Haysville Planning Commission

WORKSHOP

5:00 PM, Thursday, June 11, 2026

Location:

Council Chambers
City Hall, 200 W Grand

Workshop Agenda:

Review of SB 418 (By-Right Housing Development Act) and the consequential changes to the Zoning Regulations

Adjournment at 6:00 PM

HAYSVILLE PLANNING COMMISSION
& BOARD OF ZONING APPEALS

Agenda
June 11, 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 May 14, 2026

IV. Public Forum

V. Old Business

A. *(Tabled from May 14, 2026)* Public Hearing to consider amending and restating the Zoning Regulations

VI. New Business

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

B. Public Hearing to consider vacating complete access control for property generally located at 1620 East 84th Street South

RECESS THE PLANNING COMMISSION AND CONVENE THE BOARD OF ZONING APPEALS

C. Public Hearing to consider a variance to the front setback and accessory structure location regulations in the "SF" Single-Family district for property generally located at 6536 South Marion Drive

ADJOURN THE BOARD OF ZONING APPEALS AND RECONVENE THE PLANNING COMMISSION

D. One-Step Final Plat: CARSELOWEY ADDITION; generally located at 7474 South Broadway Avenue

VII. Correspondence

VIII. Off Agenda

A. Next Meeting Date

IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

May 14, 2026

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

The members present were Brandon Trube, Debbie Coleman, Tim Aziere, Jared Mortensen, Dan Rinke, and Jeff Blood. Also present was Planning and Zoning Administrator Kailyn Hogan and Deputy Administrator Georgie Carter.

Chairperson Tim Aziere welcomed Jared Mortensen to the Planning Commission as a new commissioner.

Motion by Coleman, Second by Blood.
To add the minutes of April 9, 2026 to the agenda as item 3.b.
Trube aye, Coleman aye, Aziere aye, Mortensen aye, Rinke aye, Blood aye.
Motion carried.

The first item of business was the minutes of April 23, 2026.

Motion by Trube, Second by Blood.
To approve the minutes as presented.
Coleman aye, Mortensen aye, Blood aye.
Trube abstain, Aziere abstain, Rinke abstain.
Motion carried.

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

Motion by Rinke, Second by Trube.
To approve the minutes as presented.
Trube aye, Aziere aye, Rinke aye, Blood aye.
Coleman abstain, Mortensen abstain.
Motion carried.

There was no one to speak under public forum.

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

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

Motion by Trube, Second by Rinke.
To approve the home occupation.
Trube aye, Coleman aye, Aziere aye, Mortensen aye, Rinke aye, Blood aye.
Motion carried.

DRAFT

Return to Agenda

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

Aziere opened the public hearing. Blood stated he had a conflict of interest due to owning property within the notification area.

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

The applicant, Tyler Carselowey at 7474 S Broadway Ave, stated that he would be bringing in new cargo containers. Everything will be anchored to the ground, and they will be permanent structures. There were no questions for the applicant.

Aziere closed the public hearing.

Aziere asked for clarification on the landscaping requirements, and asked if the hard surface requirement could be gravel. Hogan stated that there is a hard surface requirement (asphalt or concrete) for the driveway, but everything else can be gravel, or another all-weather surface.

Aziere stated the applicant should have to screen the cargo containers. The applicant can use plastic slats to keep costs down, but it is important for the cargo containers to be screened because that is a requirement of the City's cargo container regulations. It makes it difficult for the City to move forward with a screening requirement for shipping containers if this property is exempt.

Trube stated that having a fence that you can see through adds to the security of the property. You can see into the property when driving by to see if anyone is in the containers or trying to cut off locks. Trube stated it might be better not to have the slats, as long as everything looks uniforms. The screening exemption can be explained later by stating the applicant set up a system where all the containers are uniform, intentional, and look like buildings.

Mortensen asked if the issue was that older cargo containers can be corroded and look poorly. Aziere stated that is likely why there is a condition that they all be painted to match. Aziere stated that if the cargo containers are behind a screened fence, he doesn't know if he cares that they all match. Coleman stated that it could be either or.

Coleman asked if the requirement for screening cargo containers applied to other types of storage units. Hogan stated that this property is only required to be screened because he is using cargo containers. If he was building a typical self-service storage warehouse with typical units, he would not have to screen.

Trube stated that he believes a majority of the storage facilities are open. When he drives by them, he can see right into their properties. Trube stated that it adds to the security, because cops and the property owner can easily see who is on the property.

Motion by Trube, Second by Coleman.
To approve the conditional use subject to staff's recommended conditions.
Trube aye, Coleman aye, Aziere nay, Mortensen aye, Rinke aye.
Blood abstain.
Motion carried.

Return to Agenda

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

Motion by Trube, Second by Blood.
To table the public hearing until the June 11, 2026 meeting.
Trube aye, Coleman aye, Aziere aye, Mortensen aye, Rinke aye, Blood aye.
Motion carried.

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

Hogan presented an overview of the changes. There were no questions for staff.

Motion by Trube, Second by Blood.
To approve and adopt the recommended changes as presented.
Trube aye, Coleman aye, Aziere aye, Mortensen aye, Rinke aye, Blood aye.
Motion carried.

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

Hogan stated that there were no changes proposed, but Park Board recommended the Planning Commission move to review the Bike and Pedestrian plan every two years instead of annually.

Rinke asked why the Park Board recommends the commission review every two years. Carter stated that the Bike and Pedestrian Plan is longer term. The project map is actually in the Park Plan; the Bike and Park Plan is just more detailed and doesn't needed amended as often.

Rinke asked if the Bike and Pedestrian Plan is used when reviewing new developments. Aziere stated that they would require connectivity for plats adjacent to planned or established routes. Aziere stated that reviewing the Bike and Pedestrian Plan every two years will not affect its use in the platting process.

Motion by Trube, Second by Rinke.
To approve the Bike and Pedestrian Plan as presented, with the exception that the Planning Commission review the plan every two years, per Park Board's recommendation.
Trube aye, Coleman aye, Aziere aye, Mortensen aye, Rinke aye, Blood aye.
Motion carried.

There was no new business.

Under correspondence was a staff memo about SB 418 – the by-right housing development act.

Hogan presented the memo. There were no questions.

Under off agenda was the next meeting date: Thursday, June 11, 2026.

Motion by Trube, Second by Rinke.
To adjourn tonight's meeting.
Trube aye, Coleman aye, Aziere aye, Mortensen aye, Rinke aye, Blood aye.

DRAFT

Return to Agenda

Motion carried.

The meeting adjourned at 6:29 p.m.

DRAFT

Return to Agenda

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: June 11, 2026

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.

In the middle of the amendment process, the state passed 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 and two-family rezoning and requires that all land zoned for any residential use be zoned for single-family and two-family residential use. As such, many changes to the proposed amendments were necessary to conform to the act.

The proposed amendments to the Zoning Regulations, including those changes made necessary by SB 418, 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.

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

Return to Agenda

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*

Return to Agenda

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

Return to Agenda

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

Return to Agenda

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

Return to Agenda

- 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

Return to Agenda

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)

Return to Agenda

TABLE OF CONTENTS

Article 1. Legal Framework

Section 101. Title, Purpose, Authority and Jurisdiction
Section 102. Rules of Interpretation
Section 103. Rules of Construction
Section 104. Vested Rights and Pre-Existing Development

Article 2. Administration

Section 201. Zoning Administrator
Section 202. Planning Commission
Section 203. Board of Zoning Appeals

Article 3. Definitions

Section 301. Land Use Definitions
Section 302. General Definitions

Article 4. General Regulations

Section 401. Base Districts
Section 402. District Map Adopted
Section 403. Annexed Territory
Section 404. Use Standards; All Districts
Section 405. Dimensional Standards; All Districts
Section 406. Transitional Guidelines
Section 407. Accessory Uses and Structures; All Districts

Article 5. Residential Zoning Districts

Section 501. SF-15 Single-Family Suburban Residential District Regulations
Section 502. SF-5 Single-Family Residential District Regulations
Section 503. SF-3 Single-Family Urban Residential District Regulations
Section 504. TH Tiny Home Residential District Regulations
Section 505. TF Two-Family Residential District Regulations
Section 506. MF4 Multi-Family Four Residential District Regulations
Section 507. MH Manufactured Home Residential District Regulations

Article 6. Commercial and Mixed Use Zoning Districts

Section 601. MU-R Mixed Use Residential District Regulations
Section 602. MU-C Mixed Use Commercial District Regulations
Section 603. HMC Hotel and Motel Commercial District Regulations
Section 604. HC Heavy Commercial District Regulations

Return to Outline

Return to Agenda

Article 7. Industrial Zoning Districts

Section 701. LI Light Industrial District Regulations
Section 702. HI Heavy Industrial District Regulations

Article 8. Special Zoning Districts

Section 801. P-O Protective Overlay District Regulations
Section 802. HD-O Original Town Historic Overlay District Regulations

Article 9. Nonconformities

Section 901. Purpose, Policy and Applicability
Section 902. Nonconforming Uses
Section 903. Nonconforming Structures
Section 904. Nonconforming Lots
Section 905. Other Nonconformities
Section 906. Nonconformities Created by Public Action
Section 907. Discontinuance
Section 908. Determination of Nonconforming Status

Article 10. Procedures

Section 1001. Zone Change
Section 1002. Conditional Use Permit
Section 1003. Planned Unit Development (PUD)
Section 1004. Administrative Adjustment
Section 1005. Variance
Section 1006. Special Exceptions
Section 1007. Appeals
Section 1008. Protest Petitions
Section 1009. Amendments

Article 11. Violations and Enforcement

Section 1101. Violations
Section 1102. Enforcement Procedures

Article 12. Floodplain Management

Section 1201. Floodplain Management Ordinance Incorporated

Return to Outline

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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 regulations within the urban area of influence and/or the three-mile ring extraterritorial sub zone.
3. Total jurisdiction on 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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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. Amendment procedures may be found in SECTION 1009.
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.

Return to Outline
Table of Contents
Return to Agenda

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) (as defined by K.S.A. 12-757). Means a secondary housing unit that is subordinate to the principal structure on the same lot and may include a separate kitchen, bathroom and entrance. Accessory dwelling units 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 (as defined by K.S.A. 12-757). Means a detached dwelling arranged, intended or designed to be occupied by a single family. See SECTION 404.E.1.e for special use standards.

> Townhouse (as defined by K.S.A. 12-757). Means a single-family dwelling unit constructed in a group of three or more attached units in which each unit is on its own separate lot and extends from foundation to roof with a yard or public way on not less than two sides.

Return to Outline
Table of Contents
Return to Agenda

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.

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

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

Two-family (as defined by K.S.A. 12-757). Means a semi-detached dwelling arranged, intended or designed to be occupied by a single family. For the purposes of these regulations, two-family shall also mean a duplex. See SECTION 404.E.1.e for special use standards.

Side-by-side two-family. Means the use of a lot for two attached 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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

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.

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.

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.

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 but may include impound lots. 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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

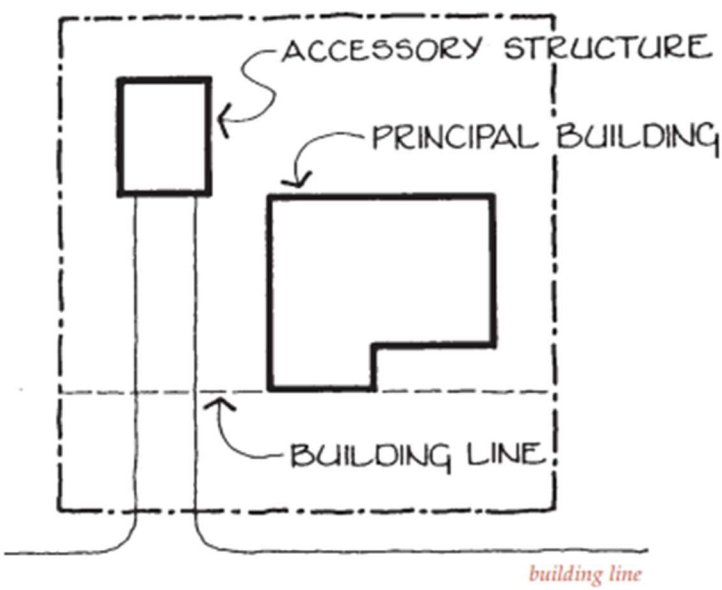
Accessory building. Means a building that is subordinate to and serves a principal building or structure; is subordinate in purpose, floor area, and height to the principal building or structure served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure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

Return to Outline
Table of Contents
Return to Agenda

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.

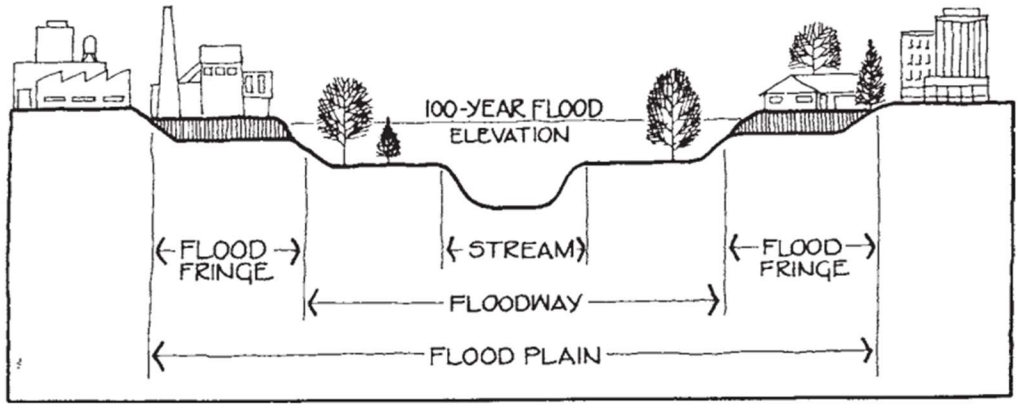
Dwelling unit. Means a building, or a portion of a building, that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

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;

Return to Outline
Table of Contents
Return to Agenda

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.

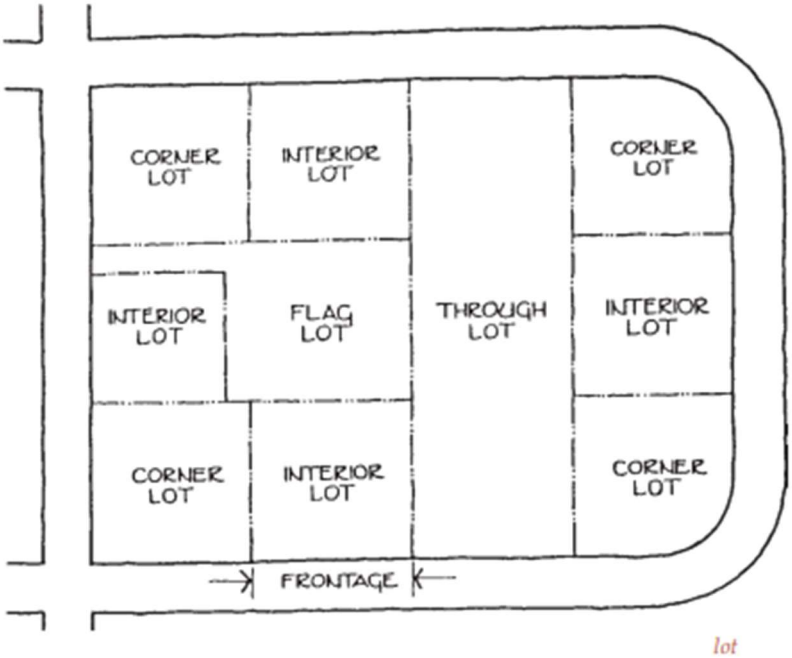
Lot. Means a portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred. A building site or parcel of land occupied or intended to be occupied by a building and accessory structures, and including such open 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.



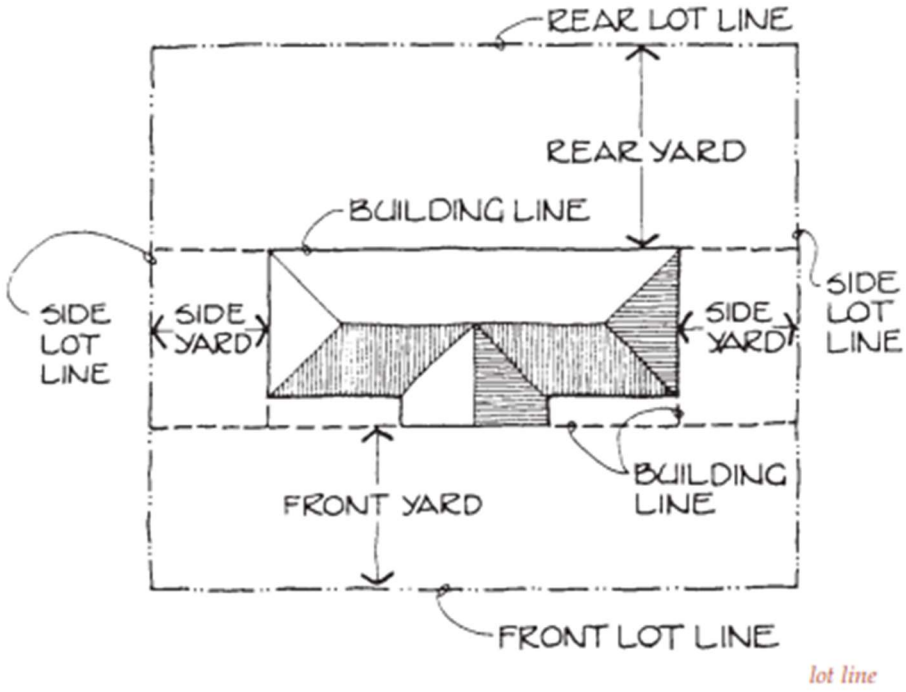
lot

Return to Outline
Table of Contents
Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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.

302.R.

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

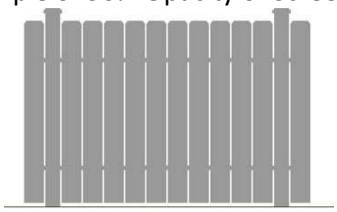
302.S.

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.

Return to Outline
Table of Contents
Return to Agenda

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,

Return to Outline
Table of Contents
Return to Agenda

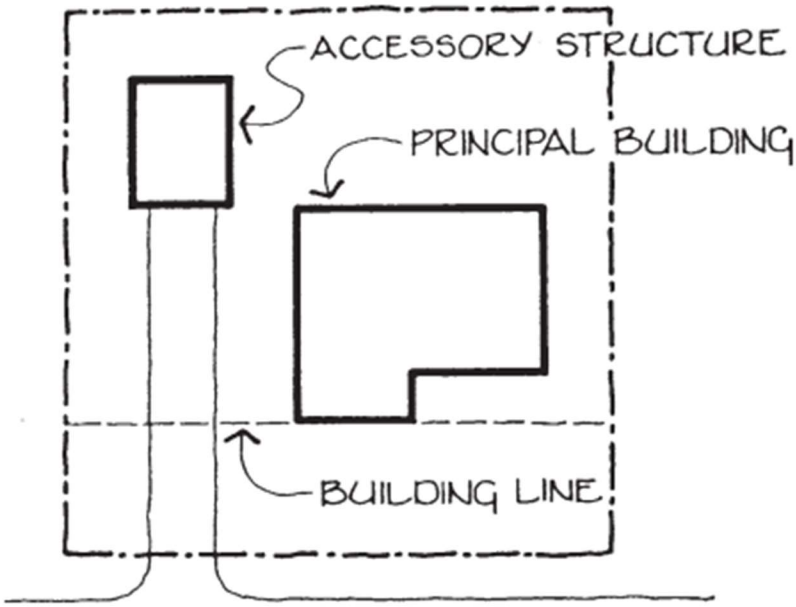
not all structures shall be considered buildings. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

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.

Return to Outline
Table of Contents
Return to Agenda

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.

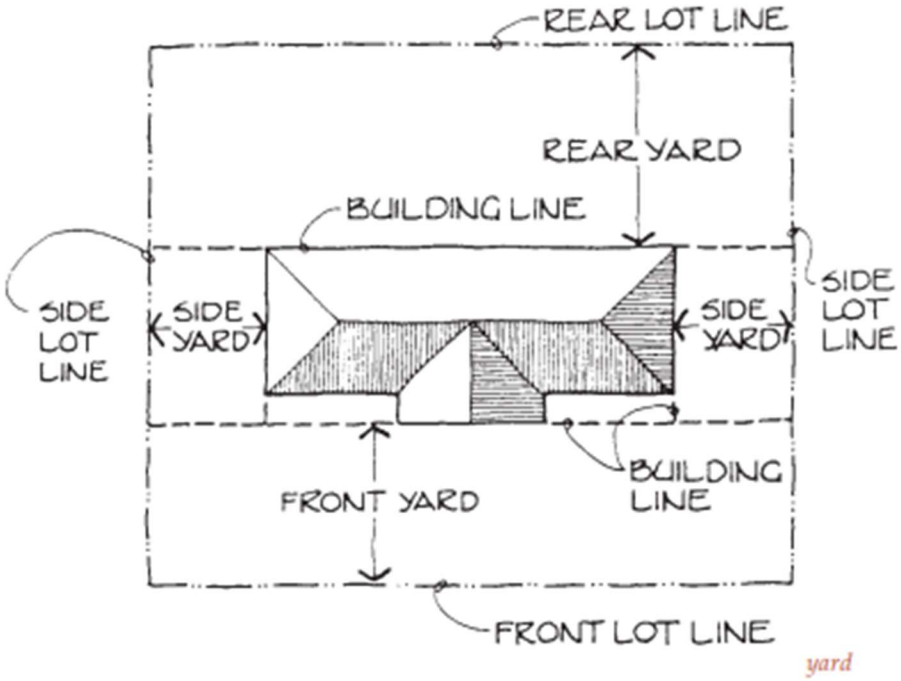
Return to Outline
Table of Contents
Return to Agenda

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.

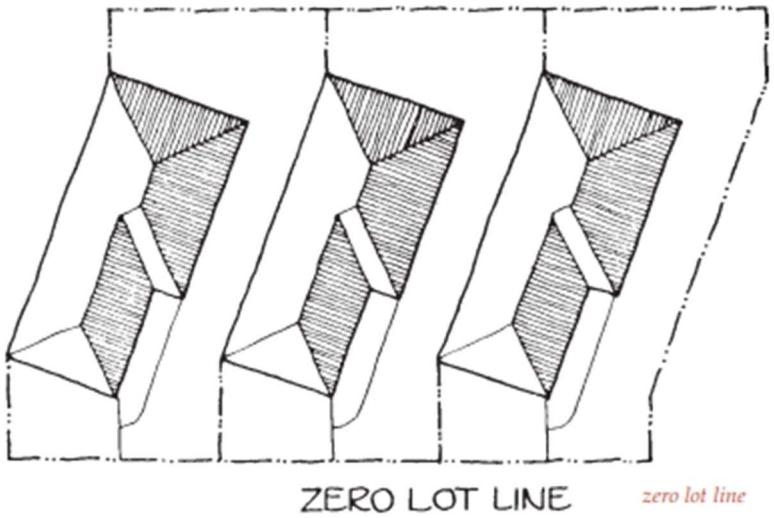
Street yard. Means a yard which lies between the property line abutting a street and the street wall line of the building. If a building has a rounded street wall or if the building is on an irregular-shaped lot, wall lines extending parallel to the street wall from the points of the wall closest to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



Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

ARTICLE 4
GENERAL REGULATIONS

SECTION 401. BASE DISTRICTS.

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

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

Table 401.B. Base districts.

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

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

SECTION 402. DISTRICT MAP ADOPTED.

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

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

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

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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

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

b. **Recycling processing center.** Recycling processing centers shall be permitted provided that:

i. Any operation that is not conducted entirely within an enclosed building shall be solidly screened from the view of any adjacent properties of a lesser zoning district and the public right-of-way, pursuant to the maximum fence height permitted in CHAPTER 4, ARTICLE 11 of the City Code; and

ii. All items stored outdoors must be placed on an all-weather or hard surface.

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

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

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

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

Return to Outline
Table of Contents
Return to Agenda

d. **Recreational vehicle campground**. Recreational vehicle campgrounds shall be permitted provided that solid screening, in addition to the landscape buffer required in accordance with APPENDIX E, 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 provided that:

   i. Existing window transparency shall be maintained up to 50%. No interior items, including solid shelving units, may be used to block visibility into the interior space; however, window film and posters may be utilized.

   ii. A minimum of door signage must be provided to avoid the appearance of building vacancy.

   iii. Where delivery vehicles are utilized, proper loading and unloading areas shall be provided on-site. No loading or unloading activities may occur off-site. Such loading and unloading areas shall not impede pedestrian or vehicle traffic.

   iv. Where some retail activities will be conducted in-person, the retail floor area of the establishment shall comply with the off-street parking requirements for Business and Retail Establishments. Warehouse or fulfilment floor area may be excluded from the off-street parking calculations.

   v. Where no in-person retail activities will be conducted, the establishment shall be required to provide one off-street parking space per employee.

   vi. Where this establishment is adjacent to a residential district or residential use, no deliveries, shipping, or other outdoor activities may occur outside standard retail operating hours of 5:00 am to 10:00 p.m.

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

   i. Liquids, not to exceed one 300 gallon drum;

   ii. Tires, to be stored in a container not to exceed 100 square feet located at least 18 inches off the ground; and

   iii. Scrap metal, to be in a container not to exceed 100 square feet.

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

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

   i. All merchandise displayed is in operable condition;

   ii. Within the front yard setback, all merchandise shall be displayed on a hard surface. All other merchandise may be displayed on a hard or all-weather surface;

   iii. Where displayed merchandise will abut a public right-of-way, parking barriers shall be installed to ensure parked merchandise does not encroach onto the public right-of-way;

   iv. No part or piece storage is displayed outdoors;

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

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

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

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

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

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

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

d. **Storage, outdoor**. Outdoor storage shall be permitted as a principal use provided that:

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

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

e. **Vehicle storage yard**. Vehicle storage yards shall be permitted provided that:

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

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

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

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

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.

Return to Outline

Table of Contents

Return to Agenda

SECTION 405. DIMENSIONAL STANDARDS; ALL DISTRICTS.

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

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

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

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

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

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

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

405.F. LANDSCAPING. The street yards of all lots shall be landscaped and maintained in good condition, in accordance with APPENDIX E, 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.

Return to Outline
Table of Contents
Return to Agenda

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.
6. The entrances to all garages and carports shall have a 20 foot setback to provide for surface parking in front of the garage or carport.

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

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

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

Return to Outline
Table of Contents
Return to Agenda

3. Wireless communication facilities, in accordance with APPENDIX E, SECTION 505.

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

SECTION 406. TRANSITIONAL GUIDELINES

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

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

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

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

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

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

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

Return to Outline
Table of Contents
Return to Agenda

SECTION 407. ACCESSORY USES AND STRUCTURES; ALL DISTRICTS.

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

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

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

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

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

Return to Outline
Table of Contents
Return to Agenda

1. Setbacks shall be 6 feet for combustible structures.

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.

Return to Outline
Table of Contents
Return to Agenda

Table 404.D. Use Chart.

Use Type	SF-15	SF-5	SF-3	TH	TF	MF4	MU-R	MH	MU-C	LC	HMC	HC	LI	HI	Special Use Standards
Zoning Districts															
Residential															
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	P	P	P						See 404.E.1.a
Assisted Living		C	C	C	C	P	P	C	P						
Group Home	P	P	P	P	P	P	P	P	C						See 404.E.1.b
Group Residence, Limited					C	P	P	P	P						
Group Residence, General						P	P	P	P						
Live-Work							P		P						
Manufactured Home, Residential-Design	P	P	P	P				P							See 404.E.1.d and Appendix E-504
Manufactured Home								P							See 404.E.1.c
Multi-Family						C	P		P						
Single-Family	P	P	P	P	P	P	P	P	P						See 404.E.1.e and Appendix E-507
Two-Family	P	P	P	P	P	P	P	P	P						See 404.E.1.e and Appendix E-507
Three and Four-Family					C	P	P		P						
Public and Civic															
Auditorium or Stadium									P	P	P	P	P	P	
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Church or Place of Worship	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Community Assembly	C	P	P	P	P	P	P	P	P	P	P	P	P	P	
Correctional Facility												C	C	C	
Correctional Placement Residence, Limited									C	C		C	C	C	
Correction Placement Residence, General												C	C	C	
Day Care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day Reporting Center										C	C	C	C	C	
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Government Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital							P		P	P	P	P	P	P	
Library		P	P	P	P	P	P	P	P	P	P	P	P	P	
Neighborhood Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Nursing Facility		C	C	C	C	P	P	C	P	P	P				
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling Collection Station, Private	P	P	P	P	P	P	P	P	C	P	P	P	P	P	See 404.E.2.a
Recycling Collection Station, Public							C	C	C	C	C	P	P	P	See 404.E.2.a
Recycling Processing Center												P	P	P	See 404.E.2.b
Renewable Energy System															
Reverse Vending Machine							P	P	P	P	P	P	P	P	
Safety Service	C	C	C	C	C	C	C	C	P	P	P	P	P	P	
School, Elementary, Middle & High	C	C	C	C	C	C	C								
University or College	C	C	C	C	C	C	C		C	C	C	C	C	C	
Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Return to Outline

Table of Contents

Return to Agenda

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

Return to Outline

Table of Contents

Return to Agenda

Vehicle and Equipment Sales, Outdoor											P	P	P	P	See 404.E.3.h
Vehicle Repair, Limited									C	C	P	P	P	P	
Vehicle Repair, General												P	P	P	See 404.E.3.i
Vocational School	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Warehouse, Self-Service Storage												C	C	C	
Wireless Communication Facility	C	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	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	P	
Construction Burn Site, General	C	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	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	P	See 404.E.4.b
Oil and Gas Drilling	C	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	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	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	

Return to Outline

Table of Contents

Return to Agenda

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

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

SECTION 502. SF-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

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

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

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

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

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

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

502.D. PARKING REGULATIONS. See APPENDIX E, 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.

Return to Outline
Table of Contents
Return to Agenda

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

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.

Return to Outline
Table of Contents
Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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[1]	2,750	25	80	20	0[2]	10	10	45[3]	600
Stacked Two-Family[1]	4,500	45	80	20	5				
Side-by-Side Two-Family[1]	6,050	55	80	20	5				
Non-Residential	5,000	45	80	20	5				

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

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

Return to Outline
Table of Contents
Return to Agenda

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[1]	2,750	25	80	20	0[1]	10	10	45[2]	600
Stacked Two-Family[1]	4,500	45	80	20	5				
Side-by-side Two-Family[1]	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Non-Residential	5,000	35	80	20	5				

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

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

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

Return to Outline
Table of Contents
Return to Agenda

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

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

Return to Outline
Table of Contents
Return to Agenda

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

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

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

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

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

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

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

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

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

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

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

Return to Outline
Table of Contents
Return to Agenda

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[1]	2,750	25	80	20	0[2]	10	10	55[3]	See 601.F.1
Stacked Two-Family[1]	4,500	45	80	20	5				
Side-by-Side Two-Family[1]	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Multiplex	10,000	80	80	20	5				
Apartment	14,175	105	80	10	0[2]				
Live-Work	3,150	35	80	10	0[1]				

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

Return to Outline
Table of Contents
Return to Agenda

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

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

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

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

SECTION 602. MU-C MIXED USE COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

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

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

Return to Outline
Table of Contents
Return to Agenda

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.

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

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

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

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

SECTION 603. LC LIGHT COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

603.G. LC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the 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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

SECTION 604. HMC HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

604.D. PARKING REGULATIONS. See APPENDIX E, 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.

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

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

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

Return to Outline
Table of Contents
Return to Agenda

working area of 30 inches.

f. No habitable room shall have less than a seven-foot length or width dimension.

2. **Zone change requirements.** An approved screening plan will be required before final approval of any zone change to the HMC District. Such plan shall contain:

   a. A detailed plan to screen the site from adjacent, lesser zoned property.

   b. Type and kind of screening material. If living screen (trees and/or shrubs) is to be used, not only the type and location of planting, but also the anticipated growth time to maturity is to be included. A maintenance plan for the screening will be required.

   c. The effectiveness of such planned visual and/or sound barriers.

   d. The schedule for completion of the screening plan.

3. **Outdoor storage.** All items stored outdoors must be kept on a hard or all-weather surface. No non-residential use shall store any items, goods or equipment outside of an enclosed building, except:

   a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and

   b. Items, goods and equipment that are for retail sale or rent. Provided, that if the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may only be located on hard surface areas within the front yard setback. Outside of the front yard setback, the display of such vehicles or equipment may be located on an all-weather surface.

   c. Vehicles stored or retained on the site overnight and associated with said non-residential use. This includes the overnight storage of transient guests' vehicles and vehicles displayed for rent or sale.

4. **Lighting.** Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

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

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

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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

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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

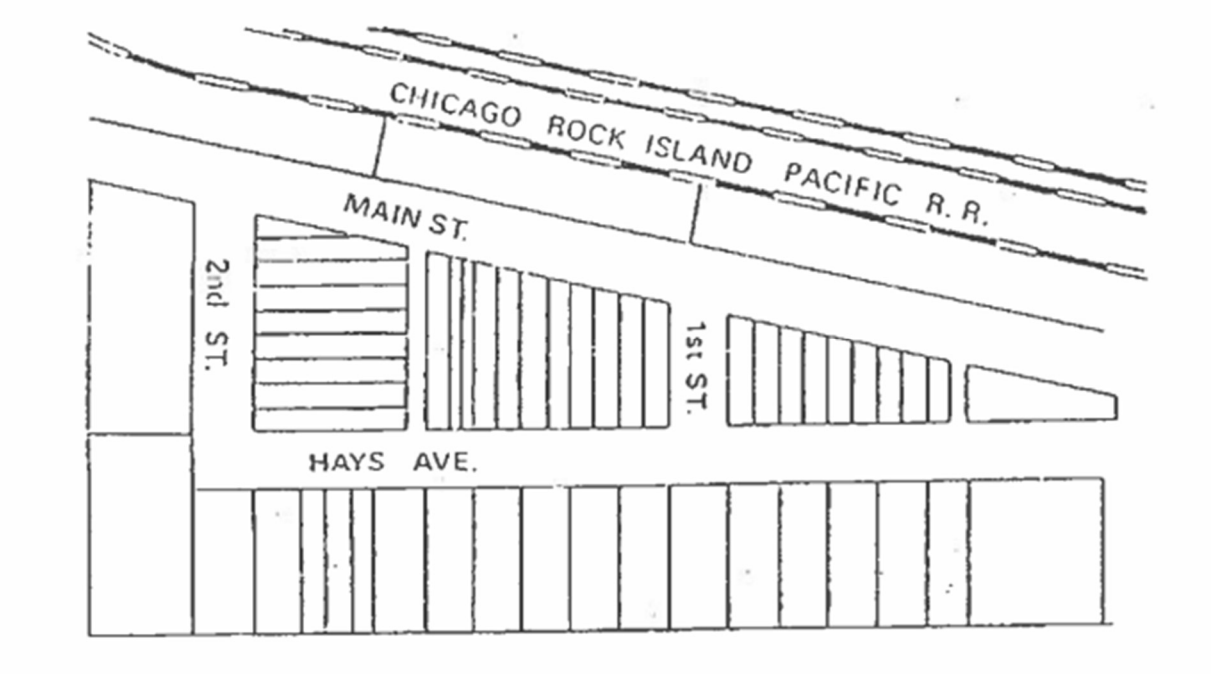
802.B. APPLICATION AREA. The officially recognized Original Town Historic Overlay District shall be classified as "District – HD-O – Historic District," and shall be used henceforth for purposes of recognizing all structures and real estate within the "Original Town" as part of a zoning overlay district. 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.

Return to Outline
Table of Contents
Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

ARTICLE 10
PROCEDURES

SECTION 1001. ZONE CHANGE

1001.A. GENERAL. A Zone Change application shall be obtained to change the zoning district 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.
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.

1001.L. SINGLE-FAMILY REZONING EXCEPTION. In accordance with K.S.A. 12-757, whenever a property owner that is not the City initiates a rezoning to a single-family residential district (SF-15, SF-5, SF-3, TH or TF), such rezoning shall not require written notice to property owners and shall not be subject to the protest petition provisions. As such, SECTIONS 1001.C.3, 1001.D.1, and 1001.H shall not apply to such rezoning.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

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.

Return to Outline
Table of Contents
Return to Agenda

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;

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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.

1008.F. SINGLE-FAMILY REZONING EXCEPTION. In accordance with K.S.A. 12-757, whenever a property owner that is not the city initiates a rezoning of such owner's property to a single-family residential zoning district (SF-15, SF-5, SF-3, TH or TF), such rezoning shall not be subject to the protest petition provisions of this section. There shall be no effect on the governing body's vote even if a protest petition is submitted.

Return to Outline
Table of Contents
Return to Agenda

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,

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

REDLINE

TABLE OF CONTENTS

Article 1. Legal Framework

Section 101. Title, Purpose, Authority and Jurisdiction
Section 102. Rules of Interpretation
Section 103. Rules of Construction
Section 104. Vested Rights and Pre-Existing Development

Article 2. Administration

Section 201. Zoning Administrator
Section 202. Planning Commission
Section 203. Board of Zoning Appeals

Article 3. Definitions

Section 301. Land Use Definitions
Section 302. General Definitions

Article 4. General Regulations

Section 401. Base Districts
Section 402. District Map Adopted
Section 403. Annexed Territory
Section 404. Use Standards; All Districts
Section 405. Dimensional Standards; All Districts
Section 406. Transitional Guidelines
Section 407. Accessory Uses and Structures; All Districts

Article 5. Residential Zoning Districts

Section 501. SF-15 Single-Family Suburban Residential District Regulations
Section 502. SF-5 Single-Family Residential District Regulations
Section 503. SF-3 Single-Family Urban Residential District Regulations
Section 504. TH Tiny Home Residential District Regulations
Section 505. TF Two-Family Residential District Regulations
Section 506. MF4 Multi-Family Four Residential District Regulations
Section 507. MH Manufactured Home Residential District Regulations

Article 6. Commercial and Mixed Use Zoning Districts

Section 601. MU-R Mixed Use Residential District Regulations
Section 602. MU-C Mixed Use Commercial District Regulations
Section 603. HMC Hotel and Motel Commercial District Regulations
Section 604. HC Heavy Commercial District Regulations

Return to Outline

Return to Agenda

Article 7. Industrial Zoning Districts

Section 701. LI Light Industrial District Regulations
Section 702. HI Heavy Industrial District Regulations

Article 8. Special Zoning Districts

Section 801. P-O Protective Overlay District Regulations
Section 802. HD-O Original Town Historic Overlay District Regulations

Article 9. Nonconformities

Section 901. Purpose, Policy and Applicability
Section 902. Nonconforming Uses
Section 903. Nonconforming Structures
Section 904. Nonconforming Lots
Section 905. Other Nonconformities
Section 906. Nonconformities Created by Public Action
Section 907. Discontinuance
Section 908. Determination of Nonconforming Status

Article 10. Procedures

Section 1001. Zone Change
Section 1002. Conditional Use Permit
Section 1003. Planned Unit Development (PUD)
Section 1004. Administrative Adjustment
Section 1005. Variance
Section 1006. Special Exceptions
Section 1007. Appeals
Section 1008. Protest Petitions
Section 1009. Amendments

Article 11. Violations and Enforcement

Section 1101. Violations
Section 1102. Enforcement Procedures

Article 12. Floodplain Management

Section 1201. Floodplain Management Ordinance Incorporated

Return to Outline

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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 Ce~~i~~ity 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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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:

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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

~~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;

Return to Outline
Table of Contents
Return to Agenda

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.

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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

~~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. Amendment procedures may be found in SECTION 1009.

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.

Return to Outline

Table of Contents

Return to Agenda

~~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) (as defined by K.S.A. 12-757). Means a~~n~~ secondary housing unit that is subordinate to the principal structure on the same lot and may include a separate kitchen, bathroom and entrance. A~~a~~ccessory ~~use~~ dwelling unit~~s~~ ~~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.

Commented [KH1]: A new senate bill (SB 418) was signed by the governor on April 7, 2026 that defined an ADU and required they be permitted by-right. This means ADUs can no longer be conditional uses. They will have no commission or board review provided they meet the standards of the Zoning Regulations.

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Commented [KH2]: Three and Four-Family defines the use of three to four dwelling units, including triplexes and fourplexes.

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.

Return to Outline
Table of Contents
Return to Agenda

Single-family (as defined by K.S.A. 12-757). Means a detached dwelling arranged, intended or designed to be occupied by a single family. ~~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 mobile home.~~See SECTION 404.E.1.e for special use standards.

Townhouse (as defined by K.S.A. 12-757). Means a single-family dwelling unit constructed in a group of three or more attached units in which each unit is on its own separate lot and extends from foundation to roof with a yard or public way on not less than two sides.

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 the use of a lot for four attached dwelling units arranged side-by-side and/or stacked, typically with shared or individual entrances from the street.

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

Two-family (as defined by K.S.A. 12-757). Means a semi-detached dwelling arranged, intended or designed to be occupied by a single family. ~~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. See SECTION 404.E.1.e for special use standards.

Side-by-side two-family. Means the use of a lot for two attached 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~~Site used primarily or exclusively for religious worship and related religious services or established ~~p~~Place of ~~w~~Worship, convent, seminary, or similar facility owned or operated by a bona fide religious group for religious activities.

Commented [KH3]: A new senate bill (SB 418) was signed by the governor on April 7, 2026 that defined single-family and required they be permitted by-right. They will have no commission or board review provided they meet the standards of the Zoning Regulations. They must also be permitted in all zoning districts that allow any type of residential use, which includes MU-R and MU-C.

Commented [KH4]: A new senate bill (SB 418) was signed by the governor on April 7, 2026 that defined townhouses and required they be permitted by-right. They will have no commission or board review provided they meet the standards of the Zoning Regulations. They must also be permitted in all zoning districts that allow any type of residential use, which includes MU-R and MU-C.

Commented [KH5]: A new senate bill (SB 418) was signed by the governor on April 7, 2026 that defined two-family as a semi-detached single-family dwelling unit and required they be permitted by-right. They will have no commission or board review provided they meet the standards of the Zoning Regulations. They must also be permitted in all zoning districts that allow any type of residential use, which includes MU-R and MU-C.

Return to Outline
Table of Contents
Return to Agenda

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.

Commented [KH6]: 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.

Return to Outline
Table of Contents
Return to Agenda

~~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.~~

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,

Return to Outline
Table of Contents
Return to Agenda

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. ~~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.

Return to Outline
Table of Contents
Return to Agenda

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 cCollege. 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

Return to Outline
Table of Contents
Return to Agenda

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 b~~B~~ank or f~~F~~inancial i~~I~~nstitution 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.

Return to Outline
Table of Contents
Return to Agenda

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.

~~Marine facility, recreational. Means a facility relating to recreational boating. Typical uses include boat docks, marinas, boathouses, and yacht clubs.~~

Commented [KH7]: 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,

Return to Outline
Table of Contents
Return to Agenda

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, ~~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 [KH8]: 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 [KH9]: 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

Return to Outline
Table of Contents
Return to Agenda

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. ~~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

Return to Outline
Table of Contents
Return to Agenda

items. ~~Temporary outdoor display of merchandise for sale is permitted. No other outdoor storage is permitted.~~

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 [KH10]: 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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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~~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 [KH11]: 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~~

Commented [KH12]: Redefining manufacturing uses to allow nonobtrusive ones in lesser intense zoning districts. See examples of uses in definition.

Return to Outline
Table of Contents
Return to Agenda

~~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.

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.

Return to Outline

Table of Contents

Return to Agenda

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 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 but may include impound lots. See SECTION 404.E.4.d for special use standards.

Commented [KH13]: 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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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)~~

Commented [KH3]: Moved to the hard surface definition under 302.H.

1) Ccompacted 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;

Return to Outline

Table of Contents

Return to Agenda

2) Asphalt millings;
3) Bbrick 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.~~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~~, 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.~~

~~Barndominium. Open concept building with a large square footage, typically "post and beam" construction.~~

~~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.~~

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.~~

Board ~~of zoning appeals~~. M~~S~~hall ~~m~~eans the Bboard 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.~~

Commented [KH4]: Moved to own definition as it relates to hard surfaces and all-weather surfaces.

Commented [KH5]: Unnecessary definition, term not used in the zoning regulations.

Commented [KH6]: Unnecessary definition, term not used in the zoning regulations.

Commented [KH7]: Defined in the sign regulations.

Commented [KH8]: Defined in the Subdivision regulations.

Return to Outline
Table of Contents
Return to Agenda

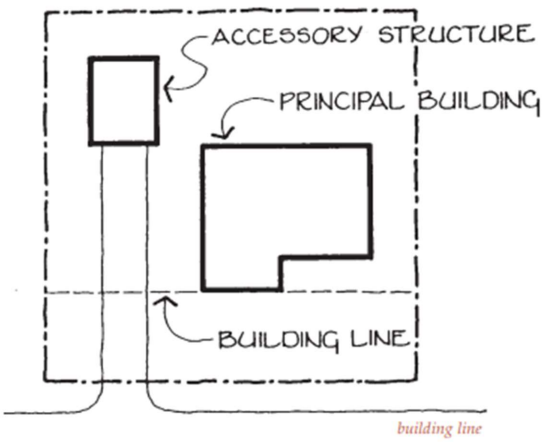
Accessory building. Means a building that is subordinate to and serves a principal building or structure; is subordinate in purpose, floor area, and height to the principal building or structure served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure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

Return to Outline
Table of Contents
Return to Agenda

~~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.

Return to Outline
Table of Contents
Return to Agenda

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.

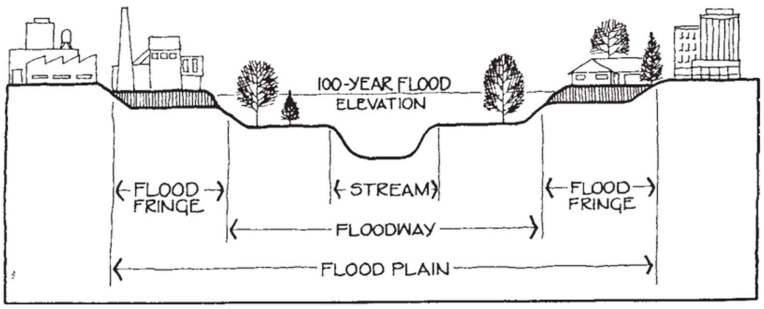
Floodplain (as defined by K.S.A. 12-742). Means land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1%.

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.

Return to Outline

Table of Contents

Return to Agenda



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

Return to Outline
Table of Contents
Return to Agenda

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,~~

Return to Outline
Table of Contents
Return to Agenda

~~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.

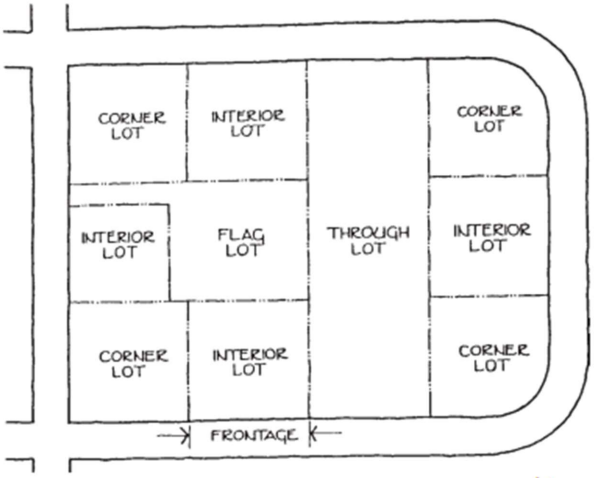
Lot. Means a~~A~~ portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred. A ~~building~~building site or parcel of land occupied or intended to be occupied by a building and accessory ~~buildings~~structures, 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.



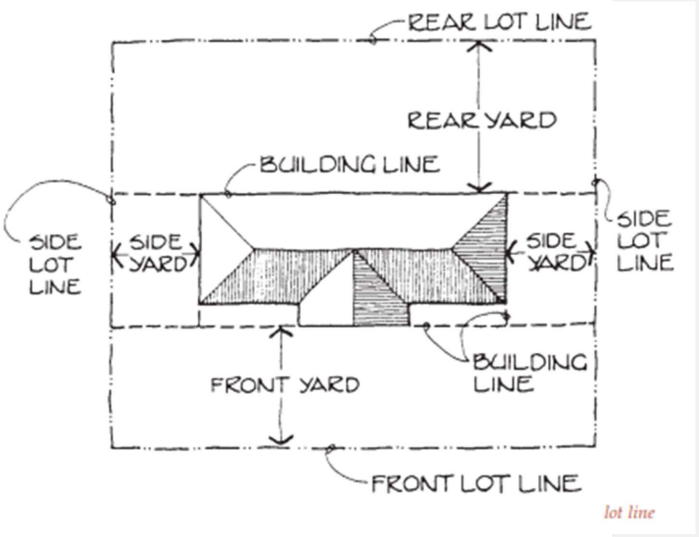
lot

Return to Outline
Table of Contents
Return to Agenda

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**~~

~~CORNER~~	~~INTERIOR~~	~~THROUGH~~	~~INTERIOR~~	~~KEY~~
~~CORNER~~	~~INTERIOR~~		~~INTERIOR~~	~~INTERIOR~~
				~~KEY~~

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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)~~

Commented [KH19]: Defined in the subdivision regulations.

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.~~

Commented [KH20]: Unnecessary definition, not used in the Zoning Regulations and synonymous with inoperable vehicle

~~Pedestrian way. A right-of-way for pedestrian traffic.~~

Commented [KH21]: Defined in the subdivision regulations.

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.

Return to Outline
Table of Contents
Return to Agenda

~~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.

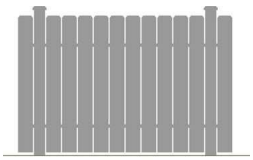
Solid screening~~. Solid.~~ Means a solid barrier of 90 to 100 percent opacity made from wood, vinyl, landscaped earth berms, masonry, or other similar materials, including brick, stone, architectural tile, or a combination of these materials erected to enclose, screen, or separate areas from adjacent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

Example of 90% Opacity of Screening

Return to Outline

Table of Contents

Return to Agenda



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~~

Return to Outline

Table of Contents

Return to Agenda

~~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.

Return to Outline
Table of Contents
Return to Agenda

~~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.~~

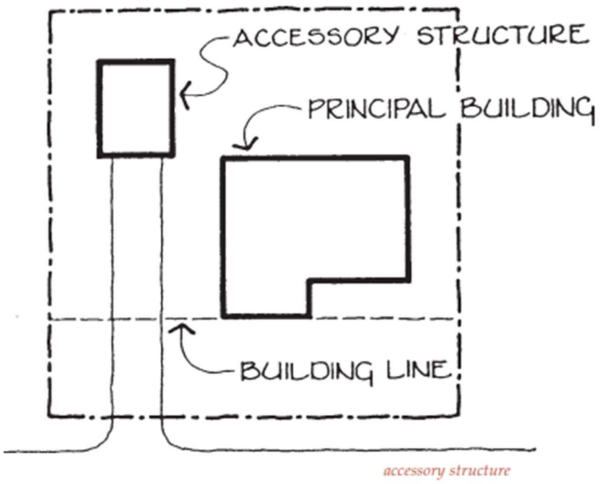
~~Road or roadway. The paved or improved area existing on the street right-of-way exclusive of sidewalks, driveways or related uses.~~

~~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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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,

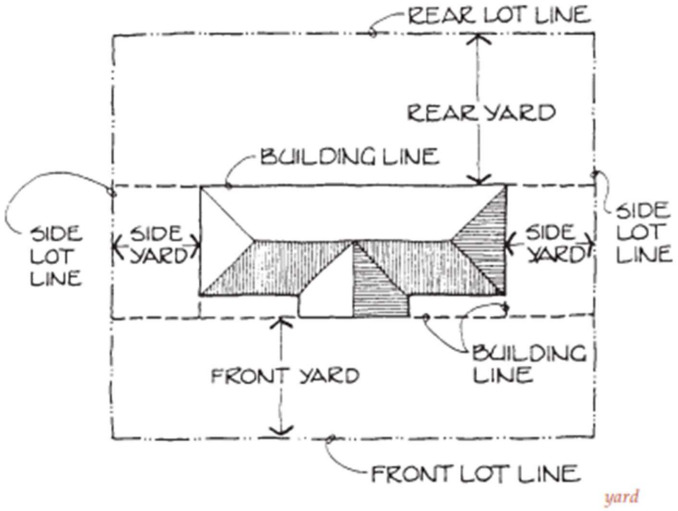
camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a m~~M~~otor v~~V~~ehicle. Recreational v~~V~~ehicle shall include ~~motor homes,~~ travel trailers, truck campers, camping 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.

Return to Outline
Table of Contents
Return to Agenda

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

Return to Outline

Table of Contents

Return to Agenda

302.Z.

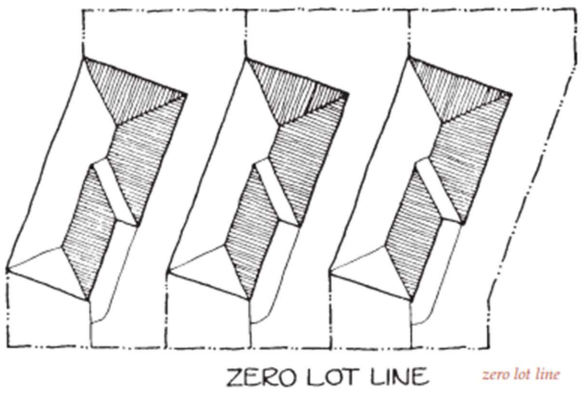
Zero lot line. Means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

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.



Return to Outline
Table of Contents
Return to Agenda

~~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
LC	Light Commercial
HMC	Hotel and Motel Commercial
HC	Heavy Commercial
Industrial Base Districts	
LI	Light Industrial
HI	Heavy Industrial
Special Base Districts	
P-O	Protective Overlay
HD-O	Original Town Historic Overlay

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

Return to Outline
Table of Contents
Return to Agenda

~~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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.~~

Return to Outline

Table of Contents

Return to Agenda

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).** In accordance with K.S.A. 12-757, a~~A~~ccessory 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 standards were added due to the signing of SB 418, a senate bill that requires ADUs to be permitted by-right. ADUs will only be reviewed by the commission or governing body if they do not meet these use standards.

Return to Outline
Table of Contents
Return to Agenda

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.

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.

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

2. **Public and civic uses.**

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

b. **Recycling processing center.** Recycling processing centers shall be permitted ~~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, in accordance with K.S.A. 41-710, provided that the following conditions are met.

Return to Outline
Table of Contents
Return to Agenda

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

~~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 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;

Return to Outline

Table of Contents

Return to Agenda

~~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 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

Return to Outline
Table of Contents
Return to Agenda

maintenance of buildings thereon so long as such buildings are used for agricultural purposes.

Return to Outline

Table of Contents

Return to Agenda

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, and 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.~~

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

~~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.
6. The entrances to all garages and carports shall have a 20 foot setback to provide for surface parking in front of the garage or carport.

~~1.~~

~~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~~N~~o 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.

Return to Outline

Table of Contents

Return to Agenda

Return to Outline

Table of Contents

Return to Agenda

SECTION 406. TRANSITIONAL GUIDELINES

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

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

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

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

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

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

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

Return to Outline
Table of Contents
Return to Agenda

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 street yard 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.
4. ~~4.~~ **Additional construction.** If an existing ~~detached~~ accessory structure exists, conforms to current code, and meets setback requirements, a permit may be approved for the ~~additional~~ construction of an additional accessory structure.
6.
7. ~~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	✓	
LC	3	3	✓	
HMC	3	3		
HC	3[1]	3[1]	✓	

Return to Outline
Table of Contents
Return to Agenda

Table 404.D. Use Chart.

Use Type	SF-15	SF-5	SF-3Z	TH	TF	MF4	MF-AMU-R	MH	MU-C	LC	HMC	HC	LI	HI	Special Use Standards
Zoning Districts															
Residential															
Accessory Dwelling Unit (ADU)~~Apartment~~	P~~C~~	P~~C~~	P	P	P	P	P	P	P	~~C~~		~~C~~	~~C~~	~~C~~	See 404.E.1.a
Assisted Living	~~C~~	C	C	C	C	P~~C~~	P	C	P	~~C~~					
Group Home	P	P	P	P	P	P	P	P	C	~~C~~					See 404.E.1.b
Group Residence, Limited	~~C~~	~~C~~			C	P~~C~~	P	P	P	~~P~~		~~P~~			
Group Residence, General						P	P~~C~~	P	P	~~P~~		~~P~~			
Live-Work							P		P						
Manufactured Home, Residential-Design	P	P	P	P				P							See 404.E.1.d and Appendix E-504
Manufactured Home								P							See 404.E.1.c
Multi-Family					~~C~~	C	P		P						
Single-Family	P	P	P	P	P	P	P	P	P						See 404.E.1.e and Appendix E-507
Two-Family	P	P	P	P	P	P	P	P	P						See 404.E.1.e and Appendix E-507
Three and Four-Family					C	P	P		P						
Public and Civic															
Auditorium or Stadium							~~C~~		P	P	P~~C~~	P	P	P	
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Church or Place of Worship	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Community Assembly	C	P	P	P	P	P	P	P	P	P~~C~~	P	P	P	P	
Correctional Facility												C	C	C	
Correctional Placement Residence, Limited									C	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	P	
~~Day Care, General~~					~~C~~	~~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	C	
Government Service	P~~C~~	P~~C~~	P	P	P~~C~~	P~~C~~	P~~C~~	P	P	P	P	P	P	P	
Hospital	~~C~~					~~P~~	P		P	P~~C~~	P	P	P	P	
Library		P	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	P	
Nursing Facility		C	C	C	C	P~~C~~	P	C	P	P	P				
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling Collection Station, Private	P	P	P	P	P	P	P	P	C	P	P	P	P	P	See 404.E.2.a
Recycling Collection Station, Public							C	C	C	C	C	P	P	P	-See 404.E.2.a
Recycling Processing Center												P	P	P	~~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~~

Return to Outline

Table of Contents

Return to Agenda

															~~properties and any public roadway.~~See 404.E.2.b
Renewable Energy System															
Reverse Vending Machine							P	P	P	P	P	P	P	P	
Safety Service	C	C	C	C	C	C	C	C	P	P	P~~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	C~~P~~	C~~P~~		C	C	C	C	C	C	
Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial															
Adult Entertainment Establishment															
Airport or Airstrip													~~P~~C	~~P~~C	
Animal Care, Limited							P		P	P	P	P	P	P	
Animal Care, General												P	P	P	
Automated Teller Machine (ATM)		P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.3.a-
Bank or Financial Institution							P		P	P	P	P	P	P	
Bed and Breakfast Inn	P~~C~~	P~~C~~	C~~P~~	P	P	P	P~~C~~		P	P~~C~~	P				
Broadcast/Recording Studio							P		P	P	P	P	P	P	
Car Wash									C	C	C~~P~~	P	P	P	
Construction Sales and Service									P	P	P	P	P	P	~~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	C	P	P	P	P	
Entertainment Establishment						P	P~~C~~		P	P	P	P	P	P	
Event Center	C					P	P~~C~~		P	P	P	P	P	P	
Farmer's Market	P	C~~P~~							P	P	P	P	P	P	
Funeral Home									P	P	P	P	P	P	
Heliport	C~~P~~											C~~P~~	P~~C~~	C~~P~~	
Hotel or Motel							C		C	C	P	P	P	P	
Kennel, Hobby									P	P	P	P	P	P	
Kennel, Boarding/Breeding/Training							P		P	P	P	P	P	P	

Return to Outline

Table of Contents

Return to Agenda

~~Marine Facility, Recreational~~	~~C~~								P			~~P~~	~~P~~		
Medical Service							PC		P	PC	P	P	P	P	
Microbrewery	~~C~~								P	PC	P	P	P	P	See 404.E.3.c~~-~~
Mobile Food Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Monument Sales									P	P	P	P	P	P	
Nightclub							PC		P	P	P	P	P	P	
Nurseries and Garden Centers							P		P	PC	P	P	P	P	
Office, General							P		C	CP	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	C	
Parking Area, Commercial							C		C	C	C	C	C	C	
Pawnshop							P		P	P	P	P	P	P	
Personal Care Service							PC		P	P	P	P	P	P	
Personal Improvement Service							CP		P	P	P	P	P	P	
Post Office Substation							P		P	P	P	P	P	P	
~~Printing and Copying, Limited~~									P	~~P~~					
Printing and Publishing, General							P		P	PC	P	P	P	P	
Recreation and Entertainment, Indoor							PC		P	P	P	P	P	P	
Recreation & Entertainment, Outdoor	~~P~~						P		P	P	PC	P	P	P	
Recreational Vehicle Campground	C											CC	P	P	~~Solid screening required when adjacent to less intensive zoning district.~~See 404.E.3.d
Restaurant							PC		P	P	P	P	P	P	
Retail, General							CP		P	P	P	P	P	P	
Retail Fulfillment Center									P	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	P	
Service Station									P	P	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							PC		P	P	P	PC	CP	P	~~-~~
Teen Club							PC		P	P	P	P	P	P	~~-~~
Vehicle and Equipment Sales, Outdoor											P	PC	P	P	~~Provided all vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing)~~

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.

Return to Outline

Table of Contents

Return to Agenda

															~~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	C	~~P~~	~~PC~~	P	P	~~-~~
Vehicle Repair, General												~~PC~~	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	~~CP~~	~~CP~~	~~CP~~	
Warehouse, Self-Service Storage												C	C	~~CP~~	
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Industrial, Manufacturing and Extractive															
Asphalt or Concrete Plant, Limited	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	P	P	P	P	P	P	
Asphalt or Concrete Plant, General													P	P	
Basic Industry													~~PC~~	P	
Construction Burn Site, Limited	P	P	P	P	P	P	P	P	P	P	P	P	~~PC~~	P	
Construction Burn Site, General	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Freight and/or Truck Terminal													~~PC~~	P	
Gas and/or Fuel Storage and Sales													~~PC~~	P	
Hazardous Operations														C	
Landfill														C	
Manufacturing, ~~Limited~~Light							~~P~~		P	~~PC~~	~~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	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	P	~~PC~~	~~PC~~	~~PC~~	~~PC~~	~~PC~~	See 404.E.4.b
Oil and Gas Drilling	C	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	C	
Solid Waste Incinerator	~~C~~	~~C~~			~~C~~	~~C~~	~~C~~			~~C~~		~~C~~	~~CP~~	~~CP~~	
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	~~PC~~	
Vehicle Storage Yard													C	~~PC~~	~~Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway. Storage of inoperable vehicles (45~~

Return to Outline

Table of Contents

Return to Agenda

															~~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	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	

Return to Outline

Table of Contents

Return to Agenda

ARTICLE 54
RESIDENTIAL ZONING DISTRICTS

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

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

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

501.A. PURPOSE. The purpose of this~~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. For single-family homes, two-family homes, and townhouses with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.E of APPENDIX E-507.

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.

Return to Outline
Table of Contents
Return to Agenda

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~~"~~ ~~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 systemssewage 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.

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

Return to Outline

Table of Contents

Return to Agenda

ix. ~~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. ~~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.

Return to Outline

Table of Contents

Return to Agenda

SECTION 502. SF-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

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

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

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

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

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
5,000~~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 [KH4]: OVERVIEW: The dimensional standards were changed to reduce lot size, width, depth, and setbacks.

Return to Outline
Table of Contents
Return to Agenda

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

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

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

503.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 503.C, in accordance with SECTION 405. See SECTION 407 for the dimensional standards for accessory structures. For single-family homes, two-family homes, and townhouses with a floor area less than 2,500 sq. ft. (not including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.E of APPENDIX E-507.

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

Commented [KH6]: Matching SF-5 requirement

Return to Outline
Table of Contents
Return to Agenda

SECTION 504. TH TINY HOME RESIDENTIAL DISTRICT

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

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.

Return to Outline
Table of Contents
Return to Agenda

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 [KH8]: 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.

Return to Outline

Table of Contents

Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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[1]	2,750~~6,000~~	25~~50~~	80~~90~~	20~~25~~	0[2]~~6~~	10	10~~20~~	45~~35~~[3]	600
Stacked Two-Family[1]	4,500	45	80	20	5				
Side-by-Side Two-Family[1]	6,050	55	80	20	5				
Non-Residential	5,000	45	80	20	5				

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

505.D. PARKING REGULATIONS. See ~~Appendix~~APPENDIX E, 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 [KH9]: OVERVIEW: Dimensional standards were developed to allow for the most diversity in lot sizes and ease infill development. Such dimensional standards are based on use. The standards were developed using the principles of Missing Middle Housing.

Commented [KH10]: Matching SF-5 requirement.

Return to Outline

Table of Contents

Return to Agenda

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[1]	2,750~~6,000~~	25~~50~~	80~~90~~	20~~25~~	0~~6~~[1]	~~15~~10	10~~20~~	45~~35~~[2]	600
Stacked Two-Family[1]	4,500	45	80	20	5				
Side-by-side Two-Family[1]	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Non-Residential	5,000	35	80	20	5				

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

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

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

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

Commented [KH12]: Matching SF-5 requirement

Return to Outline
Table of Contents
Return to Agenda

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

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

Return to Outline
Table of Contents
Return to Agenda

a manufactured home subdivision, and unless in unusual circumstances the city deems that manufactured home/mobile homes shall have direct access from a public street or highway. All roadways and private streets shall have unobstructed access to a public street or highway, with all dead-end roadways being provided an adequate vehicular turn around (cul-de-sac) with a diameter of not less than 80 feet. All roadways shall meet the following requirements:

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

Return to Outline
Table of Contents
Return to Agenda

dedicated easement. Such structure shall be constructed from a non-combustible material and shall be unenclosed with the exception of a roof.

~~e.~~c.

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

~~3.~~2.

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

~~b.~~a.

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

~~4.~~

b.

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

~~b.~~

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

Return to Outline

Table of Contents

Return to Agenda

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[1]	2,750	25	80	20	0[2]	~~15~~10	10~~20~~	55[3]	See 601.F.1
Stacked Two-Family[1]	4,500	45	80	20	5				
Side-by-Side Two-Family[1]	6,050	55	80	20	5				
Triplex	5,175	45	80	20	5				
Fourplex	7,800	60	80	20	5				
Multiplex	10,000~~6,000~~	80~~50~~	80~~90~~	20~~25~~	5~~6~~				
Apartment	14,175	105	80	10	0[2]				

Return to Outline
Table of Contents
Return to Agenda

Live-Work	3,150	35	80	10	0[1]				

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

601.D~~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.

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.

Return to Outline
Table of Contents
Return to Agenda

4. No non-residential use shall store any items, goods or equipment outside of an enclosed building, except:

    a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and

    b. Items, goods and equipment that are for retail sale and placed immediately adjacent to the principal structure.

5. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

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

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

Commented [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).

Return to Outline

Table of Contents

Return to Agenda

SECTION 602. MU-C MIXED USE COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

602.D. PARKING REGULATIONS. See APPENDIX E, 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 [KH6]: Moving to before HMC in heirarchy. HMC is for larger lot development than MU-C.

Commented [KH7]: According to SB 418, single-family dwellings must be permitted in all districts that allow any time of residential use.

Commented [KH8]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

Return to Outline
Table of Contents
Return to Agenda

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.

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

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

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

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

Commented [KH9]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

Commented [KH10]: Respondents prioritized shade in pedestrian areas in the South Meridian Corridor Plan (page 60).

Return to Outline
Table of Contents
Return to Agenda

SECTION 603. LC LIGHT COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
~~6,000~~3,150	~~50~~35	~~90~~80	~~35~~10	~~6~~0[1]	~~35~~10	10	~~55~~45[2]

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

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

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

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

603.F. SPECIAL LC DISTRICT ~~USE LIMITATION~~REGULATIONS. ~~:~~ The following special regulations shall apply to property in the MU-C District.

1. No items, goods or equipment shall be stored outside of an enclosed building, except: ~~outdoor storage is permitted, except for the display of goods for sale as a temporary use (no more than 45 days) except as otherwise allowed or approved in accordance with these regulations or approved by written permission from the Zoning Administrator for one year.~~

   ~~1.~~a. Street furniture intended for outdoor gathering, seating, dining, or similar public and semi-public purposes. Such furniture is typically located in the front yard setback or the public right-of-way; and

   ~~2.~~b. Items, goods and equipment that are ~~Merchandise that is~~ for retail sale ~~may be displayed in~~ and placed ~~areas~~ immediately adjacent to the ~~building~~principal structure.

~~3. No required off-street parking space or loading area shall be utilized for storage or the display of vehicles or items for sale.~~

~~4. Storage shall occur within a solid screened areas and shall not be visible from any adjacent~~

Commented [KH11]: Moving to before HMC in heirarchy. HMC is for larger lot development than MU-C.

Commented [KH12]: Part of the recommendation for an access management policy from the South Meridian Corridor Plan.

Return to Outline
Table of Contents
Return to Agenda

~~non-elevated street nor from ground level view in any adjacent lot except as otherwise allowed or approved in accordance with these regulations.~~

~~5. There shall be no manufacture, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises.~~

~~6. Operations or products are no objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.~~

~~7. Vending machines and newspaper displays may be displayed outside.~~

2. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent property and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

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

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

~~1.~~ The façade of ground floor non-residential space must be designed to encourage and complement pedestrian-oriented activity by the use of windows or doors arranged so that the interior spaces are visible and accessible from the street.

5.

Commented [KH13]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

Commented [KH14]: Respondents prioritized shade in pedestrian areas in the South Meridian Corridor Plan (page 60).

Return to Outline

Table of Contents

Return to Agenda

SECTION ~~603~~604. HMC HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
10,000	80	~~80~~100	~~20~~35	~~5~~6[1]	~~20~~35	20	~~None~~55[1]

1. ~~If zero lot line development is allowed, or any portion of the building is more than 150 feet from a public street, dedicated fire lanes shall be provided on at least two sides of the building.~~Heights for conditional uses shall be determined as part of the conditional use approval.

604.D~~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 [KH15]: 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 HMC District Regulations. The following special regulations shall apply to property in the HMC District.

1. **Dwelling unit regulations:**

Return to Outline
Table of Contents
Return to Agenda

a. Each dwelling unit shall contain a primary room with a minimum of 150 square feet of floor area.

b. Other habitable rooms in each dwelling unit shall contain not less than 70 square feet each.

c. Each dwelling unit shall contain a separate bathroom containing a water closet, lavatory and tub or shower.

~~d.~~ When housekeeping units are included, t~~:~~

~~e.~~d. ~~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.

604.G. HMC DISTRICT DESIGN STANDARDS. The following standards shall apply to all properties in the HMC district and are used to evaluate the acceptability of a project's design. Where

Return to Outline

Table of Contents

Return to Agenda

a standard uses the word “recommended” such standards shall be treated as guidelines. Guidelines are not obligatory requirements.

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

Commented [KH16]: The most important things to regulate when it comes to design are related to pedestrian comfort. Direct access to buildings from sidewalks makes it safe and convenient to be a pedestrian.

Return to Outline

Table of Contents

Return to Agenda

Return to Outline

Table of Contents

Return to Agenda

401. COMMERCIAL; "OC" OFFICE COMMERCIAL DISTRICT REGULATIONS

Commented [KH17]: The OC district has gone largely unutilized since its adoption in the Zoning Regulations. Previous amendments have made the difference between the OC and MU-C districts negligible.

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.

Return to Outline
Table of Contents
Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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~~t~~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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

~~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.

Return to Outline

Table of Contents

Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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

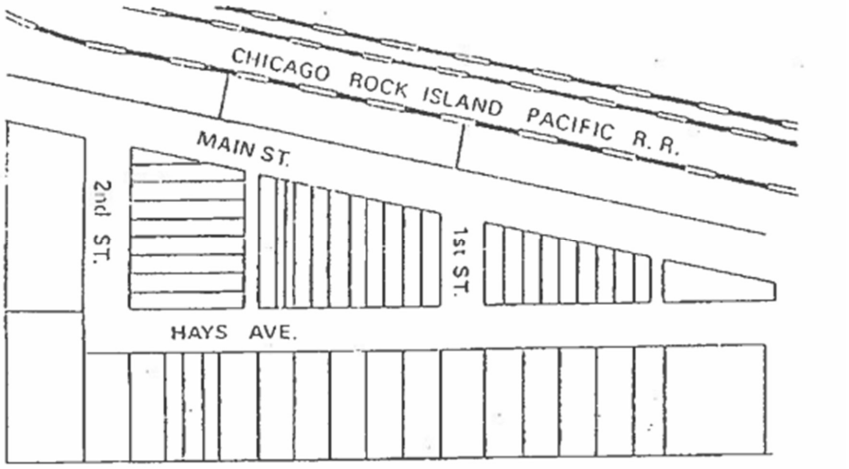
Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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**.

Return to Outline

Table of Contents

Return to Agenda

~~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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

~~or less intensive nonconforming use, may not thereafter be changed back to the less conforming use from which it was changed.~~

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

SECTION 1005. Any limitations imposed on the property due to the nonconformity shall be discontinued after the granting of the variance.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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 the zoning district 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.

Return to Outline
Table of Contents
Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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;

Return to Outline

Table of Contents

Return to Agenda

~~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.

1001.L. SINGLE-FAMILY REZONING EXCEPTION. In accordance with K.S.A. 12-757, whenever a property owner that is not the City initiates a rezoning to a single-family residential district (SF-15, SF-5, SF-3, TH or TF), such rezoning shall not require written notice to property owners and shall not be subject to the protest petition provisions. As such, SECTIONS 1001.C.3, 1001.D.1, and 1001.H shall not apply to such rezoning.

Return to Outline

Table of Contents

Return to Agenda

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 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 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.

Return to Outline

Table of Contents

Return to Agenda

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

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.~~

Return to Outline

Table of Contents

Return to Agenda

~~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.

Return to Outline

Table of Contents

Return to Agenda

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~~

Return to Outline
Table of Contents
Return to Agenda

~~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;~~.~~

Return to Outline

Table of Contents

Return to Agenda

~~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.

Return to Outline
Table of Contents
Return to Agenda

~~e.~~1. **Action by the planning commission.** Within thirty days after the public hearing the ~~Planning Commission~~commission 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 Commission~~commission may (1) recommend approval, (2) recommend approval with ~~contingencies~~conditions, 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 d~~D~~istrict within these regulations for the ~~parcel or tract of land~~subject 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~~;~~

Return to Outline
Table of Contents
Return to Agenda

~~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.~~

Return to Outline

Table of Contents

Return to Agenda

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,

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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;

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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;

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

1008.F. SINGLE-FAMILY REZONING EXCEPTION. In accordance with K.S.A. 12-757, whenever a property owner that is not the city initiates a rezoning of such owner's property to a single-family residential zoning district (SF-15, SF-5, SF-3, TH or TF), such rezoning shall not be subject to the protest petition provisions of this section. There shall be no effect on the governing body's vote even if a protest petition is submitted.

Return to Outline
Table of Contents
Return to Agenda

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,

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline

Table of Contents

Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

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.

Return to Outline
Table of Contents
Return to Agenda

~~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.

Return to Outline

Table of Contents

Return to Agenda

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.

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.

Return to Outline
Table of Contents
Return to Agenda

Haysville Planning Commission Staff Report

VAC 2026-003

CASE SUMMARY

Property Location:	800 Block of East Freeman Avenue
Applicant:	Joseph Brian Scapa of Scapa Homes Inc. (property owner)
Request:	To vacate a platted utility easement and the complete access control
Reason for Request:	To build four single-family homes with individual driveways off Freeman Avenue
Prepared By:	Kailyn Hogan, Planning and Zoning Administrator
Meeting Date:	June 11, 2026
Public Hearing:	Required, to be held by the Planning Commission

Required Applications:

Vacation	To vacate a platted utility easement and complete access control
Lot Split	To split the lot into four separate parcels

ANTICIPATED MEETING SCHEDULE

Body	*Meeting Date*	*Action*
Planning Commission	June 11, 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	July 13, 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	Lot 3 and the east 20 feet of Lot 4, Pear Tree 2nd Addition to Haysville, Sedgwick County, Kansas
Existing Zoning	"TF" Two-Family Residential
Lot Area	45,549 square feet / 1.046 acres
Future Land Use	Residential
Built Form	Undeveloped

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site is generally located in the 800 block of East Freeman Avenue and is legally described as Lot 3 and the east 20 feet of Lot 4, Pear Tree 2nd Addition. The site is currently vacant, though there is a small shed in the southwest corner. The property has been vacant since at least 2006.

There is a driveway approach constructed in the northeast corner of the property to access East Freeman Avenue, a paved two-lane residential road with on-street parking.

The subject site was platted in 1979 as the Pear Tree Addition to Haysville and replatted in 1980 as the Pear Tree 2nd Addition to Haysville. The property was rezoned to "TF" Two-Family in 2001. A protective overlay was added to the property with this zone change requiring all new dwelling units to be a minimum of 900 sq. ft. There are no other known zoning cases associated with the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The character of the neighborhood is mixed. Properties to the north and west are zoned "MF4" Multi-Family Four and developed with single-family homes. Property to the east is zoned "TF" Two-Family and developed with single-family homes and a fourplex, and property to the south is zoned "LC" Light Commercial and developed with office buildings, a donut shop, a church, and self-service storage warehouses.

ADJACENT ZONING AND LAND USE.

NORTH:	"MF4" Multi-Family Four	Single-family homes
SOUTH:	"LC" Light Commercial	Mixed office, retail and self-storage
EAST:	"TF" Two-Family	Single-family homes and a fourplex
WEST:	"MF4" Multi-Family Four	Single-family homes



PROJECT DESCRIPTION. The applicant is requesting a vacation of the complete access control and utility easement in order to build four single-family homes with individual driveways on the property. To do so, they will need to split the lot into four separate parcels, the application for which was submitted to the zoning department at the same time as this vacation application. Lot splits are approved administratively provided the following conditions are met:

1. A new street or alley is not needed or proposed;
2. The vacation of streets, alleys, setback lines, access control or easements is not required or has been satisfied;
3. The split will not result in significant increases in service requirements and will not interfere with maintaining existing services;
4. There is adequate right-of-way as required by the Subdivision Regulations or the Comprehensive Plan;
5. All easement requirements have been satisfied;
6. The split will not result in a landlocked tract;
7. A substandard sized lot will not be created nor will an existing structure become nonconforming as a result of the split; and
8. The lot is not subject to periodic flooding that cannot be feasibly corrected by fill.

These conditions can be found in Section XI.3.1 of the Subdivision Regulation.

The only condition that has not been met is Condition 6, the split will not result in a landlocked tract. Currently, the property is limited to three driveways. The existing access control only allows two openings per lot, and one of the openings has been taken by the property to the west (the west 92 ft of Lot 4, Pear Tree 2nd Add). A fourth access opening can be provided through this vacation request or by dedicating a shared access easement for two of the new lots. The applicant plans to rededicate access control along East Freeman Avenue with their lot split application to limit each new lot to only one driveway, with four driveways in total. Please note this is not a requirement.

The applicant would like the utility easement vacated so the property can be evenly split into four new lots. The existing easement straddles the lot line of Lot 3 and 4 and will cause one of the lots to be larger than the others if not vacated.

PUBLIC COMMENTS. The public hearing notice was published on May 21, 2026. At the time of publication, staff had received two comments on the vacation request. Comments received after the publication of this staff report will be distributed at the meeting.

On May 27, 2026 at 9:16 a.m., Deana Wilson at 835 E Freeman Ave called staff requesting additional information for the requested vacation.

On May 28, 2026 at 12:19 p.m., Linda Turner at 836 E Grand Ave called staff requesting additional information for the requested vacation. Turner was interested in what the applicant planned to do with the property, and asked whether there were any concerns with vacating the easement.

Staff informed both that the applicant plans to build four single-family homes, and that there is no infrastructure in the utility easement.

ANALYSIS

RESPONSES FROM UTILITIES.

Kansas One Gas found no conflicts with their lines or equipment.

City of Haysville Public Works had no comment. There are no city utilities in the proposed vacation area.

Cox stated that they are clear of underground utilities in the vacation area. They do have aerial cables attached to the Evergy poles in the rear easement. If Evergy's poles must be moved, Cox will relocate with them. Standard language does apply; any relocation or removal of infrastructure or equipment due to this vacation will be at the applicant's expense.

Evergy has no concerns with vacating the 10 foot centerline utility easement. They have all the easements they need in the area. Standard language does apply; any relocation or removal of infrastructure or equipment due to this vacation will be at the applicant's expense.

Black Hills Energy Corporation does not have any lines in the proposed vacation area and does not object to the vacation.

Sedgwick County Electric Coop does not have any lines in the area.

AT&T has no objection to the vacation, provided that it does not extend into the easement running east and west at the rear of the property.

Kristy Skaggs, the city engineer, recommends amending the legal description for the vacation of the utility easement so it does not include any portion of the east-west easement at the rear of the property. She also recommends shading the vacation area on the exhibit to match the amended legal description. PEC's recommended wording is as follows: a 10 foot utility easement being centered on the common Lot line between Lots 3 and 4, Pear Tree 2nd Addition, Haysville, Sedgwick County, Kansas, EXCEPT the south 20 feet thereof.

RECOMMENDATION

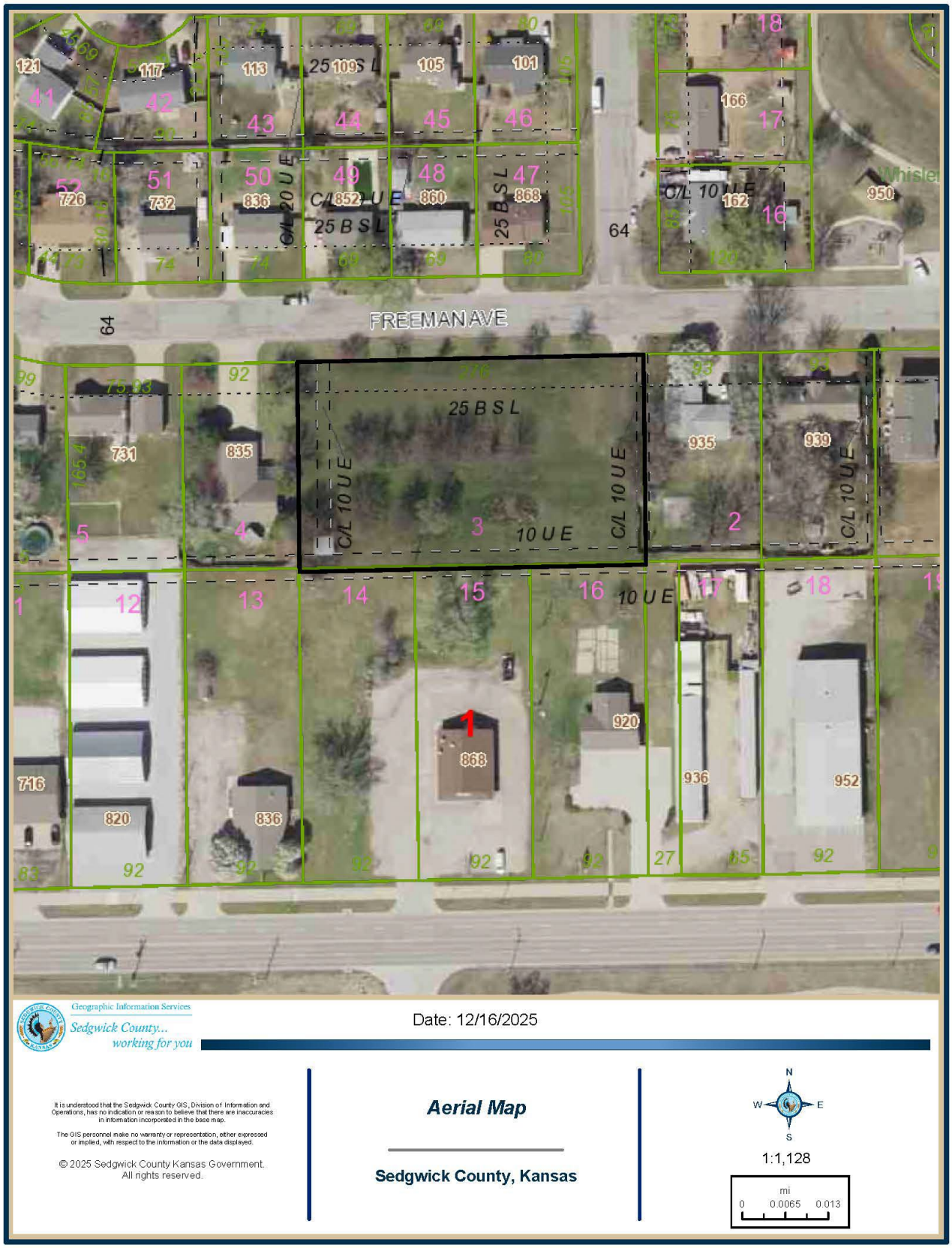
Based upon provided information, staff recommends **APPROVAL** of the vacation request subject to the following conditions:

1. The legal description for the utility easement to be vacated is amended as follows to clarify that the vacation does not extend into the east-west easement at the rear of the property: A 10 foot utility easement being centered on the common Lot line between Lots 3 and 4, Pear Tree 2nd Addition, Haysville, Sedgwick County, Kansas, EXCEPT the south 20 feet thereof.
2. The proposed vacated portion of the easement must be hatched or shaded on the exhibit to match the amended legal description.

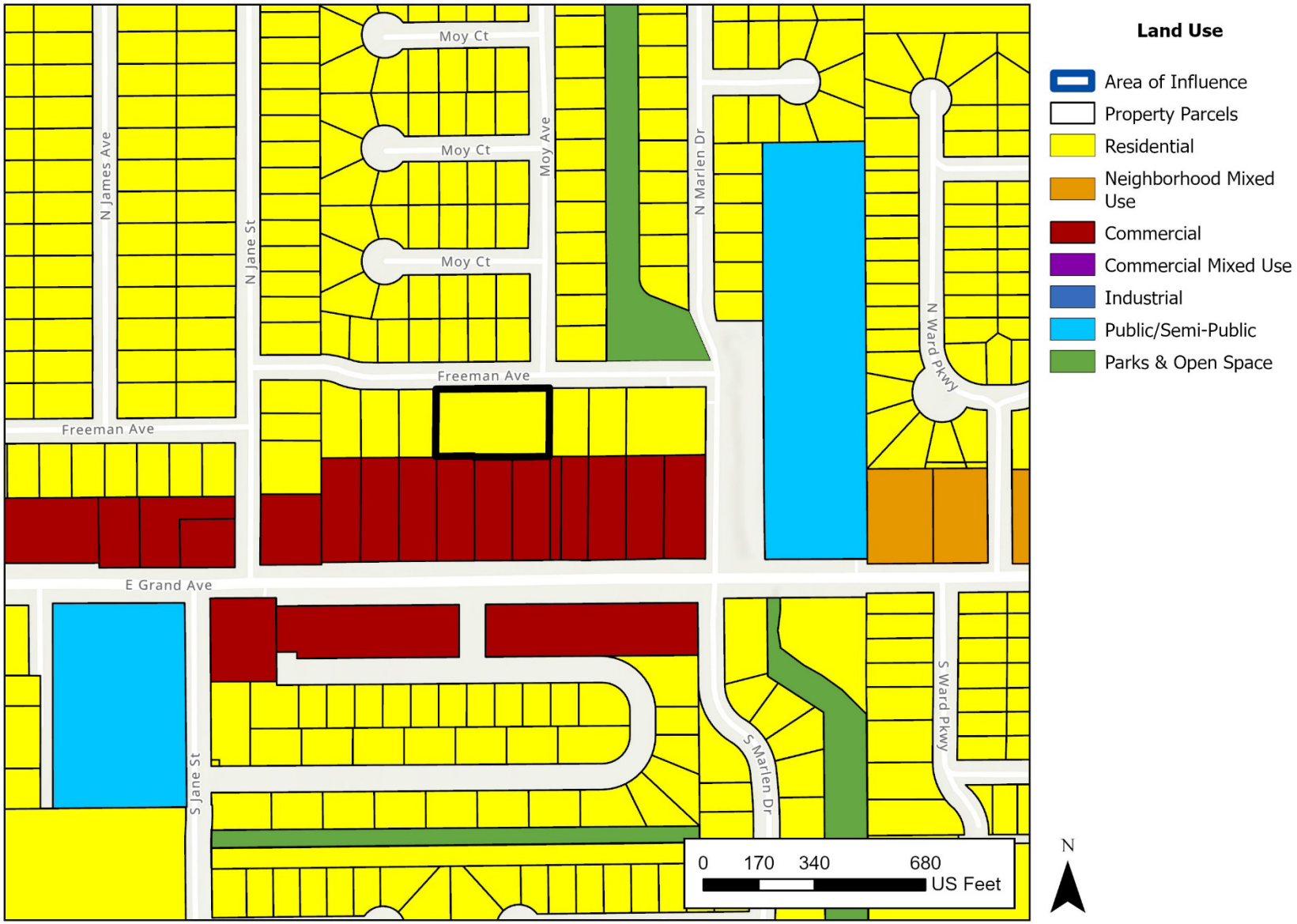
Such conditions must be met before the vacation request is presented to City Council.

ATTACHMENTS

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



Return to Agenda


Land Use
Area of Influence
Property Parcels
Residential
Neighborhood Mixed Use
Commercial
Commercial Mixed Use
Industrial
Public/Semi-Public
Parks & Open Space
Moy Ct
Moy Ct
Moy Ct
Moy Ave
N James Ave
N Jane St
N Marlen Dr
N Ward Pkwy
Freeman Ave
Freeman Ave
E Grand Ave
S Jane St
S Marlen Dr
S Ward Pkwy
0 170 340 680
US Feet
N

Looking north from the site.



Looking west from the site.



Looking east from the site.



Looking south towards the site.



VACATION SITE PLAN

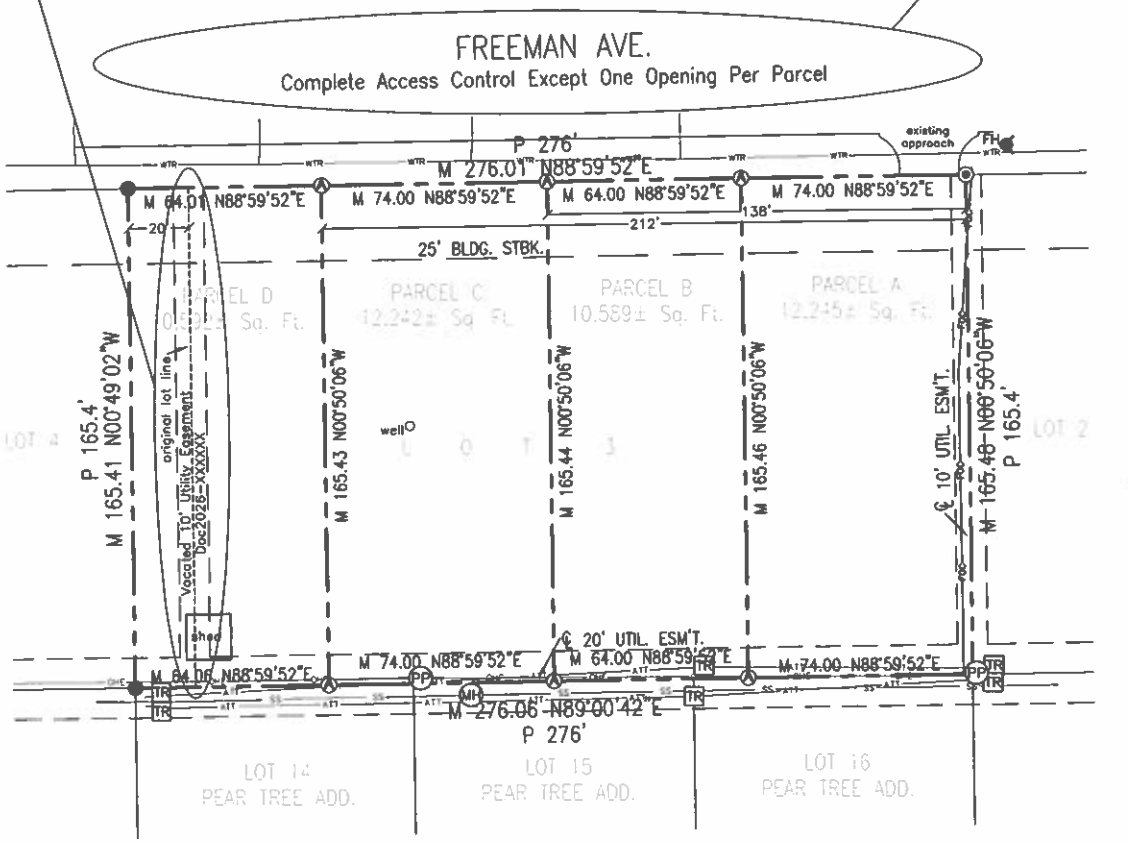
For: Scapa Homes, Inc.

Lot 3 and the East 20 feet of Lot 4, Pear Tree 2nd Addition, Haysville, Sedgwick County, Kansas

KS One Call Ticket#25044406 dated February 7, 2025 identified no utilities within the platted 10 ft. Utility Easement. Vacate entire 10 ft. Utility Easement described as:

A 10 foot Utility Easement being centered on the common Lot line between Lots 3 and 4, Pear Tree 2nd Addition, Haysville, Sedgwick County, Kansas

Pear Tree 2nd Addition has Access Control along Freeman Ave. allowing two opening for each lot. Modify Access Control to allow one opening for each parcel.



TR – telephone riser
MH – manhole
PP – power pole
FH – fire hydrant

– subject property line
– adjacent property line
– easement line
– setback line
– AT&T line
– fiber optic line
– overhead electric line
– sanitary sewer line
– water line

Ⓐ – "ARMSTRONG" capped rebar set
● – #4 rebar found
◉ – 1/2" iron pipe found
◎ – 3/4" iron pipe found
M – measured
P – plat

SCALE : 1" = 50'
0' 25' 50'

W.O. #43515-UE
Page 1 of 1

ARMSTRONG LAND SURVEY, P.A.
P.O. Box 161039
WICHITA, KS 67216
PH. (316) 263-0082
info@armstrongsurvey.com

Return to Age

Haysville Planning Commission Staff Report

VAC 2026-004

CASE SUMMARY

Property Location: 1620 East 84th Street South
Applicant: Brian Hall (property owner)
Request: To vacate the complete access control
Reason for Request: To build an additional single-family home with access off South Hydraulic Avenue

Prepared By: Kailyn Hogan, Planning and Zoning Administrator
Meeting Date: June 11, 2026
Public Hearing: Required, to be held by the Planning Commission

Required Applications:

Vacation	To vacate the complete access control
Lot Split	To split the lot into two separate parcels

ANTICIPATED MEETING SCHEDULE

Body	*Meeting Date*	*Action*
Planning Commission	June 11, 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	July 13, 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	Lot 1, Block A, Mahoney 2nd Addition to Sedgwick County, Kansas
Existing Zoning	SF-20 Single-Family Residential
Lot Area	89,704 square feet / 2.059 acres
Future Land Use	Residential
Built Form	Single-Family Dwelling

Return to Agenda

BACKGROUND

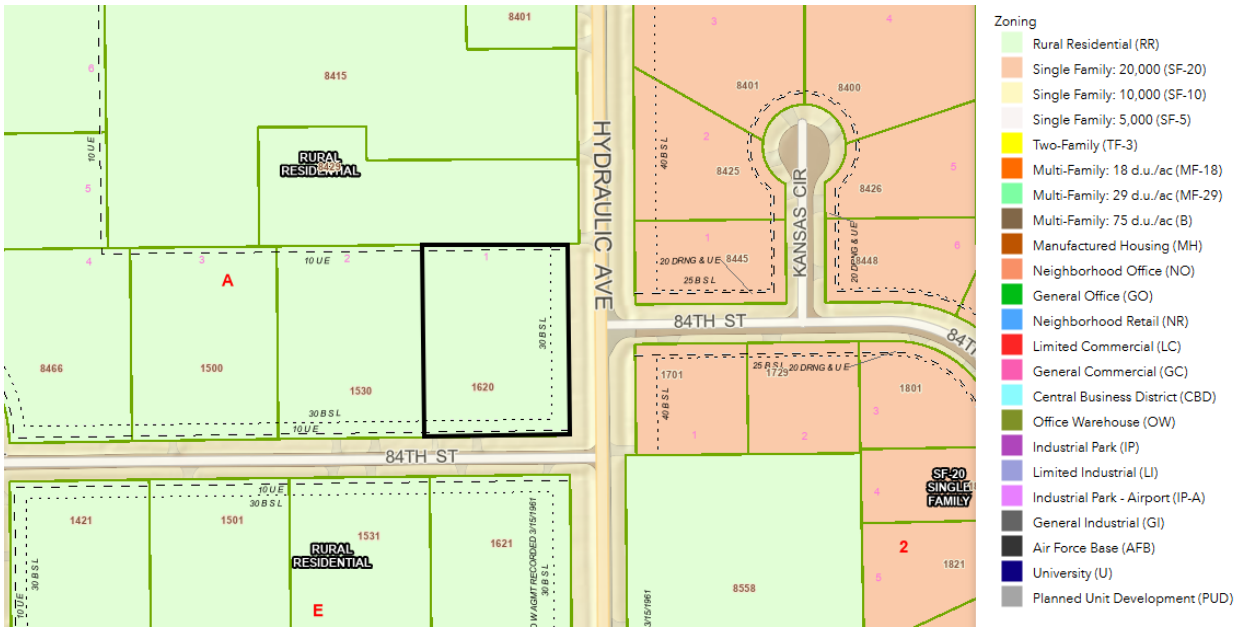
SITE DESCRIPTION AND PRESENT USE. The subject site is generally located at 1620 East 84th Street South and legally described as Lot 1, Block A, Mahoney 2nd Addition to Sedgwick County. The site is currently developed with a single family home and several accessory buildings.

The property was platted as the Mahoney 2nd Addition in 1979 and was rezoned to SF-20 Single-Family from RR Rural Residential in 2026. The zone change was initiated for the same project herein. There are no other known zoning cases associated with the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The character of the neighborhood is rural residential. All surrounding properties are zoned RR Rural Residential or SF-20 Single-Family Residential and developed with single-family homes.

ADJACENT ZONING AND LAND USE.

NORTH:	"RR" Rural Residential	Single-family homes
SOUTH:	"RR" Rural Residential	Single-family homes
EAST:	"SF-20" Single-Family	Single-family homes
WEST:	"RR" Rural Residential	Single-family homes



PROJECT DESCRIPTION. The applicant is requesting a vacation of the complete access control along South Hydraulic Avenue to build an additional single-family home on the north side of their property. To do so, they will need to split their lot, the application for which was submitted to the zoning department at the same time as this vacation application. Lot splits are approved administratively provided the following conditions are met:

1. A new street or alley is not needed or proposed;
2. The vacation of streets, alleys, setback lines, access control or easements is not required or has been satisfied;

Return to Agenda

3. The split will not result in significant increases in service requirements and will not interfere with maintaining existing services;
4. There is adequate right-of-way as required by the Subdivision Regulations or the Comprehensive Plan;
5. All easement requirements have been satisfied;
6. The split will not result in a landlocked tract;
7. A substandard sized lot will not be created nor will an existing structure become nonconforming as a result of the split; and
8. The lot is not subject to periodic flooding that cannot be feasibly corrected by fill.

These conditions can be found in Section XI.3.1 of the Subdivision Regulation.

The property will be split roughly in half, creating two approximately 40,000 sq. ft. lots. The applicant rezoned the property from RR Rural Residential to SF-20 Single-Family earlier this year to allow for this lot split. The previous zoning would not have allowed lots of this size. The only other condition the applicant needs to meet to have the lot split approved is providing access to and from the new lot (See Condition 6: the split will not result in a landlocked tract). Access can be provided either through this vacation request or by dedicating an access easement.

The proposed access opening to be vacated is forty feet wide and bounded by existing utility poles. These poles are visible in the attached site photos and marked on the attached site plan. The opening has been positioned directly across from E 84th St S on the east side of Hydraulic to avoid any potential traffic safety issues. This location was also required by Sedgwick County Public Works. In their comments, the county stated they would not approve this vacation if the opening was positioned anywhere else. The utility poles do have overhead wires attached, but staff does not foresee them being an issue since these same lines cross over E 84th St S on the west side of Hydraulic. No utility companies shared this concern either.

PUBLIC COMMENTS. The public hearing notice was published on May 21, 2026. At the time of publication, staff had received two comments on the vacation request. Comments received after the publication of this staff report will be distributed at the meeting.

On May 27, 2026 at 3:33 p.m., Alen Schlereth at 8650 S Hydraulic requested additional information on the vacation. No contact information was left, so staff was unable to answer their questions.

On June 1, 2026 at 9:04 a.m., Ronald Wolf at 8401 S Hydraulic called staff for additional information. Wolf was concerned the property owner wanted to operate a commercial business on the subject property and wanted to know why the vacation was requested. Staff informed Wolf that the applicant wants to build an additional single-family home on the property.

ANALYSIS

RESPONSES FROM UTILITIES.

Kansas One Gas has no conflicts with the vacation.

City of Haysville Public Works had no comments. The subject site is not in their jurisdiction.

Sedgwick County Public Works approves of the vacation of access control directly in-line with 84th Street South to the east. Any other location would not be approved by the county.

Cox has a vault and ped in the west road right-of-way of Hydraulic. All other cables are attached to Evergy poles. If the vault and ped need to be relocated due to the vacation, relocation will be at the applicant's expense. A picture of the vault and ped is attached.

Evergy has no objection to the vacation and does not have any infrastructure in the areas the applicant is requesting to vacate. However, standard language does apply; any relocation or removal of existing Evergy equipment will need to be discussed and will be at the applicant's expense.

Black Hills Energy Corporation does not have any lines in the area.

Sedgwick County Electric Coop does not have any lines in the area.

AT&T does not object to the vacation; however, they have a cable in the right-of-way next to the subject site. Locates will need to be done for the new drive. If the cable needs relocated, relocation will be at the applicant's expense. The cable is marked on the attached site plan.

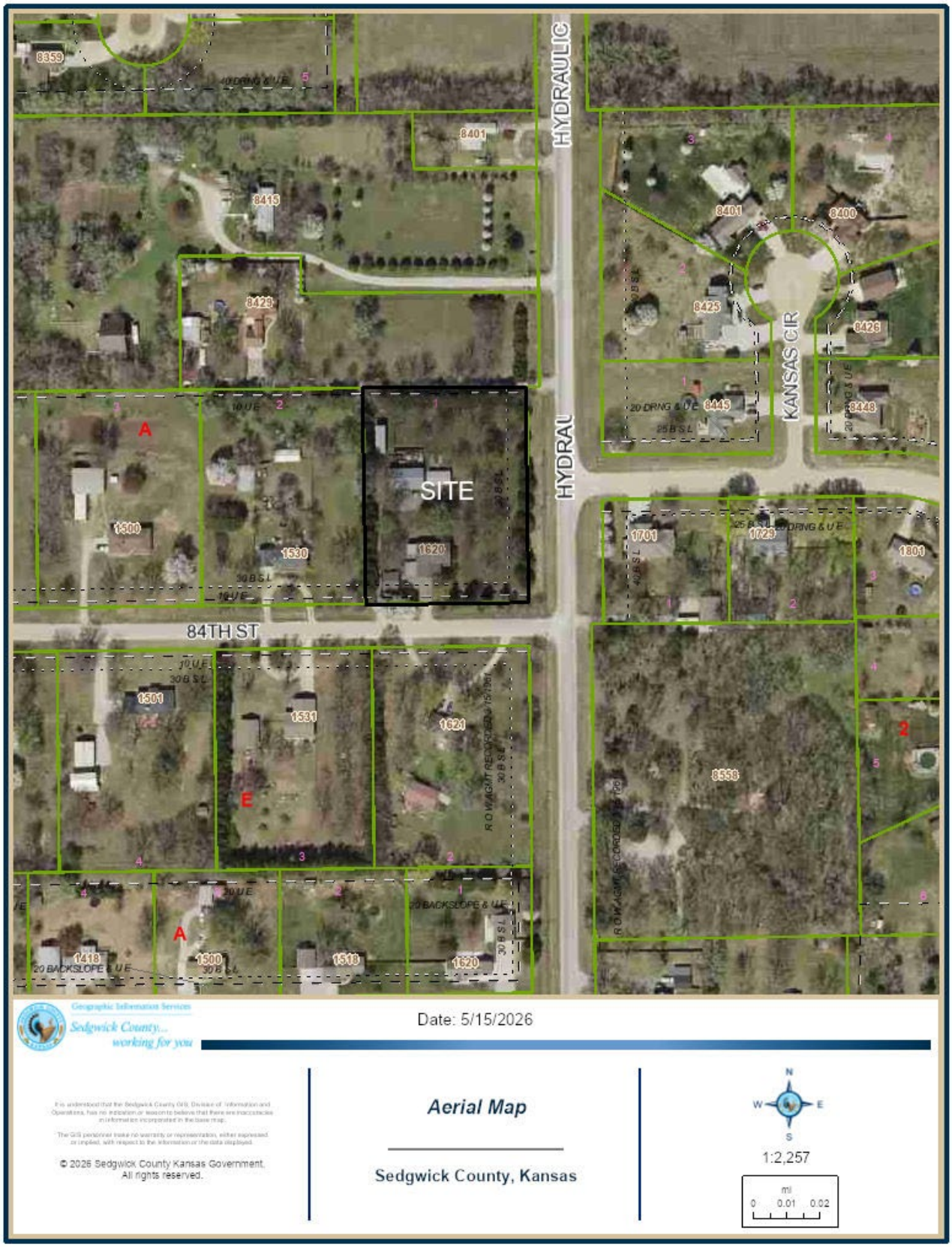
Kristy Skaggs, the city engineer, stated that the location of this access opening on Hydraulic would be acceptable for a residential driveway. PEC recommends a hard, paved surface from the right-of-way to the edge of the roadway. Per the City's standards, it should be a minimum of 12ft wide and sloped to provide drainage from the roadway. The drainage pipe under the driveway should be sized accordingly to match the larger of the upstream and/or downstream piles, unless a full drainage report is provided. Please note that the subject property is located in Haysville's Area of Influence and is thus not in the jurisdiction of Haysville Public Works. The approach and all other construction permits will be processed by Sedgwick County.

RECOMMENDATION

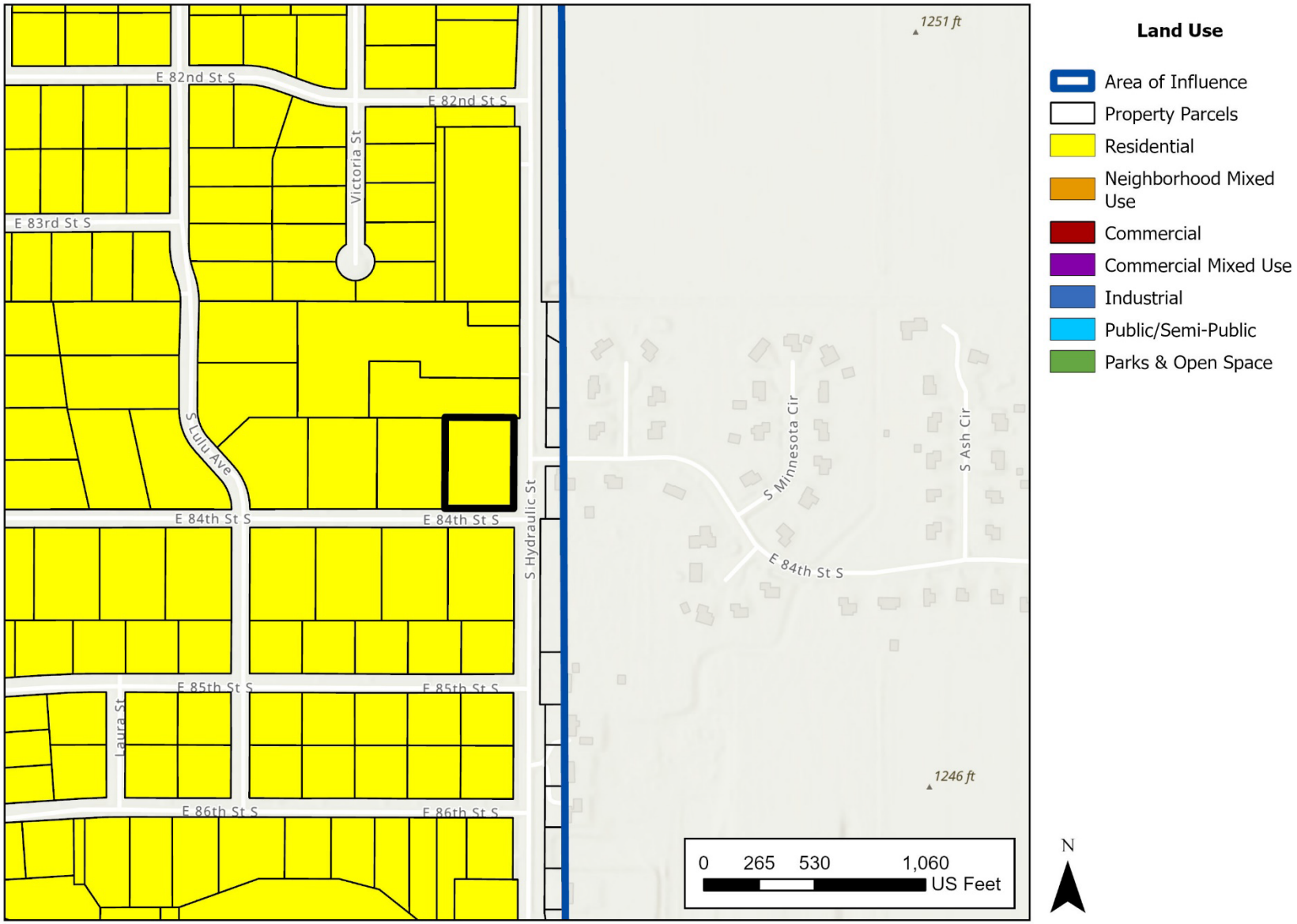
Based upon provided information, staff recommends **APPROVAL** of the requested vacation.

ATTACHMENTS

1. Aerial Map
2. Land Use Map
3. Site Photos
4. Site Plans
5. Cox vault and ped photo



Return to Agenda


1251 ft
E 82nd St S
E 82nd St S
Victoria St
E 83rd St S
S Lulu Ave
E 84th St S
E 84th St S
S Hydraulic St
S Minnesota Cir
S Ash Cir
E 84th St S
E 85th St S
E 85th St S
Laura St
E 86th St S
E 86th St S
1246 ft
0 265 530 1,060
US Feet
N
Land Use
Area of Influence
Property Parcels
Residential
Neighborhood Mixed Use
Commercial
Commercial Mixed Use
Industrial
Public/Semi-Public
Parks & Open Space

Looking north towards the property from E 84th St S, west of Hydraulic.



Looking west towards the subject site and the proposed vacation area from E 84th St S, east of Hydraulic. The proposed opening will be between the utility poles.



Looking north towards the intersection of proposed vacation area and E 84th St S from the west side of Hydraulic.



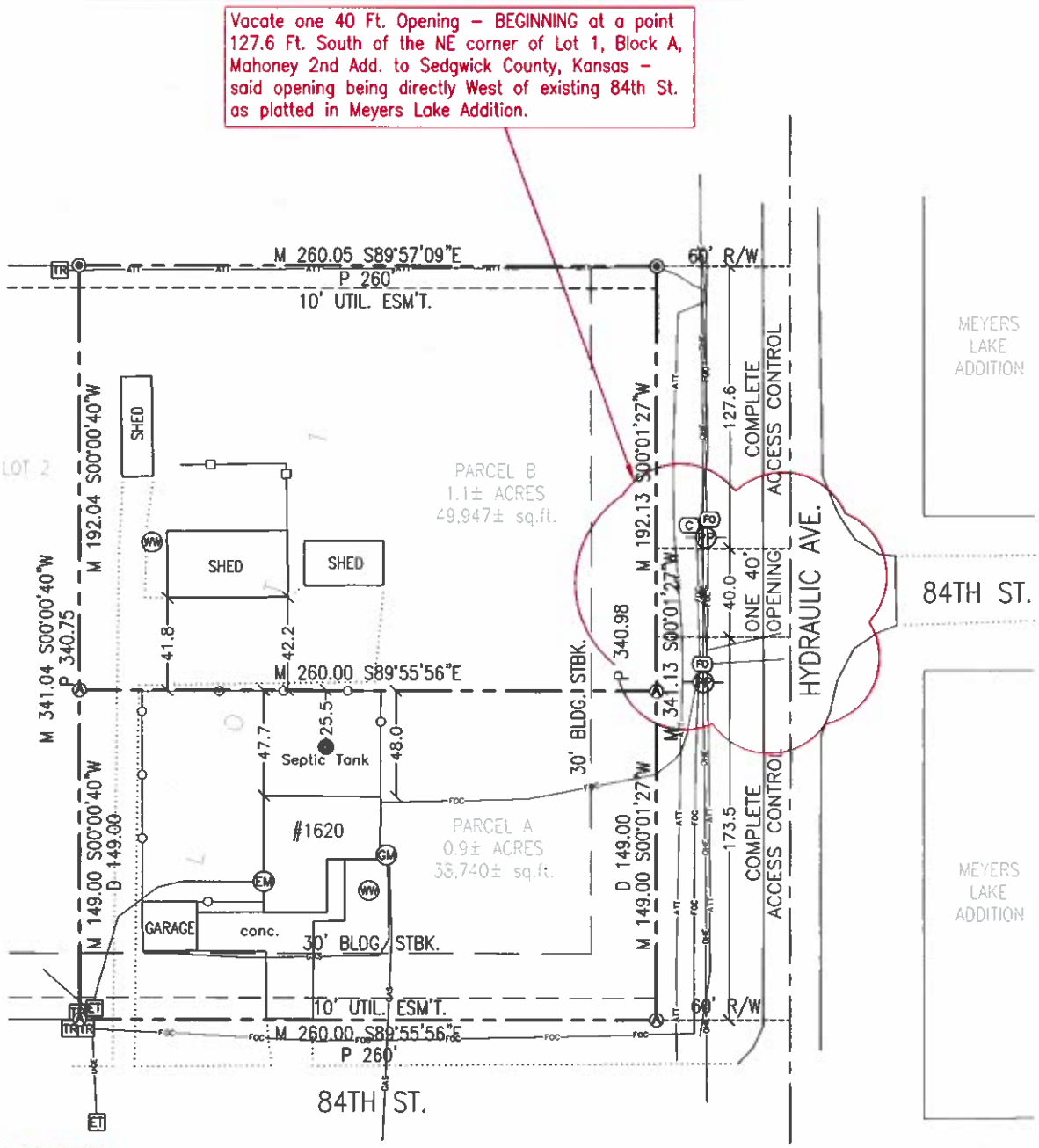
Looking south towards the intersection of the proposed vacation area and E 84th St S.



VACATION SITE PLAN

For: Brian and Gina Hall

Lot 1, Block A, Mahoney 2nd Addition to Sedgwick County, Kansas



– proposed vacation of access control

WW – water well
ET – electric transformer
TR – telephone riser
C – cox vault
FO – fiber optic vault
EM – electric meter
GM – gas meter
PP – power pole
A – "ARMSTRONG" capped rebar set
◉ – 1/2" iron pipe found
M – measured
P – plat
D – described

ATT – AT&T line
FOC – Ideatek line
GAS – gas line
UGE – buried electric line
OHE – overhead electric line
– wooden fence
– chainlink fence

SCALE : 1" = 60'

Basis of Bearings: Assumed from Plat

Date of Survey : April 8, 2026

NOTE: Fences are measured at the center of fence posts.

W.O. #44581-VSP
Page 1 of 1

ARMSTRONG LAND SURVEY, P.A.

P.O. Box 161039
WICHITA, KS 67216
PH. (316) 263-0082
info@armstrongsurvey.com

Return to Age


Cox vault and ped.
All other Cox
cables
are on Evergy poles
N
7.68 ft
Google Earth
© 2026 Google

Haysville Planning Commission Staff Report

VAR 2026-001

CASE SUMMARY

Property Location:	6536 South Marion Drive
Applicant:	Stacie Moomey (property owner)
Request:	Variance from the minimum front setback and accessory structure location requirements in the "SF" Single-Family Residential District
Reason for Request:	To construct a carport in the front yard
Prepared By:	Kailyn Hogan, Planning and Zoning Administrator
Meeting Date:	June 11, 2026
Public Hearing:	Required, to be held by the Board of Zoning Appeals

Required Applications:

Variance	From the minimum front setback and accessory structure location requirements in the "SF" Single-Family Residential district

ANTICIPATED MEETING SCHEDULE

Body	*Meeting Date*	*Action*
Board of Zoning Appeals	June 11, 2026	Hold required public hearing. Approve, approve with conditions, or deny the request.

SITE DATA

Legal Description	Lot 18, Block 6, Ward's 4th Addition to Sedgwick County
Existing Zoning	"SF" Single-Family Residential
Lot Area	8,162 square feet / 0.187 acres
Future Land Use	Residential
Built Form	Single-Family Dwelling

BACKGROUND

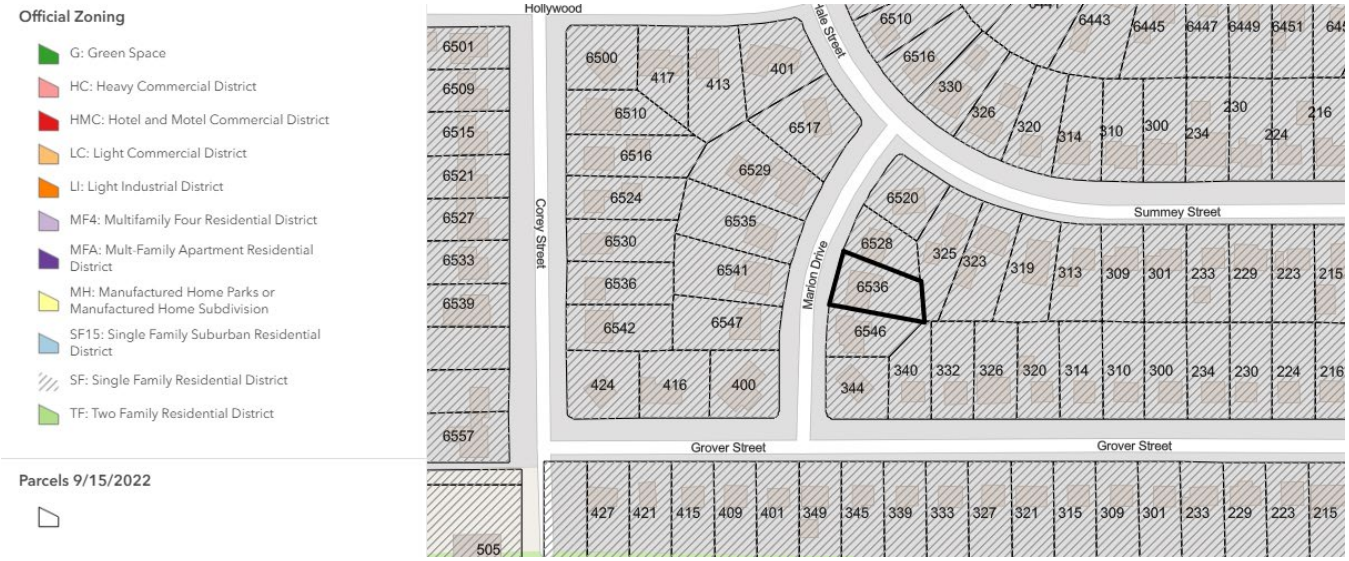
SITE DESCRIPTION AND PRESENT USE. The subject site is generally located at 6536 South Marion Drive and legally described as Lot 18, Block 6, Ward's 4th Addition to Haysville. The property is currently developed with a single-family home.

The subject site was platted as the Ward's 4th Addition to Haysville in 1951.There are no other known zoning cases associated with the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The character of the neighborhood is single-family residential. Property to the north, south, east and west is zoned "SF" Single-Family Residential and developed with single-family homes.

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 this variance to build a carport in their front yard. The carport will be entirely in front of the home on the property and approximately four feet from the front property line. A site plan is attached.

A variance is needed to build this carport, because, according to Section 304.A.1 and 304.A.2, accessory structures must meet district setback requirements and can only be located in side or rear yards. The district setback requirement for the subject site is 25 feet for the front yard. Additionally, there is a platted front setback of 30 feet. The carport will not meet these requirements with a setback of 4 feet. The carport will also be entirely in the front yard, not the side or rear yard.

The carport will be 20'x20' in size. The driveway and concrete pad for the carport have been poured. In the attached site photos, you will see a trailer parked in the proposed location of the carport. The applicant has not submitted renderings of the carport.

PUBLIC COMMENTS. The public hearing notice was posted on May 21, 2026. At the time of publication of this staff report, staff had not received any comment on the variance 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 variance is in conformance with the *City of Haysville's Comprehensive Plan*, which includes the 2023 Land Use Plan Map. The Map dedicates the subject site as appropriate for Residential Uses. The current use of the property is single-family residential, and it will not be changing as a result of this variance.

FINDINGS. The Board of Zoning Appeals is authorized, in specific cases, to grant variances from the specific terms of the zoning regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a variance may be granted in such case, upon a finding by the board that **all** of the following conditions have been met:

1. *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 is not created by an action or actions of the property owner or the applicant.*

   Applicant narrative: We wish to provide a 20' x 20' carport that, in the past, has been allowed for a few residential homeowners in this particular neighborhood, and we feel will provide the opportunity for a better selection of future homeowner to stay with the good demeanor of the current Haysville residents.

   Staff analysis: Staff agrees with this statement. The conditions that require this variance are unique to the property and are not the fault of the applicant. The applicant's lot is smaller than average for its subdivision, and it narrows towards the rear leaving less room than other lots for a detached rear garage. Additionally, there is not enough room in the side yards of the property to construct a carport. There is approximately 10 feet on each side of the dwelling. The required three foot side yard setback leaves only seven feet available for a carport, which is not sufficient to cover a vehicle. Single-car carports are 10-14 feet wide.

   This condition has been met.

2. *The granting of the variance will not adversely affect the rights of adjacent property owners or residents.*

   Applicant narrative: We will not be impeding upon any adjacent property owners. The property lines on each side will remain the same.

Staff analysis: Staff agrees with this statement. Staff does not foresee the proposed carport negatively affecting the adjacent property owners. The majority of neighbors park in the front driveway of their homes in similar locations as the proposed carport.

This condition has been met.

3. *The strict application of the provisions of the zoning regulations of which the variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.*

Applicant narrative: The carport will not generate any unnecessary hardships to any adjacent property owners and will help to beautify the neighborhood brining up property values.

Staff analysis: Staff agrees with this statement. The strict application of the zoning regulations would require the applicant to build a carport in the rear or side yard of their property. As mentioned under finding one, the property's side yards are not large enough to construct an adequately sized carport, and the rear yard is undersized compared to other lots in the area. A carport in the rear yard would consume a large portion of the applicant's yard for the carport and a driveway to the carport. Past precedent from VAR 2025-001, where a smaller-than-allowed dwelling unit was permitted, was based partly on the condition that a larger dwelling would consume too much of the applicant's yard, constituting an unnecessary hardship.

This condition has been met.

4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

Applicant narrative: The carport will in no way affect the public health, safety, morals, order, convenience, prosperity, or general welfare but again will increase the conditions within this neighborhood.

Staff analysis: Staff agrees with this statement. Staff does not foresee negative effects on public health, safety, morals, order, convenience, prosperity or general welfare.

This condition has been met.

5. *The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations.*

Applicant narrative: Granting the variance will not be opposed to the general spirit and intent of the zoning regulations of the City of Haysville, KS, but, as mentioned above, will provide better property values and a better class of individuals to stay within the exceptional living standards that are currently and in years past have been the accepted by the exceptional residents and officials of Haysville, KS.

Staff analysis: Staff neither agrees nor disagrees with this statement. Front yard setbacks can have two purposes: (1) to ensure all structures are a uniform distance from the street, and (2) to provide for adequate parking space in front of a dwelling. The proposed carport would be significantly closer to the street than any other building in the neighborhood, which does not meet the first purpose. However, the applicant has demonstrated that adequate parking can still be provided in front of a dwelling without meeting the setback requirements. The purpose of the accessory structure location requirements is to ensure accessory structures are visually subordinate to the principal structure on the

lot. The carport will likely be the most visible part of the property if constructed in the front yard; however, if it is smaller than the house, it may still be visually subordinate.

This condition is not met.

RECOMMENDATION

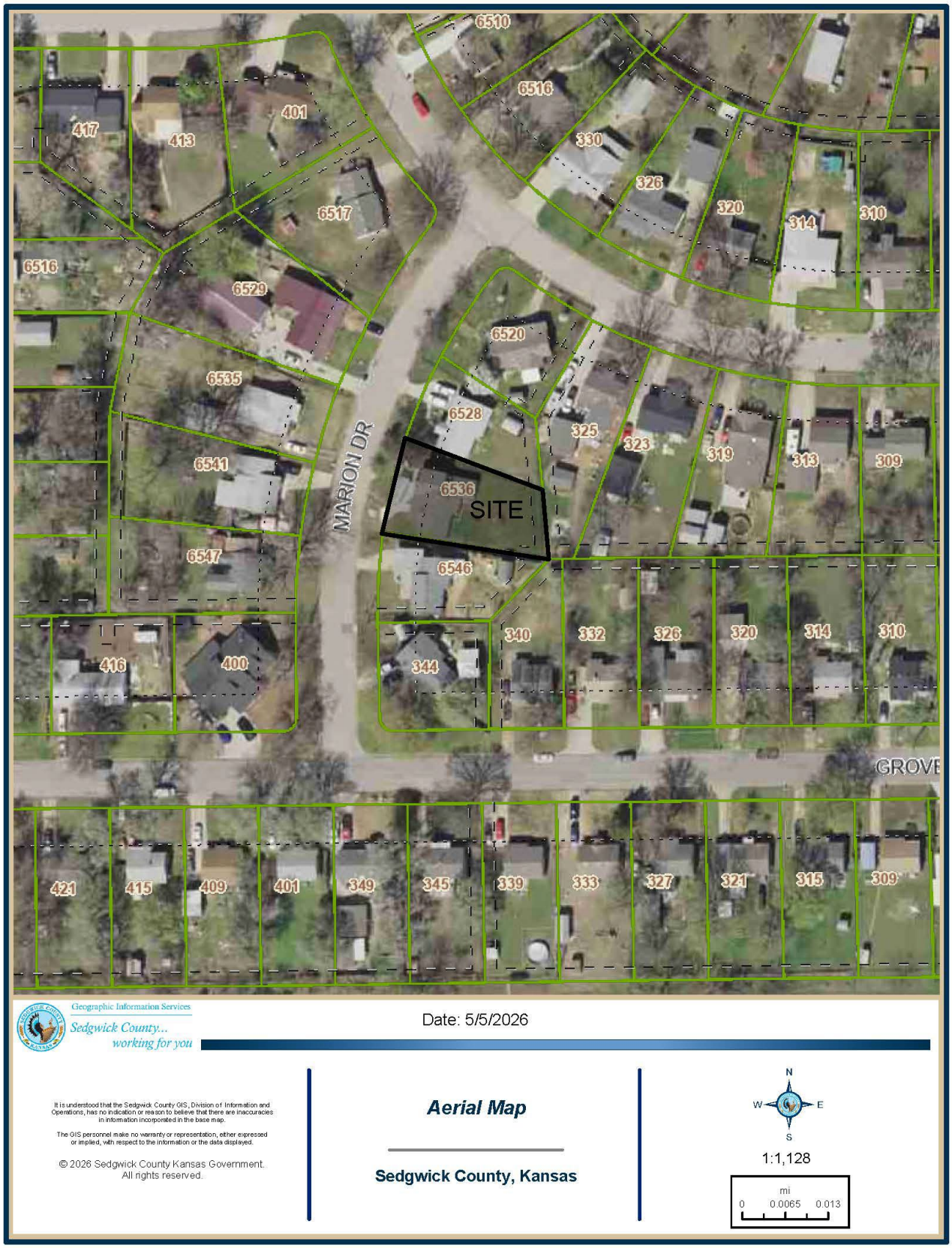
Based upon provided information, planning staff **DOES NOT** find that all five conditions necessary to the granting of a variance have been met. Staff recommends that the variance request be **DENIED**.

Alternatively, should the board determine that all five conditions necessary to grant a variance can be found, then the variance request may be approved. If such determination is made, a variance shall be filed with the Sedgwick County Registrar of Deeds reducing the front yard setback from 25 feet to 4 feet and allowing an accessory structure in the front yard in the "SF" Single-Family Residential district, subject to the following conditions:

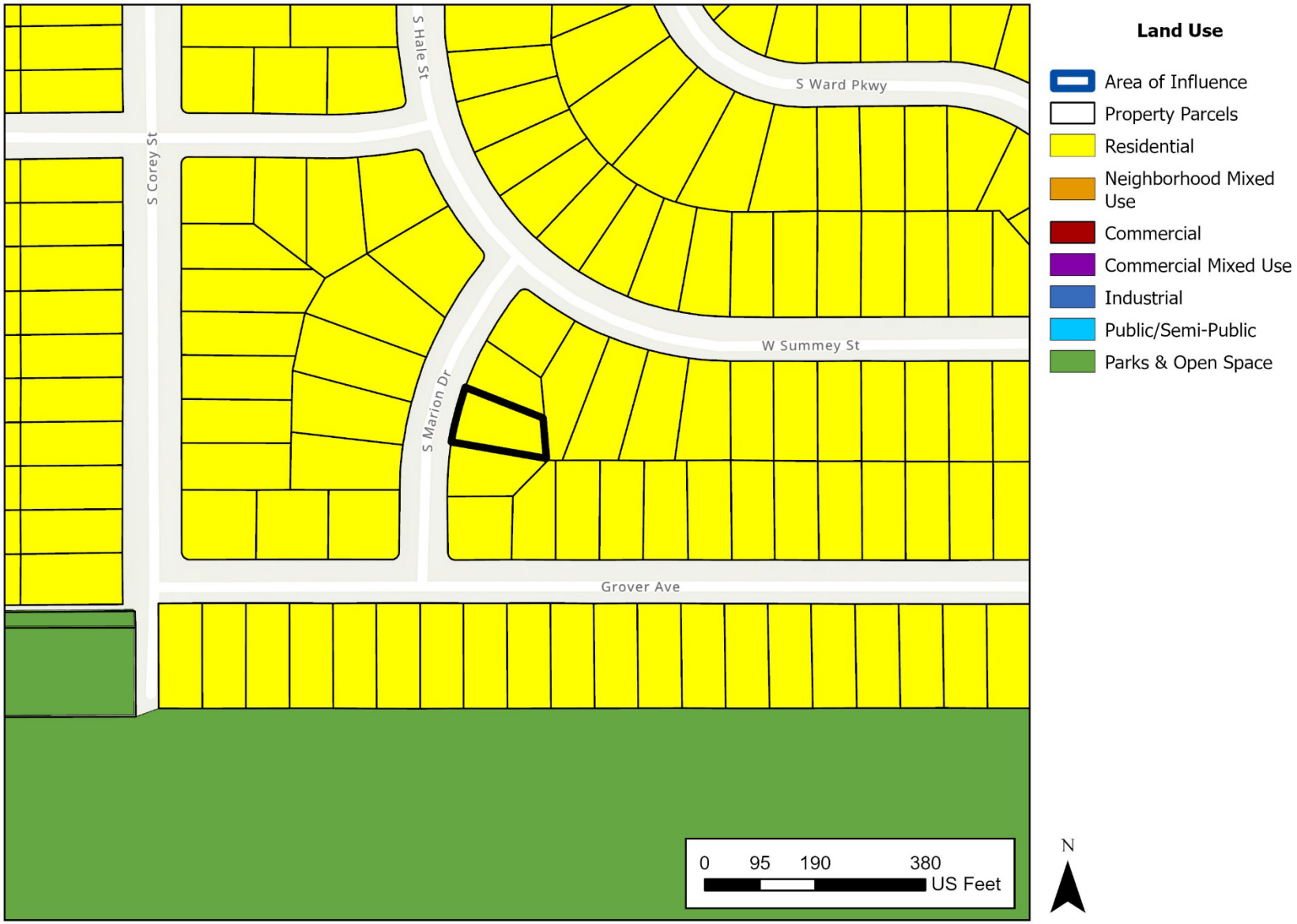
1. The carport shall not be enclosed on any sides.
2. A building permit shall be obtained for the carport.
3. The allowance for an accessory structure in the front yard shall apply only to the carport as illustrated on the site plan. All other accessory structures shall conform to the accessory structure location requirements prescribed by the City of Haysville Zoning Regulations unless a separate variance is granted.
4. The setback reduction shall apply only to the carport as illustrated on the site plan. All other structures or additions to the subject site shall conform to the setbacks required by the City of Haysville Zoning Regulations unless a separate variance is granted.

ATTACHMENTS

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



Return to Agenda


S Hale St
S Ward Pkwy
S Corey St
W Summey St
S Marion Dr
Grover Ave
0 95 190 380
US Feet
N
Land Use
Area of Influence
Property Parcels
Residential
Neighborhood Mixed Use
Commercial
Commercial Mixed Use
Industrial
Public/Semi-Public
Parks & Open Space

The trailer in the images below is parked on the concrete slab the applicant plans to use for the proposed carport.

Looking southeast towards the subject site.



Looking south from the subject site.



Looking northeast towards the subject site.



Looking east towards the subject site.



Return to Agenda

Haysville Planning Commission Staff Report

PLAT 2026-002

CASE SUMMARY

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

Required Applications:

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

ANTICIPATED MEETING SCHEDULE

Body	*Meeting Date*	*Action*
Planning Commission	June 11, 2026	Review Preliminary and Final Plat. Make a recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
City Council	July 13, 2026	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission.

SITE DATA

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

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

BACKGROUND

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

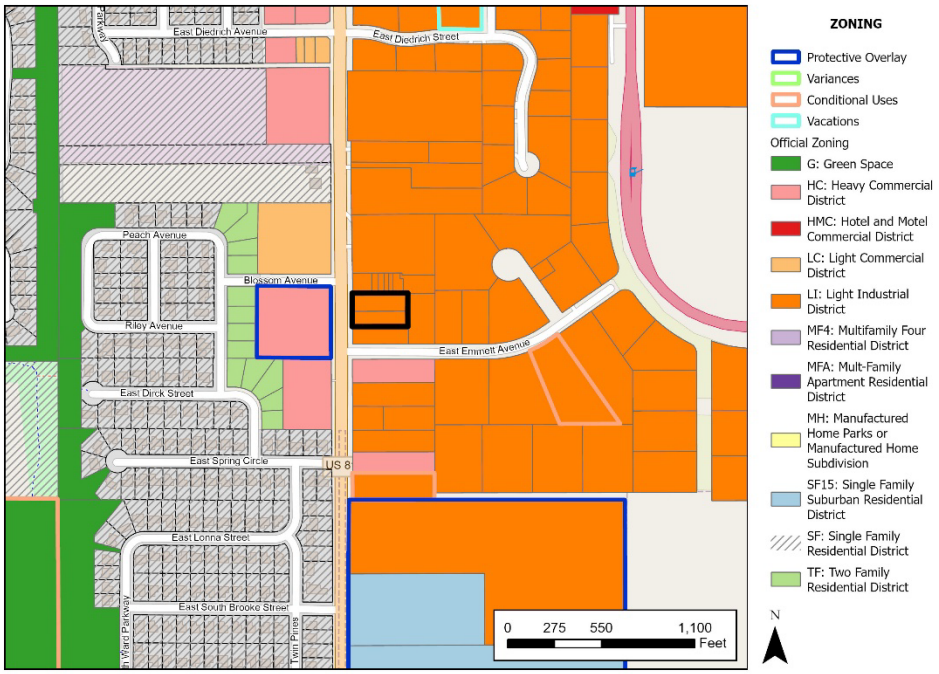
The subject site is not platted and is currently used to store the applicant's personal items. A conditional use request to operate a Self-Service Storage Warehouse in the "LI" Light Industrial district was presented to City Council on Monday, June 8th for this property. There are no other known zoning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

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

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

ADJACENT ZONING AND LAND USE.

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



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

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

ANALYSIS

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

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

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

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

RECOMMENDATION

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

COMMENTS

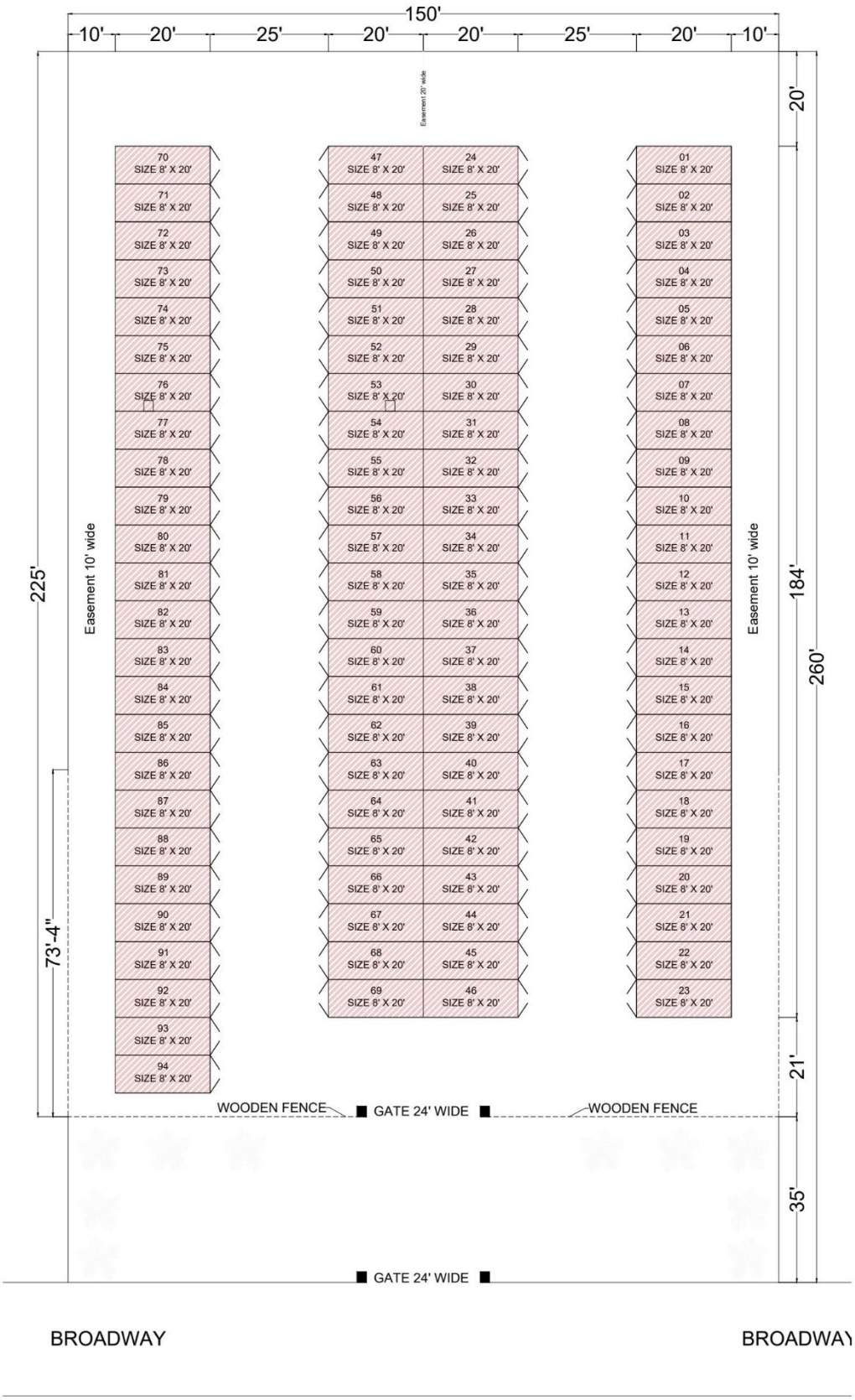
A. City Planning Staff:
   1. The zoning on the adjacent tracts is missing from the preliminary plat.
   2. The minimum pad elevation table is missing from the final plat. The table is not a requirement, but a best practice.
   3. The typed names for Planning Commission chairperson and secretary are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

B. City Engineer:
    1. Preliminary plat comments:
        i. Drainage concept must include existing and proposed basins, runoff calculations, and water quality requirements.
        ii. Staff should consider requiring sidewalks and elevated landscaping per the South Broadway Corridor Plan.
        iii. The zoning classifications for adjacent properties is missing.
        iv. Existing public infrastructure must be shown and labeled on the preliminary plat.
    2. Final plat comments:
        i. The final plat must clearly state that a drainage plan has been developed for the subdivision and that all drainage easements, rights-of-way, or reserves shall remain at the established grade or as modified with the approval of the applicable City or County engineer, and unobstructed to allow for the conveyance of storm water.
        ii. A final utility plan and sealed drainage plan must be submitted.
C. Metropolitan Area Planning Department: No comment; not in jurisdiction.
D. Cox: They have infrastructure on the Evergy pole line on the property. Any relocation or removal of existing equipment due to the plat will be at the applicant's expense.
E. Evergy: They will not need to request additional easements at this time. Relocation or removal of exiting equipment due to the plat will be at the applicant's expense.
F. Sedgwick County Electric Coop: No comment; not in jurisdiction.
G. Kansas One Gas: There are three service lines currently operating on the property. A utility map is attached.
H. Sedgwick County Public Works: No comment; not in jurisdiction.
I. Sedgwick County Survey: No comment; not in jurisdiction.
J. Sedgwick County Stormwater Management: No comment; not in jurisdiction.
K. Sedgwick County Fire: No comment.
L. City Public Works: Public Works Director, Tony Martinez, suggested drainage be addressed as part of the review process and to require the applicant to submit a grading and drainage plan that identifies existing and proposed drainage patterns, grading elevations, and demonstrates that runoff conditions will not adversely affect surrounding properties. Existing drainage paths should be maintained and container placement should avoid creating drainage obstructions or low areas that could trap water. Martinez also stated that:
    1. Container placement must avoid easements.
    2. The applicant should clarify any future utility needs.
    3. Engineered detail on rock surfacing must meet city code on thickness and type.
    4. If disturbing more than one acre of land, the owner will need to obtain a NOI permit from KDHE.
    5. Containers will need anchored and minimum spacing may be required by us or SCFD.

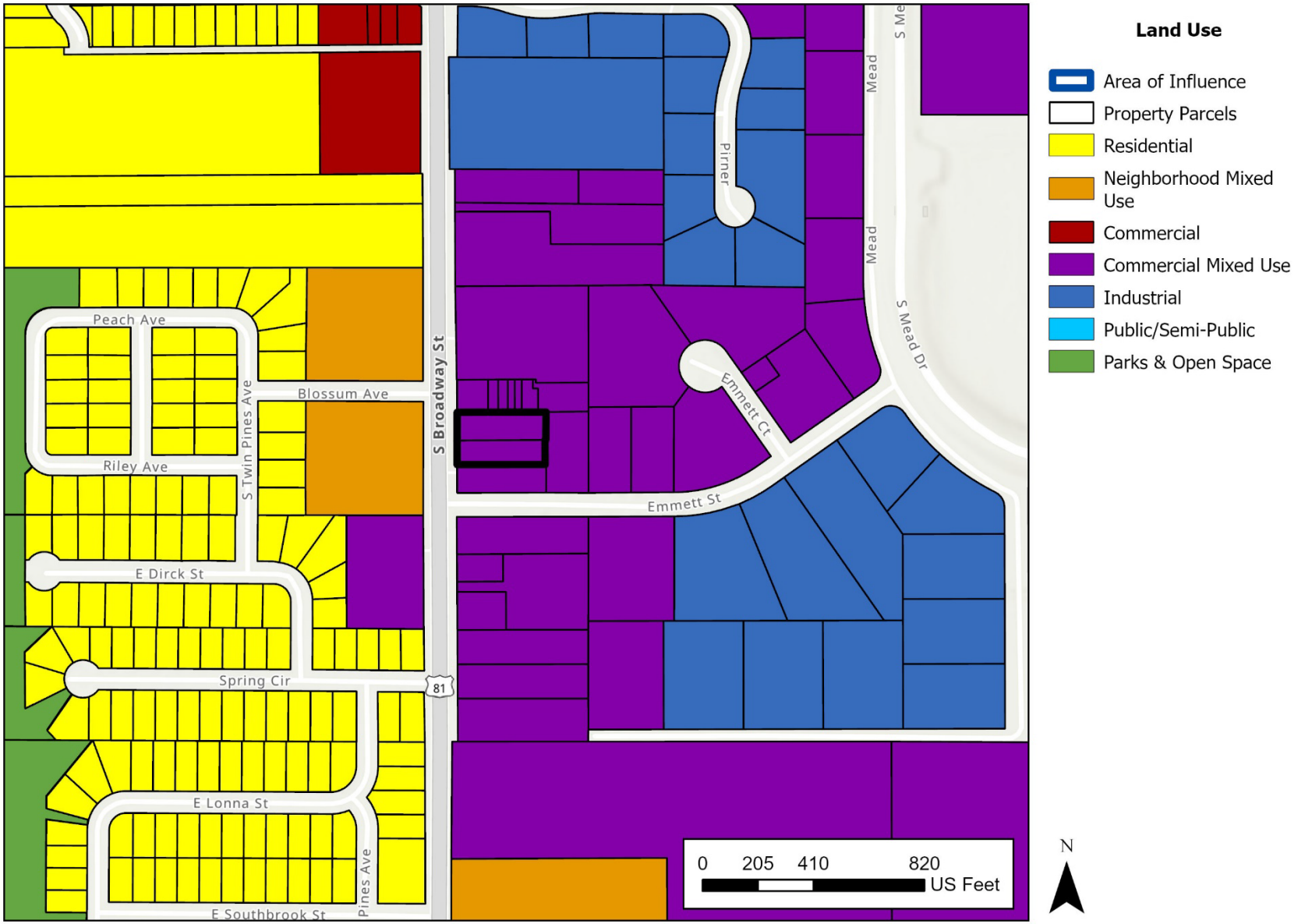
ATTACHMENTS

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

5. Preliminary Plat
6. Final Plat


150'
10'
20'
25'
20'
20'
25'
20'
10'
20'
Easement 20' wide
225'
Easement 10' wide
184'
260'
73'-4"
Easement 10' wide
21'
35'
WOODEN FENCE
GATE 24' WIDE
WOODEN FENCE
GATE 24' WIDE
BROADWAY
BROADWAY


7350
7345
7356
7407
1318
300
302
7421
306
308
7425
1402
7426
7426
STE B
BLOSSUM AVE
7464
1403
7470
SITE
330
7474
1920
1940
336
7478
342
TWIN PINES AVE
BROADWAY AVE
EMMETT AVE
1402
1408
7504
STE A
2075
1939
404
7507
7520
408
7530
1325
1401
7538
7542
7546
420
TWIN PINES AVE
7550
1324
1402
1416
1420
1500
1504
1508
PRING CIR
1325
1401
1415
1417
1421
ES ST
1503
1505
7560
Geographic Information Services
Sedgwick County...
working for you
Date: 4/1/2026
Aerial Map
Sedgwick County, Kansas
© 2026 Sedgwick County Kansas Government.
All rights reserved.
N
W
E
S
1:2,257
mi
0
0.01
0.02


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
Pirner
Mead
S Mead Dr
Emmett Ct
Emmett St
E Dirck St
Spring Cir
81
E Lonna St
Pines Ave
E Southbrook St
0 205 410 820
US Feet
N

Looking northeast toward the site.



Looking west away from the site.



Looking southeast toward the site.

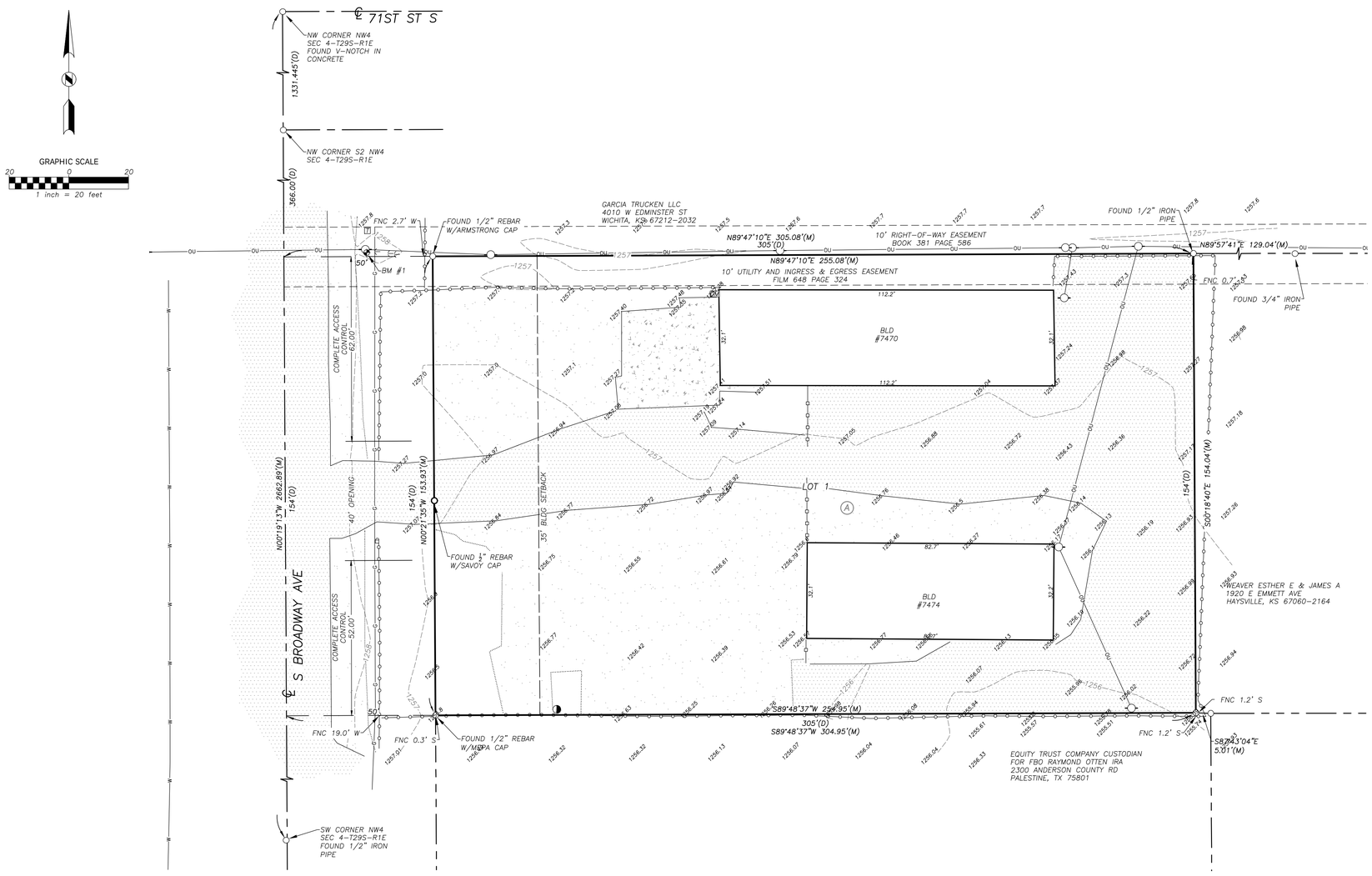


Looking east toward the site.



PRELIMINARY PLAT
CARSELOWEY ADDITION

SEDGWICK COUNTY, KANSAS



SUBDIVISION BOUNDARY DESCRIPTION

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

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

OWNER

Tyler Carselowey
700 Dogwood Ct
Derby, KS 67037

GENERAL NOTES

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

FLOOD STATEMENT

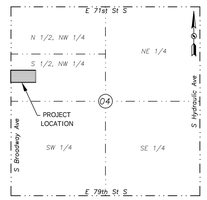
The subject property lies within Flood Zone "X (unshaded)" (Areas determined to be outside the 0.2% annual chance floodplain, as shown on the Sedgwick County, Kansas Flood Insurance Rate Map (F.I.R.M.).

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

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

LEGEND

- Found Survey Monument
- Benchmark
- OU — Overhead Utility Line/s
- Utility Pole
- Light Pole
- GM Gas Meter
- Telephone Pedestal (above ground)
- Mailbox
- (M) Measured
- (D) Deeded
- Not To Scale



SECTION MAP
SECTION 04-T29S-R1E
(NOT TO SCALE)

BENCHMARKS (NAVD88 Datum)

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

Elevation: 1258.77

Rev.	Date	Description	Drawn	Checked

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

Client: Tyler Carselowey

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

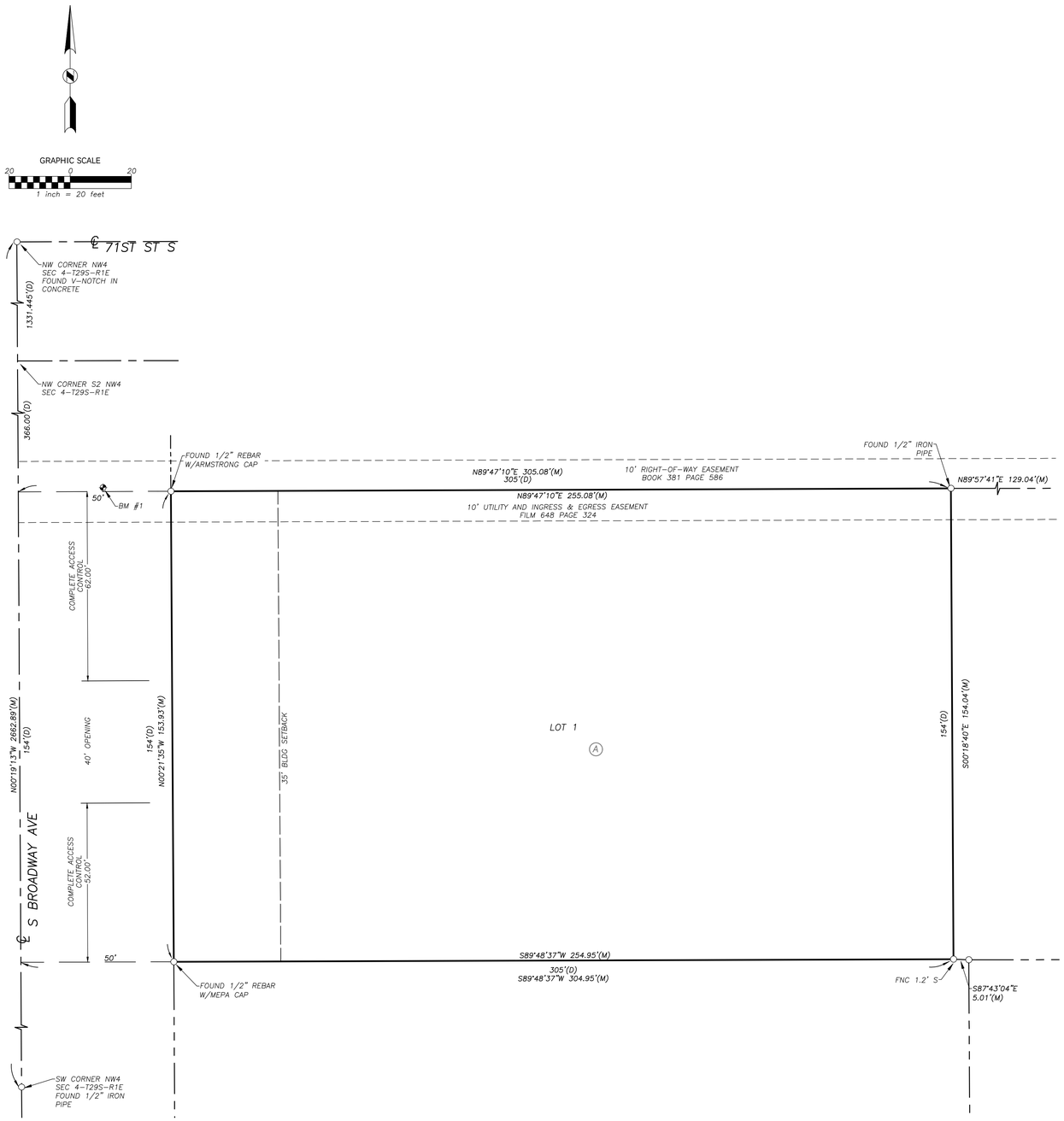
Project No:	052280.00.01
Field Crew:	MTD
Field Date:	03/10/26
Drawn By:	MBF
Issue Date:	TBD

Sheet: 1 OF 1

May 13, 2026 - 5:03pm Plotted by: ron.cecil S:\Survey\PLATTING\C\Carselowey Addition_052280\07_DWG\052280_Carselowey Addition.dwg

CARSELOWEY ADDITION

SEDGWICK COUNTY, KANSAS



BENCHMARKS (NAVD88 Datum)

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

Elevation: 1258.77

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION:

State of Kansas)
County of Sedgwick) SS

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

Surveyor _____
Mark A. Savoy PS #788

OWNER'S CERTIFICATION AND DEDICATION:

State of Kansas)
County of Sedgwick) SS

This is to certify that the undersigned owners of the land described in the Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into a Lot, Block, Street and other public ways under the name of "CARSELOWEY ADDITION", Sedgwick County, Kansas.

_____
Tyler Carselowey

NOTARY CERTIFICATE:

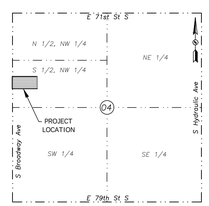
State of Kansas)
County of Sedgwick) SS

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

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

Notary Public _____

My App't. Exp _____



SECTION MAP
SECTION 04-T29S-R1E
(NOT TO SCALE)

PLANNING COMMISSION CERTIFICATE:

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

Date This: _____ day of _____, 2026.

Haysville Planning Commission

_____, Chairperson

Attest:

_____, Secretary

COUNTY SURVEYOR'S CERTIFICATE:

State of Kansas)
County of Sedgwick) SS

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

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

TRANSFER RECORD:

Entered on transfer record this_____day of_____,2026.

_____, County Clerk
Kelly B. Arnold

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

_____ City Attorney
Joshua Pollak

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

_____Mayor
Russ Kessler

_____City Clerk
Angela Fulton

REGISTER OF DEEDS CERTIFICATE:

State of Kansas)
County of Sedgwick) SS

This is to certify that this instrument was filed for record in the Register of Deeds Office, at _____o'clock_____, on this _____day of_____, 2026.

_____, Register of Deeds
Tonya E. Buckingham

_____, Deputy
Kenly Zehring

CIVIL ENGINEERING / SURVEYING / UTILITIES
165 S. Rock Island, Suite 150, Wichita, KS 67202
Phone: (316) 265-0005

BHC is a trademark of BHC, Inc.

Project No. 052280.00.01