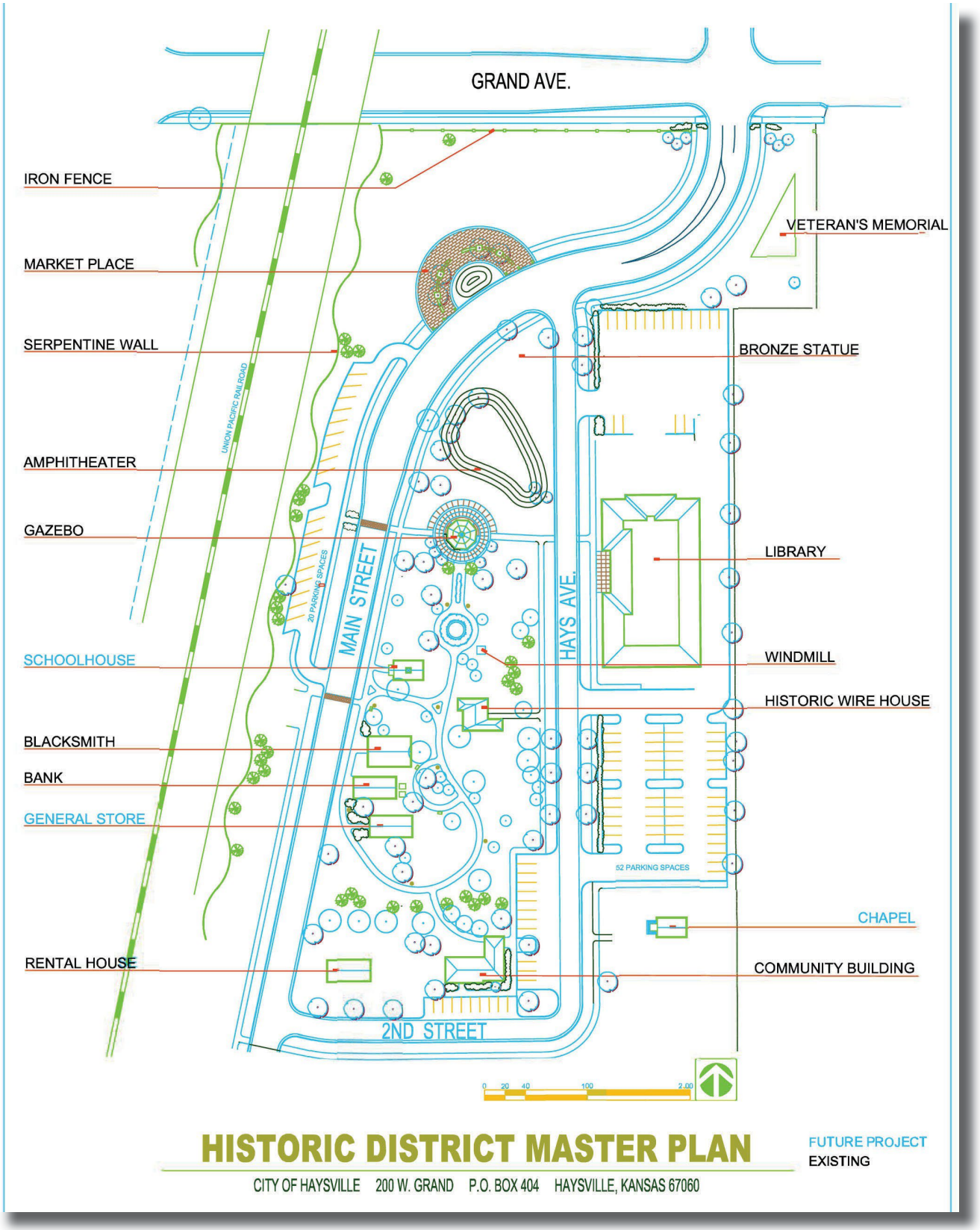

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WW Hays Historic Park History

Perennial Gardens

Dedicated citizens have worked many hours planting and maintaining the beautiful gardens in the park. There are several memorial plaques located throughout the park:

- WWII Veterans on behalf of Keever Wire VFW 6957
- Claire Shipe (May 2, 1941 - January 2008
- Kenneth D. Lewis (March 28, 1939 - September 26, 2001)
- Allan E. Cooley (July 5, 1935 - August 3, 2002)
- Phillis Cooley (July 22, 1936 - July 25, 1999)
- Howard K. Ragland (June 2, 1927 - January 11, 2005)
- George Beard (December 31, 1925 - March 31, 2002)
- Howard Cook (October 30, 1939 - August 27, 2008)
- Robert P. Davis Sr. (September 12, 1922 - February 8, 2001)
- Imogene Rardin (October 14, 1936 - August 19, 2008)
- Eunice P. Schenk (June 9, 1923 - November 17, 2004)
- Clarence J. Schenk (July 9, 1923 - November 25, 2003)
- Mildred L.J. Davis (August 12, 1925 - February 11, 2002)
- Carol Jean Huff (January 31, 1947 - June 9, 2007)
- Cary D. Waters (April 4, 1949 – January 15, 2021)
- Richard Parton (December 10, 1966 - October 14, 2021)
- Jack Ferguson (September 26, 1938 - May 24, 2023)

Haysville Library

The Haysville Community Library was established by referendum of the voters in April 1977. Betty Cattrell was named Director in June and served as the only staff member. The library was initially housed in the Hemphill School building, built in 1948. Private donations supplied books and materials, and in 1978, the library became part of the Kansas Library System. In 1993, the library moved into a new 10,000 square foot building, which was partially destroyed in the devastating tornado of May 3, 1999. Then, in July of 2009, the library moved into its present home in the heart of Haysville's Historic District.

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Chapel

In 1893, the Hays family donated 10 lots in what is now the Historic District for the Prairie Home Christian Church and the Methodist Church. The Methodist Church was built at the corner of Hays and Grand and the Christian Church was moved from its original location south of 63rd and Broadway to First Street between South Main and South Hays. These two chapels were destroyed in the 1999 tornado. The District has become a popular site for weddings. The Historic Committee is planning to either build a replica of the Methodist Church or bring in a salvaged historic church. Building a chapel was looked at in 2019 and was not deemed feasible at the time.

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Pride Park

Pride Park is located at the intersection of Main & Grand and is a showcase of Haysville. This is a passive park with a water fountain located at its south end. The fountain features two sculpted metal Haysville signs and illuminated water shows that run at set times. The fountain opens yearly in early May and runs until the end of October, depending on weather. Between the fountain and the north flower bed is a colored brick-patterned concrete patio with four benches. A portion of the Hike & Bike Path borders the park. The park has a sprinkler system and is equipped with trash receptacles.

Completed Improvements

The long-awaited water fountain was completed in 2014. The area has been landscaped with grass, flowering plants and trees. In 2016, fountain lights were repaired, and the interior was painted. In 2017, a new drinking fountain, bench and bike rack were installed. In 2018, the fountain interior was repainted. The "Haysville" sign was sandblasted and painted black. In addition, a new transmitter was installed on the Vickers building providing WIFI coverage to Pride Park.

In 2019, the Vickers Building was recognized as a local historic site under the state and national registry. In 2020, the Economic Development Office was moved back into the Vickers building. The carpet was removed to take the building back to the original flooring style and a historical marker was installed near the sidewalk. In 2022, the exterior of the building was repainted, and the roof was cleaned. Permanent lighting was installed in 2023.

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Planned Improvements

- Install a statue in the North flower bed.

History

The Vickers Building and surrounding area were damaged in the May 1999 Tornado. The building was renovated by the city in 2006 and has since been home to the Economic Development Director and the Chamber of Commerce. With the improvements, restrooms were installed which can be accessed from the exterior by citizens.

The park name was chosen through a contest in December of 2008. The water fountain was planned for several years before its construction in 2014. The conceptual design of the fountain was done by Teri Farha. There is a memorial plaque for Nancy Bennett on one of the park benches. In 2026, the fountain was repainted.

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L.W. Roberts Park

L.W. Roberts Park is located in an old meander between the Cowskin Creek and Van Arsdale from 2nd Street to Spring Drive. It contains approximately 3 acres and much of the area is old Creek channel. The upland area of the park is undeveloped, except for an area adjacent to Stewart Drive on the west. This area has been planted with shade and ornamental trees. L.W. Roberts Park is designated to be a naturalistic facility due to its meandering path and limited drainage.

Planned Improvements

The current arrangement of trees prevents the park from being utilized. By selectively clearing trees the area could be developed into a nature trail. Possibly look at a future study for a playground.

History

Larry W. Roberts was the president of Roberts Mortgage. The company donated the property when the land was platted and the park was named after him. Roberts Mortgage was the original owner.

Reserves A & B

These two small undeveloped park areas are located adjacent to 2nd Street between Peachwood Drive and Meridian Avenue. Each parcel is about .12 of an acre. Due to their small size and the busy arterial street bordering both parcels on the west, active recreational facilities would be inappropriate. Their best use appears to be in a purely aesthetic role, providing a welcoming entrance into the Peachwood Subdivisions from Meridian. A new sidewalk was added on the east side of Meridian from Grand to Chelsea Street.

History

The land was dedicated when the property was platted as Peachwood second addition.

South Brooke Park

This tract of land is located in the South Brooke Addition to the east of Dorner Park and south of Orchard Acres. Most of this area is used for overflow drainage of the Cowskin Creek and not suitable for active recreation. One of the main goals was connecting the South Brooke Addition to the rest of the hike and bike path in the City.

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Completed Improvements

Development of Dorner Park began in 2014. In 2016, the hike and bike path connection between Old Oak and Orchard Acres was extended down to the middle of the soccer fields on the west side of the creek. A foot bridge and sidewalk were installed over the creek thus connecting South Brooke Addition to Dorner Park and Old Oak Addition.

Timberlane North Park

Timberlane North Park is located on the northwestern boundary of the City in the Timberlane North Addition. It can be accessed from Caleb Street or Aspen Street. The majority of the park is a detention pond and its surrounding banks. The land is planted with Bermuda grass to absorb and resist heavy water flows from Aspen Street, preventing erosion of the pond banks. This area does have a sprinkler system.

Planned Improvements

- Remove dead/diseased trees and plant new trees. Protections for the Northern Long-Eared Bat will affect tree removal and will require monitoring.
- Local residents have expressed a desire to replace the existing Bermuda grass with a Fescue blend. However, until drainage issues are resolved, Fescue and similar grasses would be washed away with heavy rains or storms, leaving substantial erosion damage.

History

This park was dedicated when the land was platted as Timberlane North Addition.

Randal L. Dorner Park

Dorner Park is located near the intersection of 79th St South and Broadway. The entrance to the park is graced with the Randy Dorner Memorial. Dorner Park is an 80-acre plot which contains eight youth soccer fields, a concession stand and two 24 hour restrooms. The soccer fields are used by the Recreation Department for league games. On the west side of the park, a dog park with separate areas for small and large dogs has been constructed. There are over 1.5 miles of bike path that tie into the main bike path at the north side of the park. On the south side of the park there is a 10-acre lake with a dock.

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Completed Improvements

In 2016, dirt work, sprinklers and grass seed were installed on the north four soccer fields. Some of the dirt work was completed on the south fields as well. The sidewalk was completed connecting Old Oak to South Brooke along with installing a footbridge to cross over the creek. In 2017, 6 new trees were planted as part of the Arbor Day Tree Planting event.

The soccer fields were completed in the fall of 2018. The road and parking lot to the west of the fields were paved. Soccer began playing there in the spring of 2019 and the concession stand was com-pleted in the fall. The dog park opened in October. The access road and parking lots were paved.

In 2020, 4 canopies were added around the lake with picnic tables and grills, and additional parking was added to the south of the soccer fields. The Angel of Hope memorial, Trout Shelter and a playground was built north of the lake in 2020.

In 2021, restrooms were built north of the lake, and the Dorner memorial was built at the entry. In 2022, Security cameras were added near the playground and shelter. Pickleball and sand volleyball courts were built, lighting was installed along the lake and wifi added along the north side of the lake. A bicycle repair station was near the lake restroom. WiFi was added in 2022. Aerator fountains were added in 2023.

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Planned Improvements

- Added four bike racks around the park in 2025.
- Add agility equipment to dog park.
- Add a concrete 4-square game.
- Add more pickleball courts.
- Add additional parking to the east of the lake.
- Build additional practice fields.
- Planted 32 trees in 2026

History

Randy Dorner was the Public Works Director for Haysville for 26 years. Randy passed away in 2017, his last project with the city was the installation of the 79th St Park Bridge. After his passing the park land was dedicated to Randy for his service to the City of Haysville. Upon the dissolution of the Peach Capitol Soccer organization, the Haysville Recreation Department assumed the role of offering a youth soccer league. The Recreation Department originally ran the soccer program on the old Peach Capitol Soccer fields near the water tower which was owned by USD 261. Due to school expansion, we lost access to this ground in 2016 and moved play to Dorner Park in the spring of 2019.

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Country Lakes Park

Two acres of land was set aside on the west side of Country Lakes for future development. The playground equipment is similar to what is in other neighborhood parks.

Planned Improvements

Playground equipment was approved and purchased in 2022. The equipment, canopies, and picnic tables were installed in 2022. An irrigation system will be installed around the playground area in 2023. Park will be evaluated for future needs.

USD 261 Facilities

The track at Haysville Middle School and Haysville West Middle School are open for public use.

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Future Park Land Needs

As of 2023, the total amount of dedicated park land within the city is approximately 159 acres. According to the 2020 Census there were 11,338 people living in Haysville at the time of the enumeration. Assigning a standard acreage in relation to population is no longer a nationally accepted standard of measuring park supply satisfaction. The quality of park development is more important than quantity, which is why the city is choosing to accept cash payments in lieu of park land dedication when new sub-divisions are being platted. One of the goals of the city, when acquiring park land, should be to acquire reasonable sized parcels of at least 10 acres to be used for recreational purposes, well in advance of need. New residential growth patterns appear to be to the west and south of existing development, and developers should be encouraged to set aside parcels in these new growth areas to create facilities such as Country Lakes. Emphasis has been put on improving existing recreational facilities.

Plagens-Carpenter Park has become a jointly used facility for both the Haysville Recreation Department and Unified School District 261. In 2015, the Recreation Department took over the youth baseball/softball sports program. With the completion of the two youth fields in 2014, the park can serve as a great asset for building the Recreation Department, bringing people into the community, and meeting long-range needs. The fields behind Nelson Elementary are also now open to the community for practice as scheduled through the Recreation Department. These fields also serve as practice fields for the Recreation Department's youth league.

Hike and Bike Path improvements throughout the city have been considerable and provide a great mode of transportation and aesthetic value. The city should continue to build upon the 14.62 miles of pathways. Links should be included in planning new subdivisions. The River Forest bicycle/pedestrian path in 2015 is a great example of a missing link that was completed from Delos to the north Main area. Another example is the completed path on the west side of South Meridian in 2017 and 2023. This connected the County Lakes development into the system. Future plans include adding a bicycle/pedestrian path on the west side of Seneca to Mabel. This link will connect Ward's 4th Addition to the rest of the city. The park map shows the plan for making these connections.

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Tree Board Responsibilities

The Park Board is responsible for overseeing the City Tree Planting Program intended to expand tree canopy on City-owned property through the purchase and installation of nursery-grown trees. The program is structured to remain within existing staffing, maintenance, and budgetary capacity while providing immediate and long-term canopy benefits. This plan should meet the requirements of the Tree City USA standards.

Background

The City has experienced tree loss due to removals, storm damage, disease, and natural decline. Replacing lost canopy and improving shade in high-use public spaces has been identified as a priority. Public Works evaluated planting strategies with a focus on long-term survival, maintenance workload, and operational feasibility, and developed a program centered on purchasing properly sized trees from commercial nurseries rather than growing trees internally.

Program Overview

The City Tree Planting Program establishes a controlled annual planting effort using nursery-grown trees that can be properly installed, watered, and maintained. Limiting annual planting quantities ensures trees receive appropriate care during the establishment period and avoids creating an unsustainable maintenance obligation.

Key program parameters include:

- Annual purchase and planting of approximately 25 to 40 trees
- Tree size of 1.5-inch to 2.5-inch caliper
- Trees sourced from reputable commercial nurseries meeting industry standards
- Planting limited to City-owned property only, excluding the public right-of-way
- Two-year establishment period with defined watering and inspection requirements

Survival Rate Considerations

Tree survival during the first two growing seasons is the primary driver of long-term canopy success and overall program cost. Industry standards and municipal forestry experience consistently show higher survival rates for properly planted nursery-grown trees.

Typical survival expectations:

- Nursery-grown trees in the 1.5-inch to 2.5-inch caliper range typically achieve survival rates of approximately 85 to 95 percent after two years when properly planted and watered
- Small sapling or seedling plantings in urban and park environments commonly experience survival rates in the range of 50 to 65 percent without intensive maintenance

Higher mortality results in increased replacement costs, additional labor demands, and delayed canopy benefits. The City Tree Planting Program is structured to maximize survival and predictable outcomes.

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Priority Planting Criteria

Planting locations will be selected to maximize canopy replacement and public benefit. Emphasis will be placed on replacing lost trees and improving shade where it is most needed.

Priority criteria include:

- City-owned locations where trees have been removed or have died
- High-use parks and public spaces lacking adequate shade
- Sites with sufficient soil volume to support mature canopy trees

Initial priority areas include Riggs Park, Dorner Park, and City-owned parcels within the Historic District.

Species Selection

Tree species were selected based on proven performance in south-central Kansas, adaptability to urban conditions, and long-term durability. A mix of canopy sizes is included to match site constraints and desired outcomes.

Species diversity limits:

- No more than 10 percent of total trees planted shall be a single species
- No more than 20 percent of total trees planted shall be from a single genus

Recommended species include:

Large canopy trees (approximate mature canopy spread 50 to 75 feet):

- Bur oak
  - Genus and species: Quercus macrocarpa
- Shumard oak
  - Genus and species: Quercus shumardii
- Swamp white oak
  - Genus and species: Quercus bicolor
- Hackberry
  - Genus and species: Celtis occidentalis
- London planetree
  - Genus and species: Platanus × acerifolia
- Disease-resistant American elm cultivars
  - Genus and species: Ulmus americana (cultivars)

Medium to large canopy trees (approximate mature canopy spread 35 to 50 feet):

- Kentucky coffeetree
  - Genus and species: Gymnocladus dioicus
- Ginkgo (male cultivars only)

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    - Genus and species: Ginkgo biloba
- Baldcypress
    - Genus and species: Taxodium distichum

Small ornamental canopy trees (approximate mature canopy spread 15 to 30 feet):

- Eastern or Oklahoma redbud
    - Genus and species: Cercis canadensis
- Japanese tree lilac
    - Genus and species: Syringa reticulata
- Disease-resistant crabapple cultivars
    - Genus and species: Malus species and cultivars

Excluded Species

Certain tree species, while capable of growing in this region, are excluded from routine City planting due to long-term maintenance, safety, or performance concerns in public spaces.

Excluded species include:

- Black walnut
    - Genus and species: Juglans nigra
    - Large canopy (50 to 75 feet)
    - Excluded due to juglone toxicity, large nut drop, and maintenance and safety concerns
- Callery pear and related ornamental pear varieties
    - Genus and species: Pyrus calleryana and cultivars
    - Medium canopy (30 to 40 feet)
    - Excluded due to poor branch structure, frequent storm damage, and invasive tendencies
- Silver maple
    - Genus and species: Acer saccharinum
    - Large canopy (50 to 70 feet)
    - Excluded due to weak wood, aggressive surface roots, and higher long-term maintenance requirements
- Cottonwood species
    - Genus and species: Populus species
    - Very large canopy (70 feet or more)
    - Excluded due to brittle wood, excessive debris, and short urban lifespan
- Willow species
    - Genus and species: Salix species
    - Large canopy (50 to 70 feet)
    - Excluded due to weak wood and high failure rates in park settings
- Tree-of-heaven
    - Genus and species: Ailanthus altissima
    - Medium to large canopy (40 to 60 feet)
    - Excluded due to invasive growth habits and aggressive root spread

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Planting Schedule and Timing

The preferred planting window is late fall, after leaf drop and before the ground freezes, generally from mid-October through early December. Early spring planting, generally from late February through early April prior to bud break, is an acceptable alternative. Planting from May through August will be avoided due to heat stress and reduced survival. Evergreen planting, if used in limited cases, will occur in early fall or early spring.

Maintenance and Watering

Each tree will be maintained under a defined establishment plan for a minimum of 24 months. Watering frequency will be highest during the first growing season and taper during the second year. Monthly inspections during the establishment period will be conducted to improve survival and address issues early.

Soil Testing

Routine soil sampling is not required prior to planting. Tree success is driven primarily by planting depth, watering, soil volume, and protection from mechanical damage. Targeted soil testing will be used only when site conditions indicate potential issues.

Haysville Bicycle and Pedestrian Master Plan

The bicycle pedestrian advisory committee was formed in 2015 to support community education regarding bicyclist and pedestrian issues and to advocate for safe access to sidewalks, pathways, and/or roadways for bicyclists and pedestrians. In 2021, this committee was dissolved, and duties were assumed by the Park Board. The Bike and Pedestrian Plan was created from the vision of the committee and was initially adopted in 2017. It is made as part hereof the Master Park Plan.

Bicycle Rack Current Locations

- Riggs South Park
- Library
- HAC/Pool Area
- City Hall
- Vickers Building
- Senior Center
- Police Station
- Dorner Park

Future Bicycle Rack Proposed Locations

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- Plagens-Carpenter Park
- Splash Pad
- Historic District
- Rex Practice Fields west of Colt Stadium
- Old Oak Park

Bicycle Rack Fix-it Stations Locations

- Haysville Activity Center
- Public Works Office
- Vickers Building
- Dorner Park

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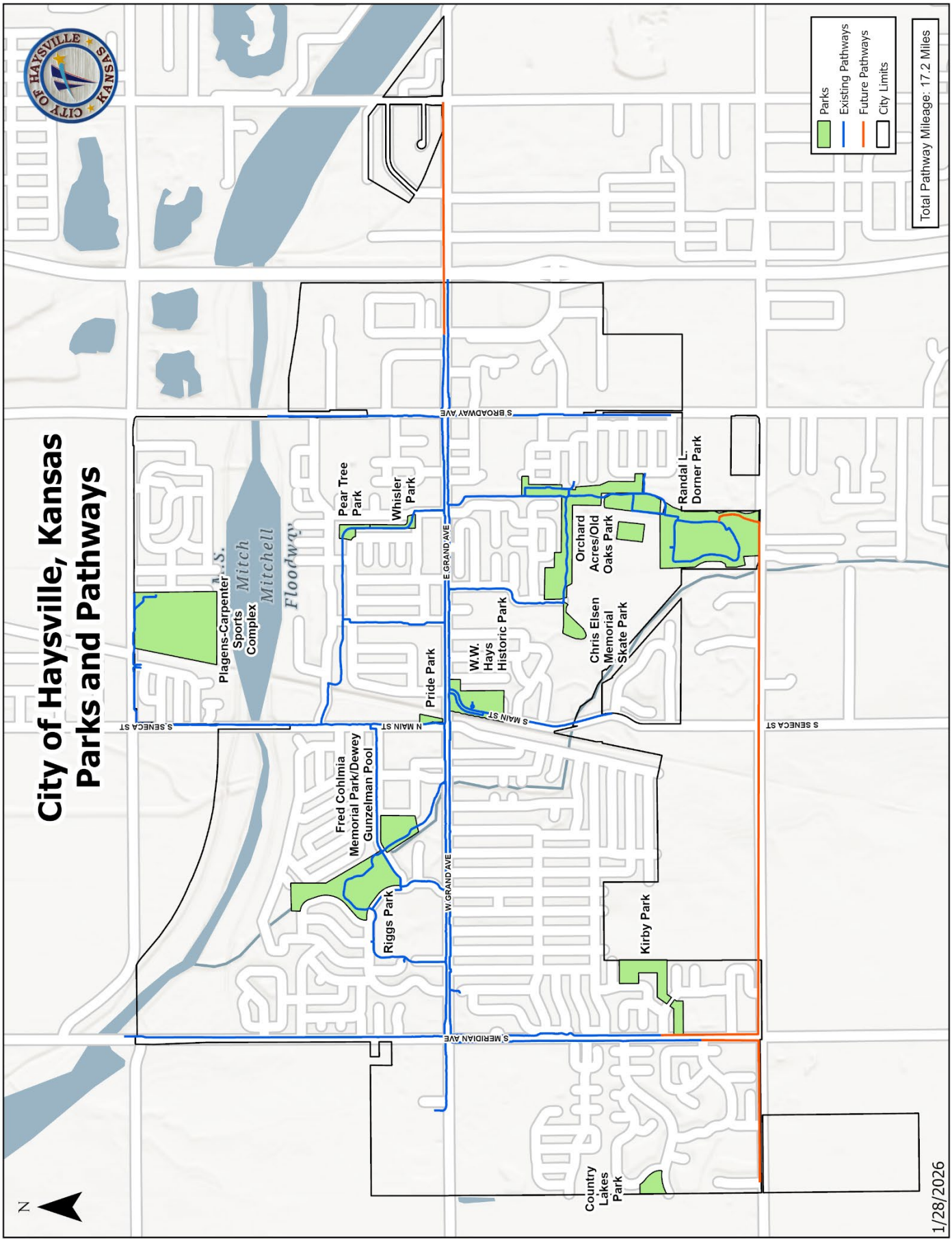

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CITY OF HAYSVILLE, KANSAS

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: Review of the Bike and Pedestrian Plan

Date: April 23, 2026

The Planning Commission reviews the City's *Bike and Pedestrian Plan* annually to ensure accurate data and information and consider any proposed changes.

On April 6, 2026, the Park Board reviewed the plan and found no changes to be considered, but recommends that the plan be reviewed by the Planning Commission biennially – every two years – moving forward.

The Planning Commission may approve as presented, approve with changes, or deny Park Board's recommendation.

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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: SB 418 – By-Right Housing Development Act

Date: May 14, 2026

In early April, the governor signed SB 418 enacting the By-Right Housing Development Act, a landmark housing bill intended to streamline the approval process for certain types of housing, address the statewide housing shortages, and promote affordability. Certain aspects of the Zoning Regulations will need to be changed to ensure compliance with the bill.

What the Zoning Regulations must now do:

- Allow certain single-family, two-family, townhouses, and accessory dwelling units (ADUs) to be constructed by right without additional approval from the planning commission, BZA, or governing body, provided that the construction meets the standards of the Zoning Regulations and the standards required in the bill. This means special use standards can still be adopted pertaining to design, landscaping, etc. The bill laid out specific requirements pertaining to stormwater, the number of units, public infrastructure, floodplains, and historic designation.
- Allow single-family, two-family, and townhouses in all districts that allow any type of residential use. This includes all residential zoning districts and the mixed-use districts.
- Allow a minimum lot size of 3,000 sq. ft. for all single-family homes, two-family homes, and townhouses less than 2,500 sq. ft. The area of basements and garages is not included. Please note that of the approximately 3,900 single-family and two-family homes in the City, only 20 have an area larger than 2,500 sq. ft. (see the attached map).
- Include application denial timeline procedures requiring single-family, two-family, townhouse, and ADU building permits to be denied within 30 days of submission; small plats for such developments to be denied within 60 days, and large plats for such developments to be denied within 90 days. If not denied within those timeframes, they shall be deemed approved.
- Clarify that protest petitions do not apply to owner-initiated rezoning to a single-family or two-family zoning district.

Staff is working to incorporate these changes into the current proposed amendments to the Zoning Regulations. Any questions or comments can be directed to Kailyn Hogan at (316) 529-5900 or khogan@haysvilleks.gov.

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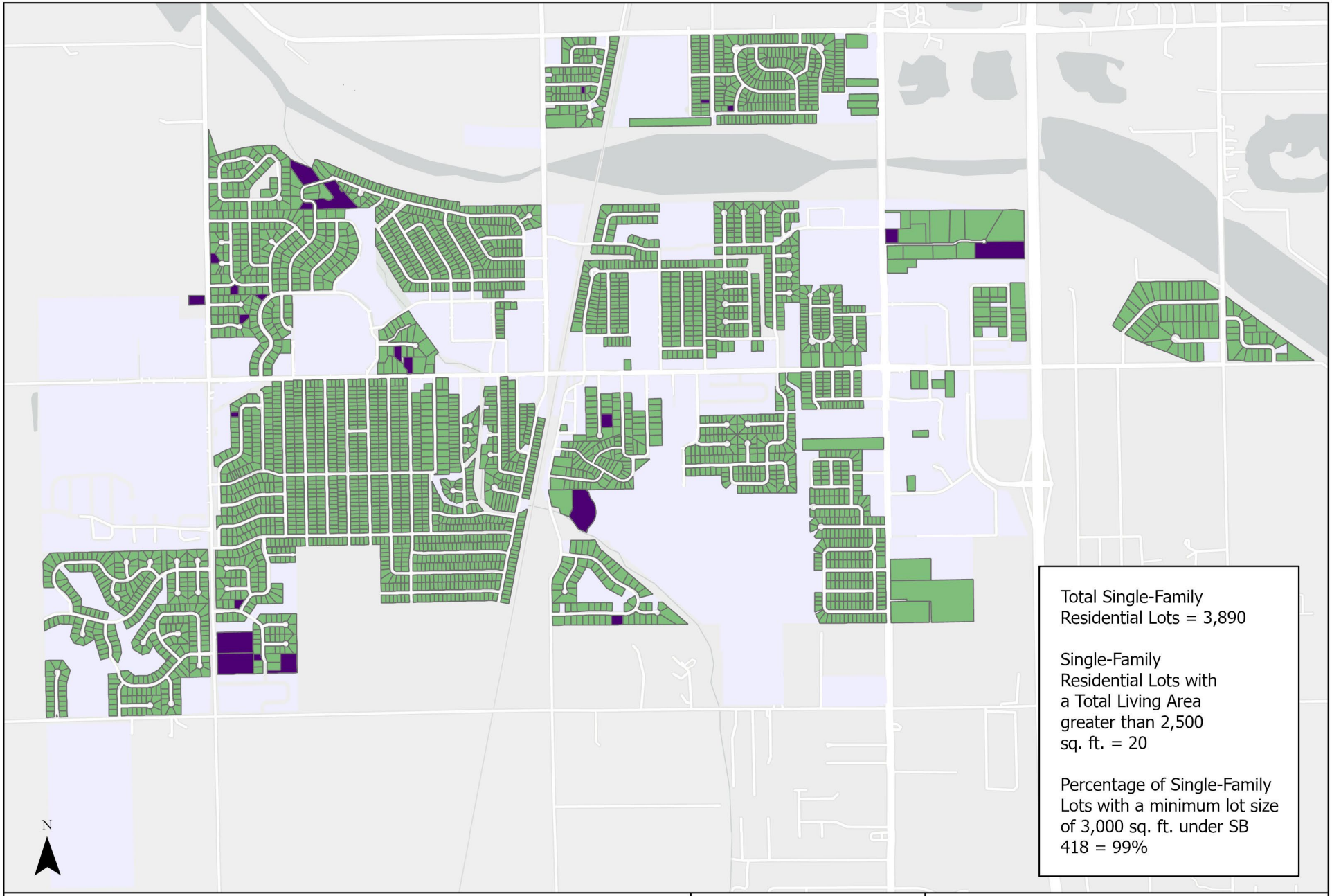

AFFECT OF SB 418

On April 7, 2026, the Kansas state governor signed into law SB 418, a landmark housing bill intended to reduce the barriers toward affordable housing. As part of this bill, the City is required to allow a minimum lot size of 3,000 sq. ft. for all single-family houses less than 2,500 sq. ft. (excluding garages and basements).

Author: Kailyn Hogan, Planning and Zoning Administrator

Date: April 16, 2026

- Total Living Area less than 2,500 sq. ft.
- Total Living Area greater than 2,500 sq.ft.
- City Limits

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