

**HAYSVILLE PLANNING COMMISSION  
& BOARD OF ZONING APPEALS**

Agenda

September 12, 2024

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 August 8, 2024
- IV. Public Forum
- V. New Business
  - A. Review of Final Plat in AOI - TNT Addition to Sedgwick County
  - B. Public Hearing for a Condition Use to operate a Vehicle Storage Yard Use (Truck Park) at Lot 5, Block E, Orchard Acres, Haysville, KS
  - C. Discussion of Zoning Charts/Definitions changes
  - D. Election of Officer
    - i. Secretary
- VI. Old Business
- VII. Correspondence
- VIII. Off Agenda
  - A. Next Meeting Date
- IX. Adjournment

**HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS**

Minutes  
August 8, 2024

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.

The members present were Mark Williams, Brandon Trube, Debbie Coleman, Tim Aziere, Dan Rinke, and Jeff Blood. Also present was Deputy Administrative Officer Georgie Carter.

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The first item of business was the Minutes of July 25, 2024.

Motion by Trube, second by Rinke.

To approve the minutes as presented.

Williams aye, Trube aye, Coleman aye, Aziere aye, Rinke aye, Blood aye.

Motion carried.

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There was no one to speak under the Public Forum.

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Under new business was the approval of the preliminary plat for TNT Addition, AOI.

Carter presented the staff report and stated the agent Dan Garber and the owner were here for any questions. Carter stated that Sedgwick County had originally stated there could only be one joint opening to the two lots. You will see an attached email from Sedgwick County from today that they reviewed this again and since the existing drive is in line with one across the street they will allow two access points. Aziere asked if Dan had seen that in the report and Dan restated what Carter said.

Motion by Coleman, second by Trube.

To approve the Lakefield Addition final plat as presented.

Williams aye, Trube aye, Coleman aye, Aziere aye, Rinke aye, Blood aye.

Motion carried.

Aziere stated the agenda item for a public hearing for a conditional use to operate a vehicle storage yard at Lot 5, Block E was cancelled.

Carter stated once again an address was missing from the notification list. This was pointed out by one of the neighbors. After review by staff and the applicant's agent there were several items that needed to be reviewed. Carter stated the applicant is responsible for providing the notification list, staff can review this by the Sedgwick County mobile land map but that is just an overlay and not accurate. No date is scheduled yet for the new public hearing.

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There was no old business.

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There was no correspondence.

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Under off-agenda Carter stated the next meeting will most likely be the second Thursday, September 26, 2024.

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Motion by Trube, second by Williams

To adjourn tonight's meeting.

Williams aye, Trube aye, Coleman aye, Aziere aye, Rinke aye, Blood aye.

Motion carried.

The meeting adjourned at 6:06 p.m.



## Haysville Planning Commission Staff Report

### AGENDA ITEM: IV-A

**Subject:** Review of Final Plat “TNT Addition” AOI  
**Applicant/Agent:** Garber Surveying Service/Timothy & Christin Jacobs  
**Request:** Split lot into 2 parcels and plat, NW ¼, NW ¼ Section 10-29S-1E (2265 E. 79<sup>th</sup> S.)  
**Site Size:** 19.652 acres  
**Zoning:** Rural Residential  
**Location:** 2265 E. 79<sup>th</sup> St. South, Haysville, KS 67060  
**Meeting Date:** September 12, 2024  
**Presented By:** Georgie Carter, Deputy Administrator Officer

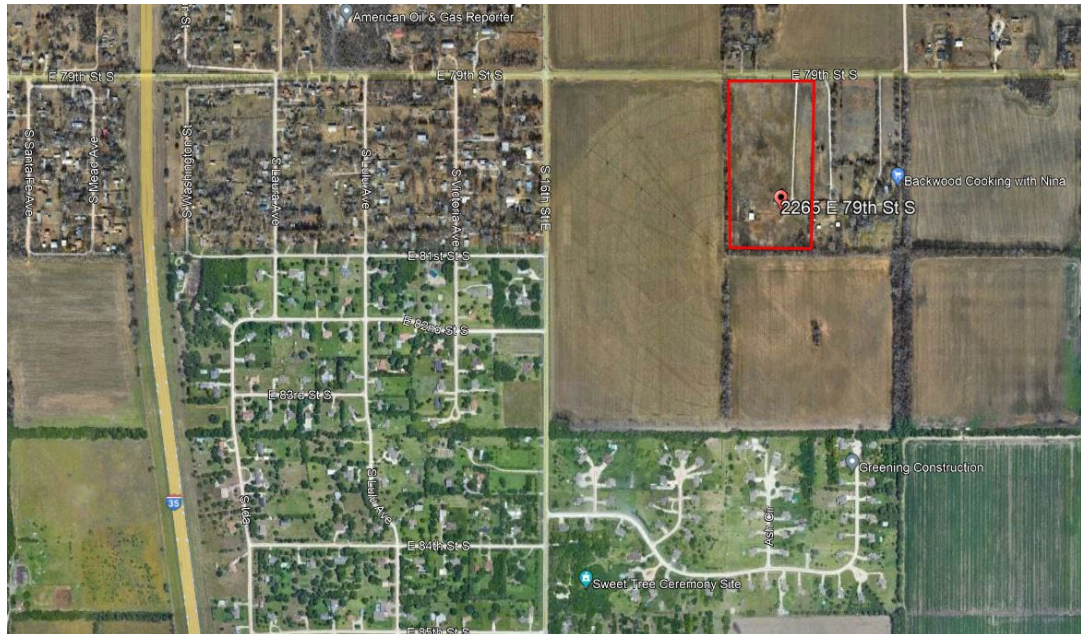
### ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
<b>Planning Commission</b>	8/8/2024	Preliminary plat for review and comments. The preliminary plat does not go before the Council.
<b>Planning Commission</b>	9/12/2024	Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
<b>City Council Meeting</b>	10/15/2024	Adopts the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission.



LOCATION
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Area of application:



## REQUEST

The applicant is splitting the property so a family member can build a house on the other lot. One lot is already developed.

In the Subdivision Regulations for Haysville, Kansas Article IX. Building Permits Section 1. Permits.

- No building permit, zoning certificate, or occupancy certificate, except for the situations indicated shall be issued for a building or structure on any lot of any subdivision that is subject to the provisions of these regulations until a certified copy of the duly recorded or registered plat of subdivision has been filed with the official charged with issuing building permits and/or zoning certificates. No such permits, or certificates shall be issued until there has been compliance with all of the provisions of these regulations, including but not limited to provisions of these regulations related to the approval of plans and specifications for required improvements and the posting of bonds and establishment of escrows to secure the completion of such improvements.
- No occupancy certificate for the use of any structure or use within a subdivision approved for platting, replating, or lot splitting shall be issued until required utility facilities have been installed and made ready to service the property; roadways providing access to the subject lot or lots have been constructed or are in the course of construction; or guarantees have been provided to ensure the installation of such utilities and roadways.

The property needs to be platted to build on, according to our Subdivision Regulations.

## BACKGROUND INFORMATION

The property has a home on lot 2, is zoned “RR” Rural Residential, and is in Haysville’s Area of Influence.

## RECOMMENDED ACTION

The property conforms to **Article IV. Section 19, Article V. Section 3, and Article VI. Design Standards of the Haysville Subdivision Regulations.**

Staff recommends approval of the final plat. The final plat will be submitted to the governing body for final approval.

## ATTACHMENTS

Final Plat of the Area  
Kansas Gas Map  
Evergy Memo & Final Plat Mark Up

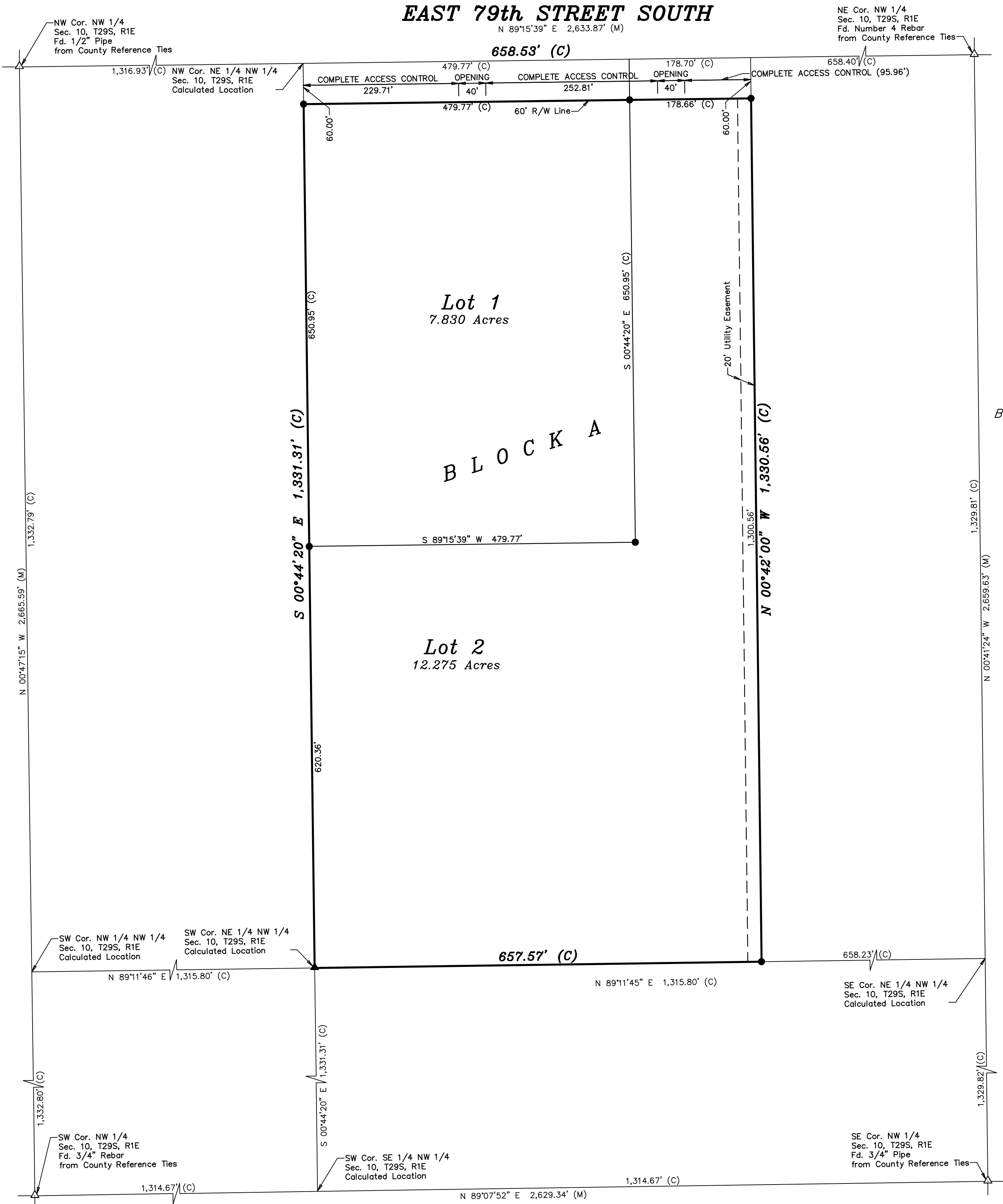
## COMMENTS

- Haysville Public Works does not have any comments on this plat.
- PEC Emailed
  1. According to the Sedgwick County website, Ryan Baty is Chairman of the Board of County Commissioners, not Sarah Lopez.
- Everygy has reviewed this final plat and will not need to request new additional easements this time. **Any relocation or removal of existing equipment due to this plat will need to be discussed and will be at the applicant's expense.**
- Kansas Gas emailed and had no conflicts with KGS lines or equipment were found. Please see the attached utility map and if any other views are needed, please let me know. Attached utility map.
- Sedgwick County Fire District 1 had the following comments: The TNT Addition Final Plat will be required to comply with the Sedgwick County Service Drive Code.
- MABCD emailed that Lot 1 Blk A will need to complete a soil test pit to determine the type of wastewater system that may be installed. Lot 2, Blk A will need to have the septic tank pumped and inspected to verify structural integrity and continued use.
- The Drainage Plan was received on 7/31/24 and reviewed with the preliminary plat.
  - PEC had no issues with this Drainage Plan.
  - Sedgwick County drainage plan is approved.
- Sedgwick County
  - Approves of the 2 access openings as indicated on the plat. The 2<sup>nd</sup> driveway on the final plat aligns with an existing driveway on the north side of the road.
  - Chairman for Board of County Commissioners needs changed to Ryan Baty, Fourth District.

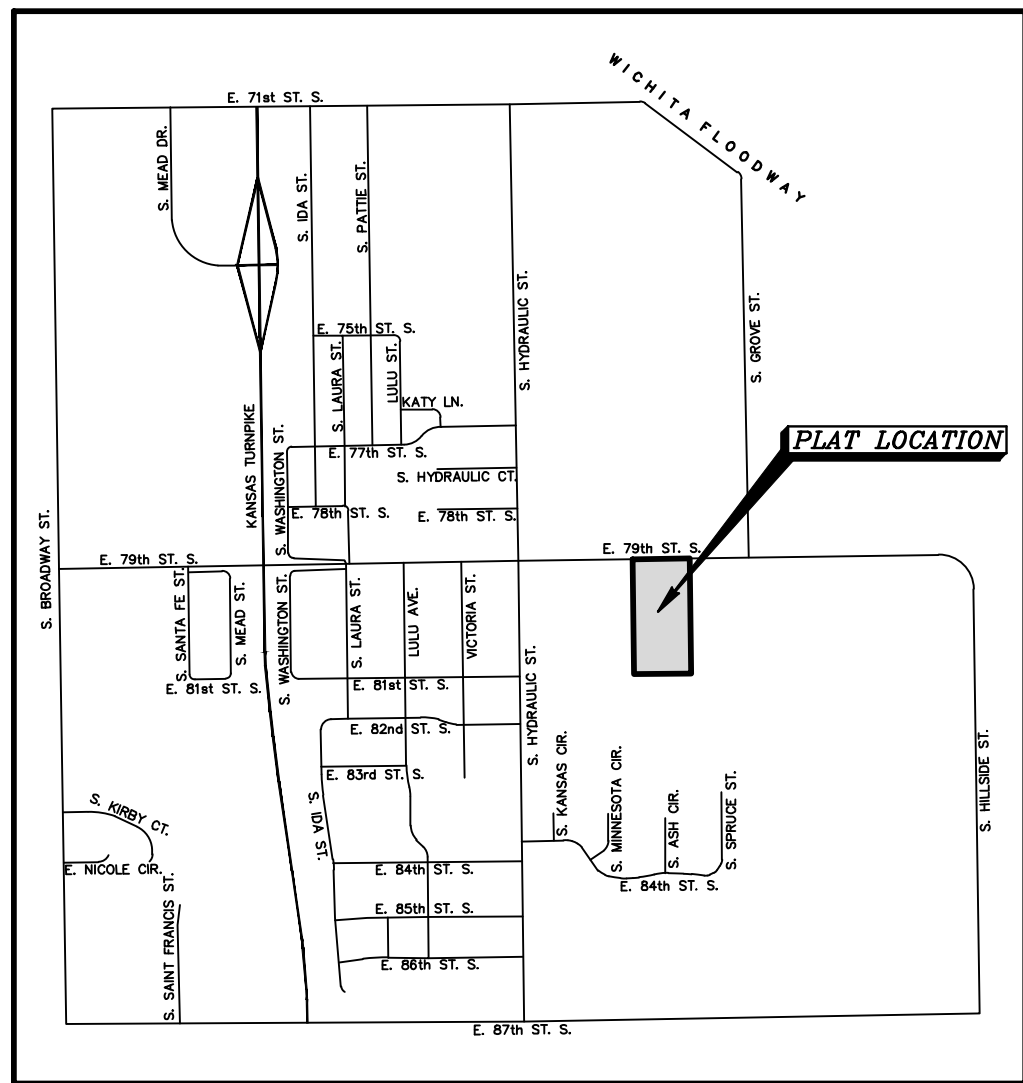


FINAL PLAT  
**TNT ADDITION**  
A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10,  
TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE 6th PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS

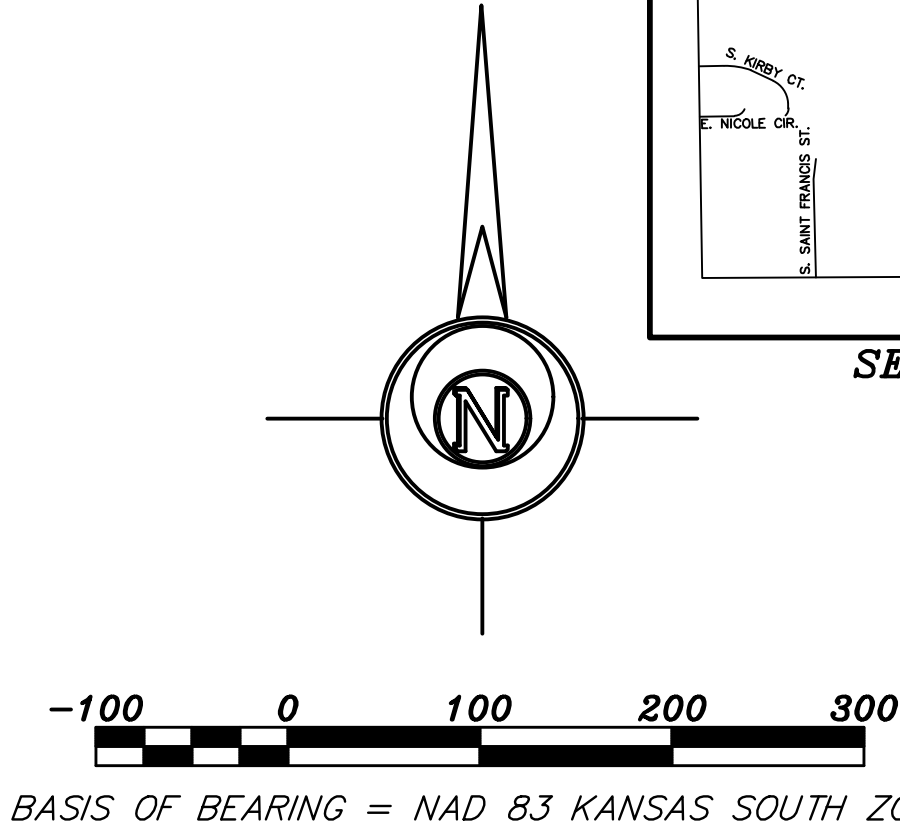
**EAST 79th STREET SOUTH**



- LEGEND**
- △ - Sectional Monument Found
  - ▲ - Section Monument Set (5/8" x 24" Iron Rebar w/G.S.S. Cap)
  - - Fd. 5/8" Rebar w/GSS Cap
  - - 5/8" x 24" Iron Rebar Set w/G.S.S. Cap
  - (C) - Calculated
  - (M) - Measured
  - (R) - Record Measurement



**SEDGWICK COUNTY, KANSAS  
VICINITY MAP**  
(NOT TO SCALE)



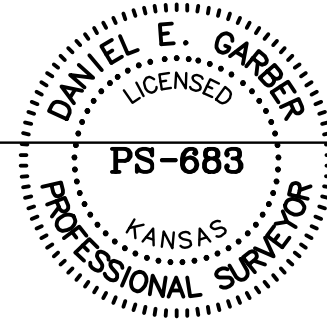
**LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION**

I, Daniel E. Garber, licensed Professional Surveyor registered in the State of Kansas, hereby certify that the following described tract of land was surveyed on March 12, 2024. The accompanying Final Plat was prepared based on that survey. All the survey monuments and benchmarks shown on the plat actually exist and to the best of my knowledge and belief their positions are correctly shown.

**DESCRIPTION:**

The Northeast Quarter of the Northwest Quarter Except the East 658.40 feet thereof, in Section 10, Township 29 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas.

Date: September 5, 2024



**OWNER'S CERTIFICATE AND DEDICATION**

STATE OF KANSAS }  
COUNTY OF SEDGWICK } SS

This is to certify that the undersigned, Owner of the land described in the Surveyor's Certificate; has caused the same to be surveyed and subdivided on the accompanying plat into Lots, Block and Streets under the name of **"TNT ADDITION"**, a portion of the Northeast Quarter of the Northwest Quarter of Section 10, Township 29 south, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas; that all easements and public streets as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations, and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas. Complete access control except two openings is hereby granted along East 79th Street South.

A Utility Easement is hereby granted to the public as indicated for the construction and maintenance of all public utilities.

TNT ADDITION

Timothy Jacobs, Owner

Christine Jacobs, Owner

**NOTARY CERTIFICATE**

STATE OF KANSAS }  
COUNTY OF SEDGWICK } SS

**BE IT REMEMBERED:**

That on this \_\_\_\_ day of \_\_\_\_, 20\_\_ A.D., before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Timothy Jacobs and Christine Jacobs, Owners, who are known to me to be the same persons who executed the foregoing plat and the within instrument of writing.

**IN TESTIMONY WHEREOF:**

I have hereunto set my hand and affixed my Notarial Seal the day and year last mentioned above.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_, Notary Public

**MORTGAGE HOLDER AGREEMENT**

We, Mortgage Electronic Registration Systems, Inc., as nominee for Home Point Financial Corporation, its Successors and Assigns, holders of a mortgage on the above described property, do hereby consent to the plat of **"TNT ADDITION"**, a portion of the Northeast Quarter of the Northwest Quarter of Section 10, Township 29 south, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas.

\_\_\_\_\_, Assistant Secretary  
Tammie Blackburn

**NOTARY CERTIFICATE**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS

**BE IT REMEMBERED:**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_, 20\_\_, by Tammie Blackburn, Assistant Secretary of Mortgage Electronic Registration Systems, Inc., on behalf of said corporation.

**IN TESTIMONY WHEREOF:**

I have hereunto set my hand and affixed my Notarial Seal the day and year last mentioned above.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_, Notary Public

**COUNTY SURVEYOR'S CERTIFICATE**

STATE OF KANSAS }  
COUNTY OF SEDGWICK } SS

I, the undersigned, do hereby certify that I have reviewed this plat on this \_\_\_\_ day of \_\_\_\_, 20\_\_. This plat has been reviewed for filing, pursuant to K.S.A. 58-2005 and K.S.A. 58-2001 for content only and is in compliance with those provisions. No other warranties are extended or implied.

\_\_\_\_\_  
Tricia L. Robello, P.S.# 1246

**HAYSVILLE CITY PLANNING COMMISSION CERTIFICATE**

STATE OF KANSAS }  
COUNTY OF SEDGWICK } SS

This plat of **"TNT ADDITION"**, a portion of the Northwest Quarter Section 10, Township 29 South, Range 1 East, Sedgwick County, Kansas; was approved by the Haysville City Planning Commission on \_\_\_\_, 20\_\_.

Date Signed: \_\_\_\_, 20\_\_

ATTEST:

\_\_\_\_\_, Chairperson  
Tim Aziere

\_\_\_\_\_, Deputy Administrative Officer  
George Carter

**HAYSVILLE CITY ATTORNEY CERTIFICATE**

This plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: \_\_\_\_, 20\_\_

\_\_\_\_\_, City Attorney  
Josh Pollak

**GOVERNING BODY CERTIFICATE**

STATE OF KANSAS }  
COUNTY OF SEDGWICK } SS

This plat approved and all dedications shown hereon, if any, are accepted by the City Council of Haysville, Kansas this day of \_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_, Mayor  
Russ Kessler

\_\_\_\_\_, City Clerk  
Angela Millspaugh

The dedications shown hereon, if any, are accepted by the Board of County Commissioners of Sedgwick County, Kansas, on \_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_, Chairperson  
Ryan Baty, Fourth District

\_\_\_\_\_, County Clerk  
Kelly B. Arnold

**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 \_\_\_\_; \_\_\_\_\_.m. on this day of \_\_\_\_, 20\_\_, in Doc/Film# \_\_\_\_\_.

\_\_\_\_\_, Register of Deeds  
Tonya E. Buckingham


\_\_\_\_\_, Deputy Register of Deeds  
Kenly Zehring

**TRANSFER RECORD**

STATE OF KANSAS }  
COUNTY OF SEDGWICK } SS

Entered on transfer record on this day of \_\_\_\_, 20\_\_.

\_\_\_\_\_, County Clerk  
Kelly B. Arnold

FINAL PLAT		Description: <b>TNT ADDITION SEDGWICK COUNTY, KANSAS</b>	
Prepared By: <b>Garber Surveying Service, P.A.</b>			
 <b>HUTCHINSON</b> 2908 North Plum St. 67502 Ph. 620-465-7032 (Main Office)		BRANCH OFFICES: MCPHERSON Ph. 620-241-4441 SALINA Ph. 785-404-6302	MANHATTAN Ph. 785-320-4810 NEWTON Ph. 316-283-5053 WICHITA Ph. 316-260-9933
Drawn By: CDS	Scale: 1"=100'	Date of Field Work: March 18, 2024	Job No:
Checked By: DEG	Date: 09/05/2024	Sheet 1 of 1 Sheet(s)	<b>G2024-116</b>



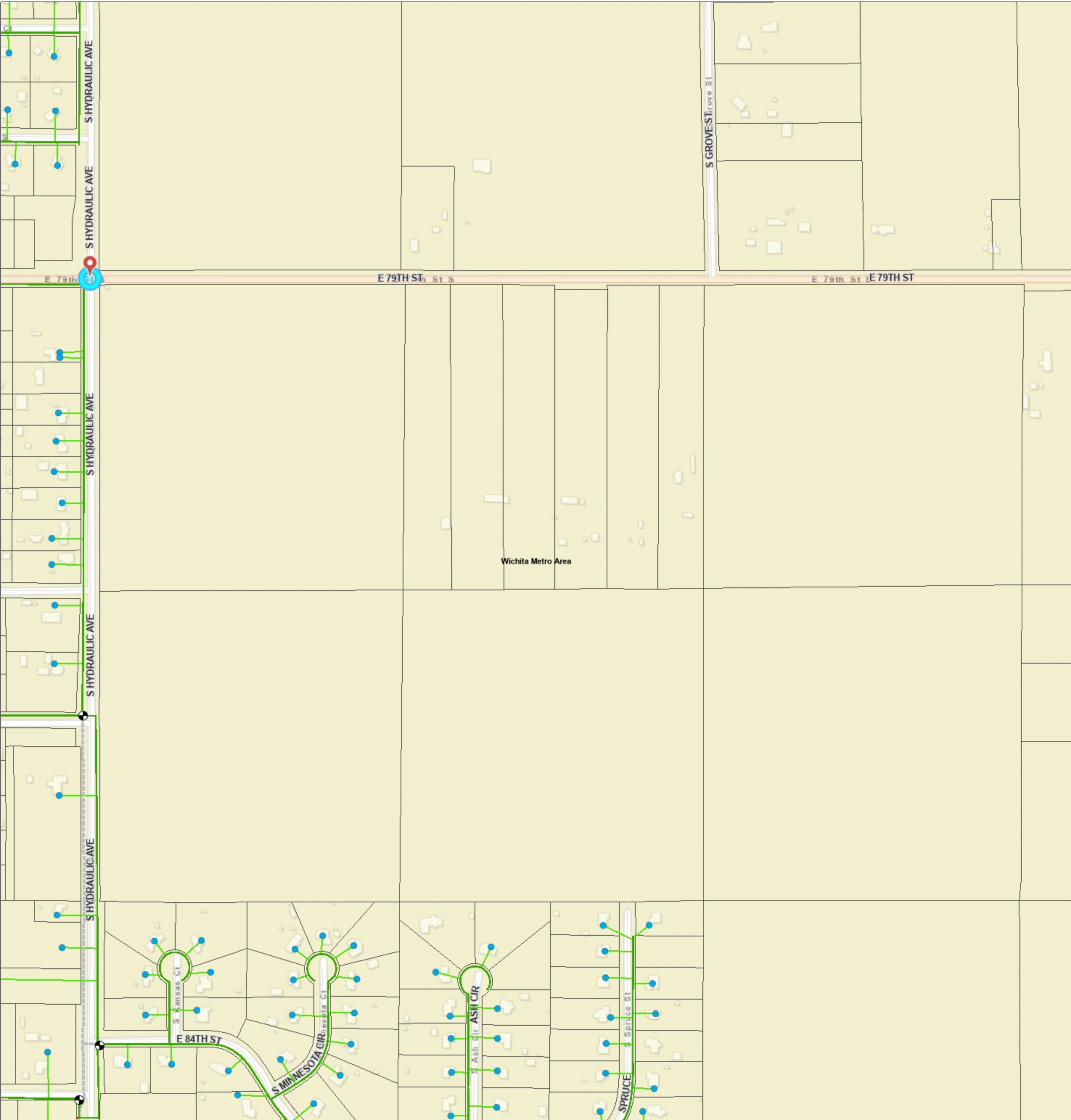


- Legend**
- Designer Drip
  - Designer Test Point
  - Designer Anode
  - Designer Rectifier
  - Designer Bond Junction
  - Designer Ground Bed
  - Designer Cable
    - Bond Wire
    - Rectifier Cable
  - Designer Rural Tap
  - Designer Gas Pipe Casing
    - Casing
    - Insertion
  - Designer Meter Setting
  - Designer Non-Controllable Fitting
    - Coupling
    - Ell
    - End Cap
    - Expansion Joint
    - Flange
    - Reducer
    - Reinforcing Sleeve
    - Screw
    - Tee
    - Transition
    - Purge Point
    - Threaded O-ring
    - Unknown
  - Designer Gas Valve
  - Designer Location Notes
  - Designer Controllable Fitting
    - Short Stop
    - Three-Way Tee
  - Designer Regulator Station
  - Designer Town Border Station
  - Designer Utility Easement
  - Designer Abandon Service Lin
    - to be Removed (Contains Gas)
    - to be Abandoned (Contains Gas)
    - Removed (No Longer Contains Gas)
    - Abandoned (No Longer Contains Gas)
  - Designer Service Line
    - Proposed
    - Approved
    - Under Construction
    - Operating
    - New Design - Status Pending
    - Status Not Available
  - Designer Abandon Mains
    - to be Removed (Contains Gas)
    - to be Abandoned (Contains Gas)
    - Removed (No Longer Contains Gas)
    - Abandoned (No Longer Contains Gas)
  - Designer Mains
    - Proposed
    - Approved
    - Under Construction
    - Operating
    - New Design - Status Pending
    - Status Not Available
  - Designer Work Order Polygon
    - New Design - Status Pending
    - Proposed
    - Approved
    - Under Construction
    - Operating
    - Status Not Available
  - Service Point
  - Valves
    - Emergency Valve
    - Non-Emergency Valve
  - Coupling
  - Gas Valve- Emergency
    - Emergency Valve
    - Non-Emergency Valve
  - Regulator Station

1:4,514



Notes



752.3 0 376.17 752.3 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

DISCLAIMER: This document and information herein is a visual representation and approximation of ONE Gas facilities and is subject to revision at any time without notice. It is an informational tool and is not guaranteed, warranted, or represented to be to scale, complete, accurate, or depicting depth. ONE Gas disclaims any and all liability for same. Call 811 by dialing 811 prior to and excavation.



Georgie Carter  
City of Haysville  
200 W. Grand Ave  
PO Box 404  
Haysville KS 67060

August 22, 2024

RE: Final plat-TNT Add -Haysville Sedgwick Co Kansas

Dear Ms. Carter,

Evergy has reviewed this final plat and will not need to request new additional easements this time. **Any relocation or removal of existing equipment due to this plat will need to be discussed and will be at the applicant's expense.** Whitney Rusk, Area Design Representative will be the contact for this plat and any project related to it. She can be reached at (785) 508-2695.

Thank you for sending for Evergy's review

Sincerely,  
Rondee Sutton  
Sr. Administrative Assistant.

CC: Dan Garber, Garber Surveying Service P.A.  
Whitney Rusk, Evergy  
Vickie Phothilath, Evergy



## Haysville Planning Commission Staff Report

### AGENDA ITEM:

**Owner:** Garcia Trucken LLC (Robert and Vicki Nunn)

**Location:** Lot 5, Block E, (SW Corner of Broadway & Blossom) Orchard Acres, Haysville, Sedgwick County, Kansas. Area of application is highlighted on the attached map

**Current Zoning:** Heavy Commercial with a “PO” Protective overlay, Ordinance #873

**Lot Size:** 2.635 acres

**Proposed Use:** Conditional Use Permit to allow a Vehicle Storage Yard Use (Truck Park)

**Meeting Date:** September 12, 2024

**Presented By:** Georgie Carter, Deputy Administrative Officer

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

ANTICIPATED MEETING SCHEDULE		
<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
<b>Planning Commission</b>	9/12/2024	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
<b>City Council Meeting</b>	10/15/2024	Approve Planning Commission’s recommendation by resolution by a simple majority (5 votes).  Return the recommendation to the Planning Commission with a statement specifying the basis for the governing body’s failure to approve or disapprove by a simple majority vote (5 votes)

### **BACKGROUND:**

The applicant is seeking a conditional use:  
To permit Vehicle Storage Yard

The subject property is zoned Heavy Commercial with a PO ordinance #873. Surrounding properties are mixed-use: “HC” Heavy Commercial to the south and southeast, “TF” Two Family Residential to the west, south and north (this includes a mix of developed duplexes and single-family homes), “LC” Light Commercial to the north, “LI” Light Industrial to the east.

The property was platted on July 6, 1977. A zone change was approved to Heavy Commercial with a PO #873 limiting uses on the property and providing screening. The PO was requested by the planning commission due to surrounding residents' concerns about future commercial use. The property is currently vacant. The owner purchased the property in 2021. The Zoning Regulations have had several revisions since the owner inquired about developing the property. One revision changed a Vehicle Storage Yard from a permitted use to a conditional use in a HC district.

A Vehicle Storage Yard is defined in the Zoning Code as: the keeping outside of an enclosed building 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.

#### **ADJACENT ZONING AND LAND USE:**

NORTH:	Light Commercial & Two-Family	Developed
SOUTH:	Heavy Commercial & Two-Family Residential	Developed
WEST:	Two-family Residential	Developed (SF & TF homes)
EAST:	Mix of Light Industrial & Heavy Commercial	Developed

#### **CONSIDERATIONS**

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

1. Access and traffic load and/or flow.
  - a. Access. Access to the facility will be from Blossom Avenue. Access from Broadway was denied from KDOT.
  - b. Traffic load. The developer has reported the following estimates: 10 trucks per Day average in and out. 20 average, 60 max trips per weekday max. 30 trucks in and out on the weekdays fewer on weekend. Max capacity 34 trucks. City staff commented that this is a residential road that is not meant for heavy truck traffic.
  - c. Traffic flow. Will be off Broadway, along Blossom to the private drive entrance.
  - d. Hours: Most of the traffic flow will be between the hours of 4:30 a.m. to 9 p.m.
2. Noise, light, and odor.
 

Requirements per Chapter 16 Zoning Regulations for heavy commercial zoning district:

  - Operations or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
  - Any illumination shall be so arranged as to reflect the light away from adjoining premises.
    - a. Noise. There is an anticipated noise from trucks entering and exiting the parking lot. No unloading or repairs are expected to occur on site.
    - b. Light. Site lighting and security cameras are expected.
    - c. Odor. No increase in odor is anticipated from the land use.
3. Screening.
 

Requirements per Chapter 16 Zoning Regulations for heavy commercial zoning district:



- Business activities or storage shall occur within fully enclosed structures or solid screened areas and shall not be visible from any adjacent non-elevated street nor from ground level view in any adjacent lot except as otherwise allowed or approved in accordance with these regulations.
  - Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway, and no inoperable vehicle storage for more than 45 days.
    - a. Applicant plans to install an 8-foot wood fence along the west side and a 8 foot chain-link fence with solid fabric on North, East, and South sides. Applicant has stated the fabric will be kept in good repair.
4. Parking.
    - a. Parking for approximately 35-40 Semi-Trucks and trailers between shifts. A site plan will have to be reviewed by Sedgwick County Fire Code regarding emergency vehicle access.
  5. Services.
    - a. Water: Water service is not needed for this project. City water is available.
    - b. Sanitary Sewer: Sanitary sewer is not needed for this project. City sewer is available.
    - c. Electricity: Electricity will be provided by Evergy for the site lighting, security cameras, and gate operation. Permit plans will include this design.
    - d. Storm sewer/drainage: Is needed and will be provided. The proposed plan is to retain as much as possible on-site to avoid increased flow into existing street and stormwater system.
    - e. Natural gas: Natural gas provided by Kansas Gas Service.
    - f. Communications/phone/internet will be available through Cox or AT&T.
  6. Public health and safety.
    - a. It is anticipated the proposed land use, when built to the standards of the City's zoning ordinance, subdivision regulations, and building codes, would not be a health or safety issue to the residents or the community itself.
  7. Adequacy of facility and lot size.
    - a. The size of the proposed facility appears to be adequate; a site plan shows the anticipated layout. The lot meets the minimum lot size for a Heavy Commercial use district.
  8. Signs.
    - a. Signage is dictated by the City's Sign Code, Appendix D. The requested land use is classified as heavy commercial, sign regulations for commercial zoning districts apply.
  9. Review by fire marshal for designation.

Sedgwick County Fire District 1 has reviewed and approved the Conditional Use for Lot 5, Block E, of Orchard Acres in Haysville.
  10. Other considerations as appropriate.

- a. The protective overlay that was placed on this property was due to residents' concerns of use that would be allowed on this property.

### **RECOMMENDED ACTION**

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

1. The storage of inoperable vehicles is not allowed.
2. The storage of RV's, boats, cars, motorcycles, vehicle parts, misc. items is not allowed.
3. Operating hours are only allowed from 5:00 a.m. to 8:00 p.m. No loading/unloading/transfers of trucks outside operating hours.
4. Parking lot: asphalt or concrete is preferred. Applicant has asked to use AS1 due to budget restraints. This material does meet the definition for Haysville Zoning regulations all weather surface. A spec sheet for this product is attached.
5. Screening requirement - solid 8 ft wood or concrete screening on all sides.
6. No overnight sleepers, or persons allowed to sleep onsite in trucks. Trucks may not remain running after operating hours.
7. The Conditional Use Permit shall not exceed a three-year duration. The applicant shall notify the Planning Department of the start of the service. The applicant would have to apply for a new permit at the end of the three-year period.

### **CONFORMANCE TO THE CITY'S COMPREHENSIVE PLAN:**

The lot is in a mixed-use area of commercial, industrial, residential use with lots ranging in size. The November 2023, Haysville Comprehensive Plan's Land Use Plan Map shows the site as neighborhood mixed use.

A Vehicle Storage Yard is permitted conditional use in a heavy commercial district. The site and the area around it are located within a FEMA Flood Zone reduced flood risk due to the MS Mitch Mitchell Floodway.

### **IMPACT OF THE PROPOSED DEVELOPMENT:**

Approving the conditional use is not expected to have a detrimental effect on public health, safety, and welfare. The proposed use is anticipated to have an impact to the street Blossum Avenue. Community services would not be negatively impacted.

### **PUBLIC REVIEW**

The public hearing notice was first published on July 2, 2024. After receiving an updated notification list this public hearing was rescheduled and published on July 16. Due to errors in the notification list this public hearing was canceled. A third public hearing notice was published on August 20, 2024. Any comments received are attached. Any comments received after the printing will be presented at the meeting.

### **ATTACHMENTS**

Application for Conditional Use  
Copy of the Public Hearing Notice  
Site Plans  
AS1 Description Sheet  
Unofficial protest petition

## **PUBLIC COMMENTS**

7/8/24 - Dan Caywood

Stopped by and talked to Danielle about his concerns. He said he would be sending me a letter.

7/10/24 - Dan Caywood.

Inquired about the name of the applicant? Garcia Trucking, LLS

When was the property purchased? December 1, 2021

Can any vehicles be on the property now? No, that requires the approval of a site plan with off-street parking facilities. Attached is the unofficial protest petition.

7/18/24 - Dan Caywood

Stopped by with a list of signatures for an unofficial protest petition. I explained what he needed for an official protest petition if the Planning Commission approves the application and gave him a copy of the notification list. An official protest must have signatures from the notification list. Called him back on 8/5 to get a copy of the unofficial protest petition. Dan questioned the state statute wording and thought it meant the street should be excluded from the calculation distance. I explained it meant the owners of the street did not have to be notified.

7/15 - Bill Sutter

Returned his call after leaving a message inquiring about what was going on. He did not think this was a good idea for the property. Wanted to know when the public hearing was. I told him it was changing, I called him back later in the day to confirm it was 8/8/24.

7/16 – Elvin Leady - Owner of a storage facility in Haysville

Inquiring about what was going on. Complained about properties along Emmett Street and no one is concerned with Broadway. I explained to him changes that were made to the zoning regulations in the past two years to try and help with this. Suggest we call the state salvage on another property. Wanting to know if there was a site plan, I informed him there should be a preliminary one in the packet for the public hearing. Gave him the public hearing date and time.

Glenn Caywood - 1306 Peach Avenue

Mailed the golden factors. His property is 360 feet away and is not within notification distance. 200 ft.

7/25 - Kent and Julie Taylor - 1300 E Peach Ave

Called inquiring because they were not notified. I explained they were not in the required notification area. Explained what was going on with the property, suggested they email their concerns. Attached is the email they sent on 7/30.

7/30 - Elvin Leady

Called regarding a fence material in Wichita he thought would be a good idea. Asked if signs were on the property about the zoning change. Had questions about the date of the hearing and did not think it was a good idea. 8/7/24 Called Elvin Leady to let him know the public hearing had been cancelled and I did not have a new date yet.

8/30 - Kent Taylor

Emailed asking when the meeting was rescheduled for. Replied 9/12/24 at 6:00 p.m.

9/3/24 - Dan Caywood called asking if we had a site plan. I emailed him a site plan on 9/4/24.

## Georgie Carter

---

**From:** Kent Taylor <taylorkent@gmail.com>  
**Sent:** Tuesday, July 30, 2024 10:21 PM  
**To:** Georgie Carter  
**Subject:** Conditional use Broadway and Blossom

You don't often get email from taylorkent@gmail.com. [Learn why this is important](#)

Georgie Carter  
Deputy Administrative Officer  
City of Haysville Kansas

We do not agree that this is a proper business use for our residential area.

This property should not be used for a business that creates noise and traffic disruption, particularly for an entry to our subdivision.

It should not have an entrance on our subdivision street. The wear and tear on the asphalt, as well as the changing traffic patterns it creates, will cause issues for our neighborhood. I believe that it may be cold mix without a subgrade in place, which is not built for heavy trucks.

Trucks coming all day and night will make it difficult for us to enter Broadway. The four lane to two lane transition makes it hard enough now to make a left hand turn to Broadway from Blossom. Also, since signalization of Broadway and 79th St. South, the queued traffic northbound on Broadway has resulted in longer wait times for this turning movement from Blossom to Broadway. This added truck traffic will only make it worse.

Idling trucks will cause more exhaust and noise.

Our neighborhood began paying specials for the paving of roads 5 years ago, and we still have 10 years left. This was an improvement which increases the value and desirability to live here. This conditional use permit devalues it.

We suggest a traffic study for impact on residential traffic flows.

Kent and Julie Taylor  
1300 E Peach Ave, Haysville, KS 67060

July 18, 2024

1072

## PETITION AGAINST CONDITIONAL STORAGE YARD – LOT 5, BLOCK E, ORCHARD ACRES

On July 25, 2024 the Haysville Planning Commission will be holding a public hearing to consider a conditional use permit to allow vehicle storage yard use on property located on lot 5, block E. Orchard Acres, Haysville, KS. This will allow the property to store parked vehicles. Per existing ordinance No. 873, the current ordinance restricts outside storage of inoperable vehicles shall be limited to thirty (30) days.

Request the Haysville Planning Commission deny the request for change and leave existing zoning ordinance 873 as agreed to on March 4, 2005

RESIDENT'S NAME (Printed)	SIGNATURE	ADDRESS
Dana Caywood	<i>Dana Caywood</i>	334/342 S. Twin Pines
Dana Caywood	<i>Dana Caywood</i>	334/342 S. Twin Pines
DAVID SHEFFIELD	<i>David Sheffield</i>	329 S. TWINPINE AVE.
BEVERLEY SHEFFIELD	<i>Beverley Sheffield</i>	329 S. TWINPINE AVE.
Kyle Graber	<i>Kyle Graber</i>	1403 Blossom Ave
Madalyn Bowman	<i>Madalyn Bowman</i>	330 S Twin Pines Ave
Patricia Schuyler	<i>Patricia Schuyler</i>	1319 E Dirck St.
Rick Schuyler	<i>Rick Schuyler</i>	1319 E Dirck St
Phyllis Rhodes	<i>Phyllis Rhodes</i>	1319 E Dirck
Phillip Veach	<i>Phillip Veach</i>	1308 E. Dirck
ROBERT E. SPITLER JR	<i>Robert E. Spith Jr</i>	1307. E. PIRCK
Frank Carlson	<i>Frank Carlson</i>	1319 E. Riley
Clayton Lewis	<i>Clayton Lewis</i>	1307 E Riley Ave.
Dathyn Berry	<i>Dathyn Berry</i>	1219 E Riley
Robert McConnell	<i>Robert McConnell</i>	1301 E Riley
Michael Peak	<i>Michael Peak</i>	1204 E. Riley

PETITION AGAINST CONDITIONAL STORAGE YARD – LOT 5, BLOCK E, ORCHARD ACRES

On July 25, 2024 the Haysville Planning Commission will be holding a public hearing to consider a conditional use permit to allow vehicle storage yard use on property located on lot 5, block E. Orchard Acres, Haysville, KS. This will allow the property to store parked vehicles. Per existing ordinance No. 873, the current ordinance restricts outside storage of inoperable vehicles shall be limited to thirty (30) days.

Request the Haysville Planning Commission deny the request for change and leave existing zoning ordinance 873 as agreed to on March 4, 2005

[illegible]

## AGGREGATES FOR SHOULDER CONSTRUCTION

## 1113.1 DESCRIPTION

This specification covers types of aggregates for shoulder construction.

## 1113.2 REQUIREMENTS

## a. Composition.

(1) Type AS-1 is a mixture of aggregate and binder with at least 85% the material produced by the mechanical crushing of limestone, dolomite or sandstone.

b. Quality<sup>1</sup>.

- Soundness<sup>2</sup>, minimum (KTMR-21) .....0.85
- Wear<sup>3</sup>, maximum (KTMR-25) .....50%
- Specific Gravity<sup>4</sup> (dry), minimum (KT-6 Procedure I) .....2.20

<sup>1</sup>Crushed aggregates with less than 10% material retained on the No. 4 sieve (excluding mineral filler supplements) must be produced from a source complying with the official quality requirements of this Section prior to crushing.

<sup>2</sup>The above requirements for soundness do not apply for aggregates having less than 10% material retained on the No. 4 sieve.

<sup>3</sup>The above requirements for wear do not apply to aggregates having less than 10% material retained on the No. 8 sieve.

<sup>4</sup>Apply the specific gravity requirement to individual materials and to any combination of materials required to meet the grading and plasticity requirements.

## c. Product Control.

(1) Gradation and Plasticity. Provide aggregate that complies with TABLE 1113-1.

TABLE 1113-1: GRADING AND PLASTICITY REQUIREMENTS FOR AGGREGATES FOR SHOULDER CONSTRUCTION										
Type	Percent Retained - Square Mesh Sieves								P.I.	L.L. <sup>3</sup> (Max)
	2"	1½"	¾"	3/8"	No. 4	No. 8	No. 40	No. 200		
AS-1	0	0-5	5-30		35-60	45-70	60-84	80-92	2-8 <sup>1</sup> 4-8 <sup>2</sup>	30
										3/4

<sup>1</sup>Crushed Limestone or Dolomite

<sup>2</sup>Crushed Sandstone

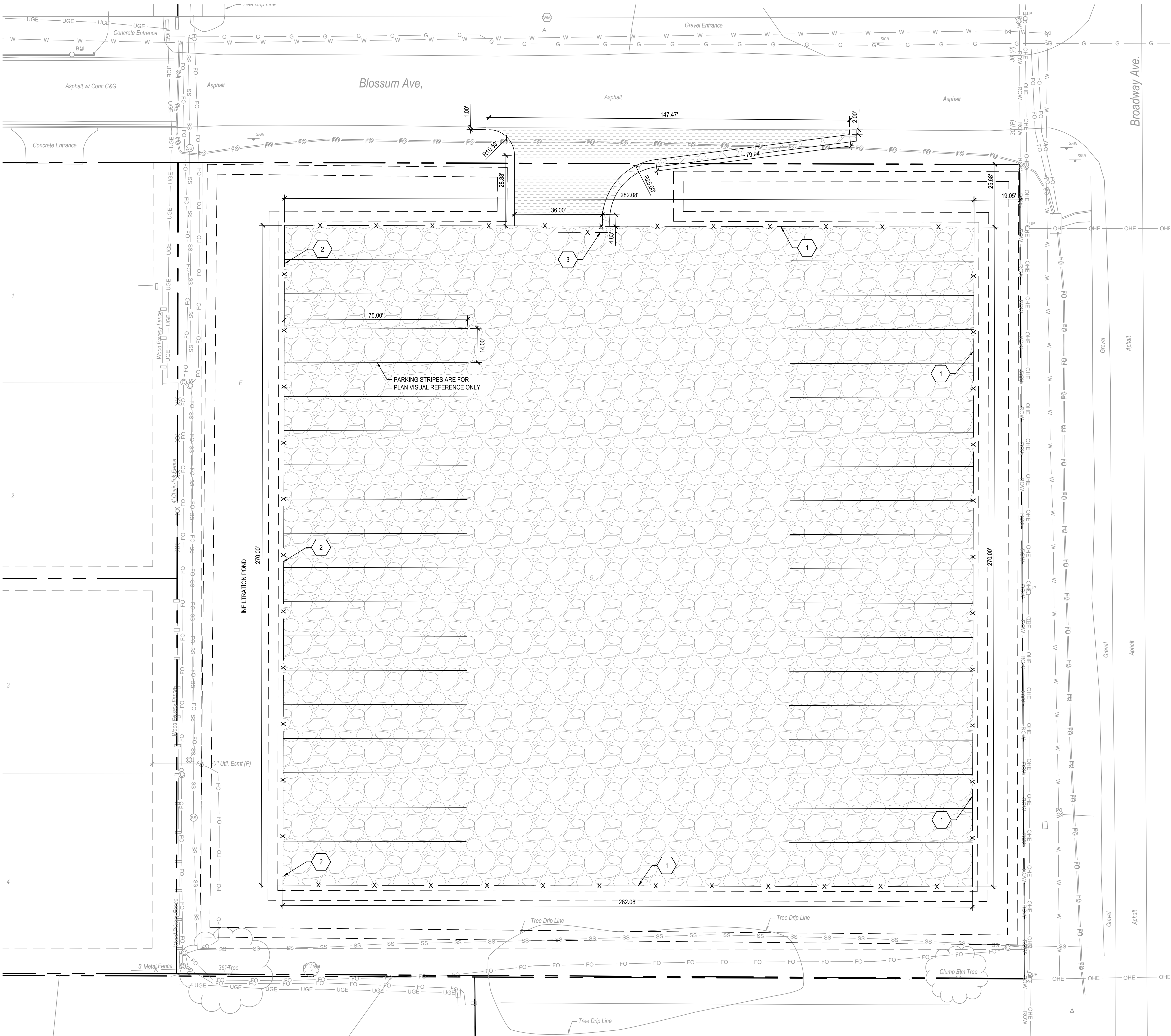
<sup>3</sup>Liquid Limit

<sup>4</sup>Ratio of percent passing the No. 200 sieve to the percent passing the No. 40 sieve.

(2) Deleterious Substances. Provide aggregates for shoulder construction that are free from grass, weeds, roots, sticks, and other undesirable foreign matter.



# 1 SITE PLAN



## SITE NOTES

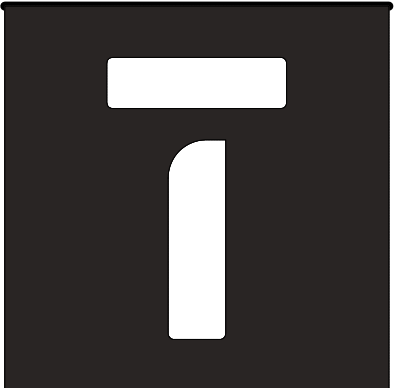
- REFERENCE C-010 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.
- SEE UTILITY PLAN FOR LAYOUT OF ALL PROPOSED UTILITIES.

## SITE KEYNOTES

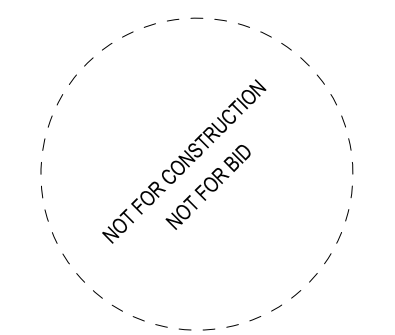
- 8' CHAIN LINK FENCE WITH OPAQUE FABRIC
- 8' WOOD FENCE
- 24' MOTORIZED SLIDE GATE

## LEGEND

- 8IN CONCRETE DRIVE PAVING  
REF: 1 / CS501
- 12IN AGGREGATE  
REF: 2 / CS501



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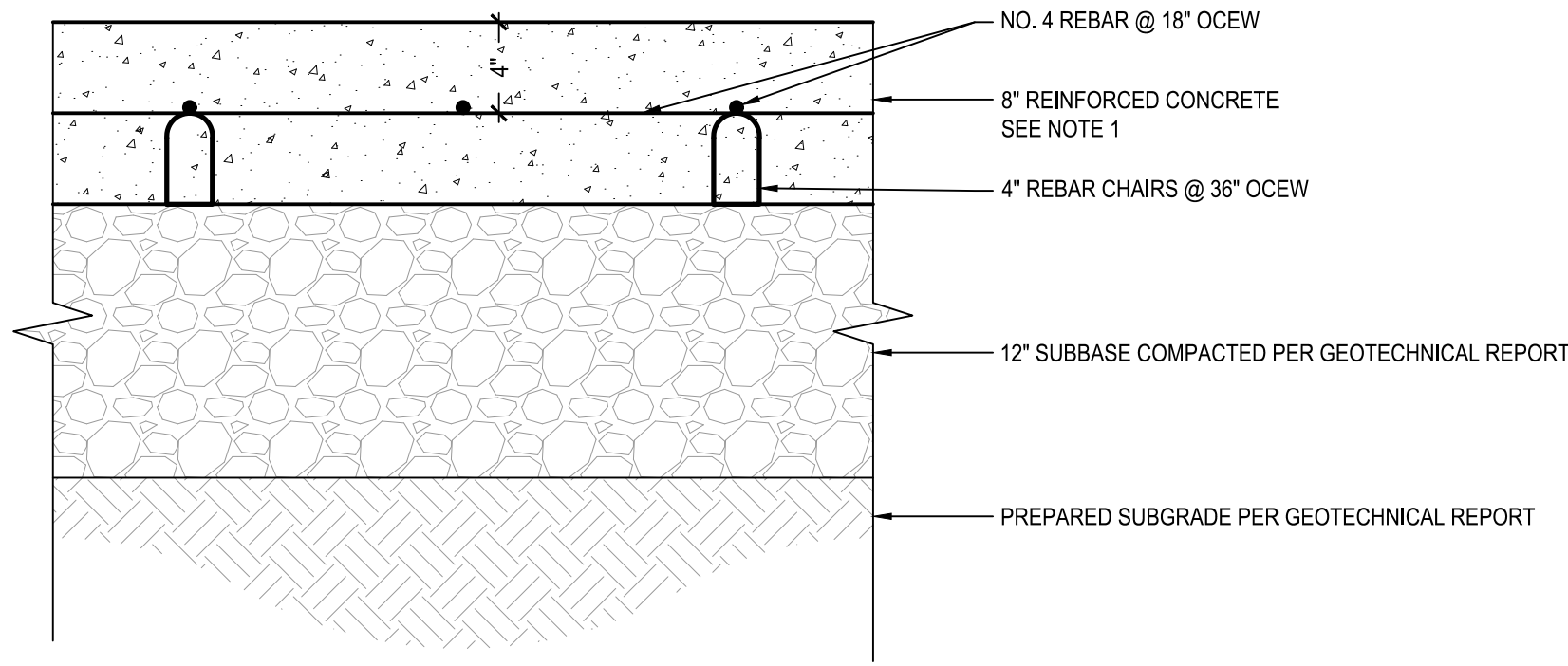
**HAYSVILLE, KS**  
**SEMI TRUCK PARKING**  
GARCIA TRUCKEN, LLC  
LOT 5, BLOCK E, ORCHARD ACRES | HAYSVILLE, KS 67060

DESCRIPTION	DATE
PROJECT NO:	24555R24001
STATUS:	100% DESIGN DEVELOPMENT
DATE:	05/10/2024
DRAWN BY:	JAC
CHECKED BY:	GDW

SITE PLAN

CS101



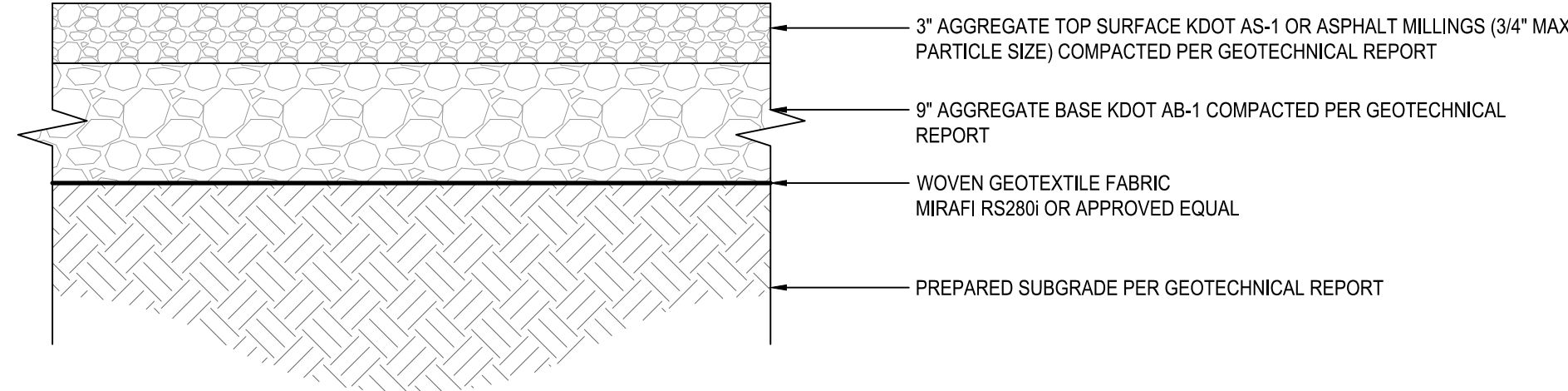


NOTES:

1. INSTALLATION OF CONCRETE PAVING SHALL BE PER SPECIFICATIONS 003132 (GEOTECHNICAL DATA) AND 321313 (CONCRETE PAVING).
2. CONCRETE SHALL BE \_\_\_\_\_ CONCRETE SPEC \_\_\_\_\_;  
FIBER-REINFORCEMENT - SIKAFIBER 800 STEALTH. DOSAGE - 3 LB/CY
3. WHITE CURING COMPOUND MUST BE APPLIED UNIFORMLY TO THE CONCRETE SURFACE IMMEDIATELY AFTER FINAL FINISHING.

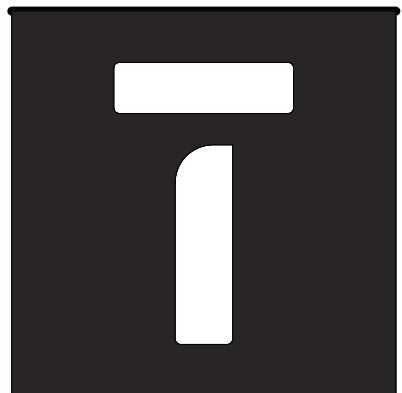
## 1 8IN CONCRETE DRIVEWAY SECTION

1-1/2" = 1'



## 2 12" AGGREGATE PARKING SURFACE SECTION

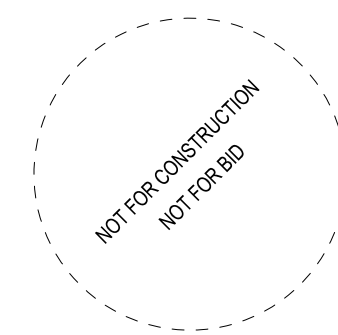
1-1/2" = 1'



TESSERE

www.tessere.com

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PROGRESS PRINT

HAYSVILLE, KS  
SEMI TRUCK PARKING

GARCIA TRUCKEN, LLC  
LOT 5, BLOCK E, ORCHARD ACRES | HAYSVILLE, KS 67060

△	DESCRIPTION	DATE
PROJECT NO:	24555R24001	
STATUS:	100% DESIGN DEVELOPMENT	
DATE:	05/10/2024	
DRAWN BY:	JAC	
CHECKED BY:	GDW	

SITE  
DETAILS

CS501

**CITY OF HAYSVILLE**

PO Box 404  
200 W. Grand  
Haysville, KS 67060  
Phone: 316/529-5900 | Fax: 316/529-5925  
[www.haysville-ks.com](http://www.haysville-ks.com)

**Conditional Use  
Application****THE RECEIPT OF MONIES DOES NOT CONSTITUTE APPROVAL OF THE APPLICATION****APPLICANT INFORMATION**

Name of Applicant: Garcia Trucken, LLC	Phone:
Mailing Address: 4010 Edminster	Email:
City, State, ZIP Wichita, KS 67212	
Name of Authorized Agent or Additional Applicant: Beau Jarvis	Phone:
Mailing Address: 1525 E Douglas Ave	Email:
City, State, ZIP Wichita, Kansas, 67211	
Relationship of applicant to property is that of: <input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Other	
Project Manager	

**CONDITIONAL USE INFORMATION**

The applicant(s) propose to establish a: Truck parking lot for a semi tractor trailers to park between driver's shift
For property located at: Corner of Blossom Avenue and US 81
Presently zoned as: HC: Heavy Commercial District
And legally described as: <i>(If appropriate, metes and bounds descriptions may be provided in the space below or on an attached sheet.)</i> Lot 5, Block E, Orchard Acres, SW Corner of Broadway & Blossom
The conditional use described above is requested for the following reasons: Requesting to use the property as vehicle storage yard which requires a conditional use permit in the Heavy Commercial Zoning District.

The Haysville Planning Commission may, in certain instances, recommend a conditional use permit of property located within the city limits. The following items should accompany all requests:



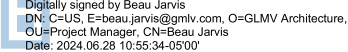
1. Legal description
2. Proof of ownership
3. Sketch of property

4. Certified (prepared by an abstract company) ownership list for all properties within 200 feet of subject property if all property is within the city limits or 1000 feet of subject property if all property is outside the city limits or a combination
5. Copy of restrictive covenants (if any)
6. fee: The application must be accompanied by a filing fee of \$375.00.

**I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize filled in; is accompanied by a current abstractor's certificated list as required in the instruction sheet; and is accompanied by the appropriate fee. I (we) further certify that the above and foregoing information is true and correct to the best of my (our) knowledge. I (we) acknowledge that the governing body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.**

*Note: at least one owner must sign this application. Other owners may be represented by an agent or agents.*

#### **SIGNATURE**

Applicant: 	Date: 06/28/2024
Agent or Additional Applicant:	Date:
Agent or Additional Applicant:  	Date: 06/28/2024

#### **OFFICE USE ONLY**

This application was received at the office of the Planning Commission at \_\_\_\_\_ (am/pm) on \_\_\_\_\_, 20 \_\_\_\_\_. It has been checked and found to be correct and accompanied by required documents and the appropriate fee of \$375.00.

Authorized Signature: \_\_\_\_\_ Title: \_\_\_\_\_

### NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 6:00 p.m., Thursday, September 12, 2024, in the Council Chambers at City Hall, 200 West Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider a request for a Conditional Use Permit to allow a **Vehicle Storage Yard Use (Truck Park)** on property located at Lot 5, Block E, Orchard Acres, Haysville, Sedgwick County, Kansas 67060.

Comments, both written and oral, will be heard by the Planning Commission at the time of the hearing. For additional information call 529-5900 or visit the City's website at [www.haysville-ks.com](http://www.haysville-ks.com).

(to be published August 20, 2024)

## Article 4. Zoning Districts.

### 400. USE CHART; PERMITTED AND CONDITIONAL USES

P = Permitted Use C = Conditional Use

Use Type	Zoning Districts													Conditions
	S	S	S	T	T	M	M	H	O	L	L	H		
	1	5	F	Z	H	F	4	A	H	C	C	C	I	
Residential														
Single-Family	P	P	P	P	P	P	P	P						
Two-Family						P	P	P						
Three and Four-Family						C	P	P						
Multi-Family						C	C	P						
Manufactured Home	P							P						
Manufactured Home Subdivision								P						
Manufactured Home Park								P						
Accessory Apartment	C	C								C	C	C	C	
Assisted Living	C	C				C	C	P	C	P	P	P		
Group Home	P	P				P	P	P	P	P	P	P		
Group Residence, Limited	C	C				C	C	P		P	P	P		
Group Residence, General								C		P	P			
Public and Civic														
Auditorium or Stadium											P	P	P	
Cemetery	C	C	C			C	C	C			C	C	C	C
Church or Place of Worship	P	P				C	C	C			P	P	P	P
Community Assembly	C					C	C	P	C		P	P	P	P
Correctional Facility												P	P	
Correctional Placement Residence, Limited										P	P	P	P	P
Correction Placement Residence, General											P	P	P	P
Day Care, Limited	P	P				P	P	P	P	P	P	P	P	C
Day Care, General	C	C				C	C	P	C	P	P	P	P	C
Day Care Reporting Center												C	C	
Golf Course	P	P				P	P	P	P		P	P	P	P
Government Service	C	C				C	C	C		C	P	P	P	P
Hospital								P	P		P	P	P	P
Library	P	P				P	P	P	P	P	P	P	P	P
Neighborhood Swimming Pool	C	C				C	C	C	C	C	C	C		
Nursing Facility								P			P	P	P	C
Parks and Recreation	P	P				P	P	P	P	P	P	P	P	P
Recycling Collection Station, Private	P	P				P	P	P	P	P	P	P	P	P
Recycling Collection Station, Public											P	P	P	P
Recycling Processing Center												P	P	P
Renewable Energy System														
Reverse Vending Machine											P	P	P	P
Safety Service	C	C				C	C	C	C	C	P	P	P	P
School, Elementary, Middle & High	P	C				C	C		C					
University or College								P			P	P	P	P
Utility, Major	C	C				C	C	C	C	C	C	C	C	C
Utility, Minor	P	P				P	P	P	P	P	P	P	P	P

Provided any operation that is not entirely conducted within an enclosed building shall be required to place all items stored on an all-weather surface and must be screened from adjacent properties and any public roadway.

Use Type	Zoning Districts													Conditions	
	S	S	S	T	T	M	M	H	O	L	H	L	H		
	1	5	F	Z	H	F	M	M	A	H	C	C	C		I
Commercial															
Airport or Airstrip													C	C	
Animal Care, Limited										P	P	P	P		
Animal Care, General										C	P	P	P		
Automated Teller Machine										P	P	P	P	P	
Bank or Financial Institution										P	P	P	P	P	
Bed and Breakfast Inn	C	C			C	C	C			P	P	P			
Broadcast/Recording Studio										P	P	P	P	P	
Car Wash										P	P	P	P		
Construction Sales and Service										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.
Convenience Store										P	P	P	P		
Entertainment Establishment										P	P	P	P		
Event Center										P	P	P	P		
Farmer's Market										P	P	P	P		
Funeral Home										P	P	P	P		
Heliport							C			C	C	C	C		
Hotel or Motel									P	P	P	P	P		
Kennel, Hobby													P	P	
Kennel, Boarding/Breeding/Training													P	P	
Marine Facility, Recreational							P			P	P	P	P		
Medical Service							P			P	P	P	P		
Microbrewery									P	P	P	P	P		
Mobile Food Unit										C	P	P	P		
Monument Sales										C	P	P	P		
Nightclub									P	P	P	P	P		
Nurseries and Garden Centers										P	P	P	P		
Office, General										P	P	P	P		
Parking Area and/or Accessory Drive, Ancillary	C	C			C	C	C	C							
Parking Area, Commercial										C	C	C	C		
Pawnshop										P	P	P	P		
Personal Care Service										P	P	P	P		
Personal Improvement Service										P	P	P	P		
Post Office Substation										P	P	P	P		
Printing and Copying, Limited										P	P	P	P		
Printing and Publishing, General										C	C	P	P		
Recreation and Entertainment, Indoor										P	P	P	P		
Recreation & Entertainment, Outdoor										C	P	P	P		
Recreational Vehicle Campground										C	P				
Restaurant									P	P	P	P	P		
Retail, General									P	P	P	P	P		
Riding Academy or Stable	C										P	P	P		
Rodeo											P	P	P		
Secondhand Store										P	P	P	P		
Service Station										P	P	P	P	Provided related parts and accessory sales with outside storage of recyclable materials included, as follows: 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.	
Sexually Oriented Business															
Short-term Residential Rental	P	P	P	P											Permit required.
Tavern and Drinking Establishment									P	P	P	P	P		
Teen Club									P	P	P	P	P		
Vehicle and Equipment Sales, Outdoor										C	P	P	P	Provided all vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on a properly drained hard or all-weather surface; and loading/unloading of vehicles takes place off of public streets.	
Vehicle Repair, Limited										P	P	P	P		
Vehicle Repair, General											P	P	P		Provided no inoperable vehicle storage for more than 45 days.
Vocational School										P	P	P	P		
Warehouse, Self-Service Storage										C	C	P	P		
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C		

Use Type	Zoning Districts														Conditions
	S	S	S	T	M	M	H	O	L	H	L	H			
	1	5	F	Z	H	F	4	A	H	C	C	C	C	I	
Industrial, Manufacturing and Extractive															
Asphalt or Concrete Plant, Limited	C				P	P	P	P		P	P	P	P	P	
Asphalt or Concrete Plant, General										C	C	C	P	P	
Basic Industry														P	
Construction Burn Site, Limited													P	P	
Construction Burn Site, General													C	C	
Freight Terminal													P	P	
Gas and/or Fuel Storage and Sales												C	P	P	
Hazardous Operations														C	
Landfill														C	
Manufacturing, Limited	C										C	P	P	P	Provided all manufacturing is conducted wholly within a completely enclosed building.
Manufacturing, General	C											P	P	P	Provided all manufacturing is conducted wholly within a completely enclosed building.
Mining or Quarrying	C	C			C	C	C			C	C	C	C	C	
Oil and Gas Drilling	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	
Solid Waste Incinerator	C	C			C	C	C			C	C	C	C	C	
Storage, Outdoor, <del>as a Principal Use</del>												P	P	P	Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway, <del>and no inoperable vehicle storage for more than 45 days.</del>
Transfer Station													C	C	
Vehicle Storage Yard												C	C	C	Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway. <del>Storage of, and no inoperable vehicles (45 days) storage is not allowed for more than 45 days.</del>
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	
<del>Agriculture</del> Agriculture Processing													P	P	
Agriculture Research	C											P	P	P	
Agriculture Sales and Service	C											P	P	P	
Grain Storage												C	C	P	P

## **DRAFT**

### **Article 1. Title, Purpose, Authority and Jurisdiction**

#### **100 TITLE**

These regulations, including the zoning district maps, made a part hereof, shall be known and may be cited as the “The city of Haysville Zoning Regulations, (February 2023) Edition” and shall hereinafter be referred to as “these regulations.”

#### **101 PURPOSE**

These regulations are intended to serve the following purposes:

- A. To promote the public health, safety, morals, comfort and general welfare;
- B. 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;
- C. 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;
- D. 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;
- E. To protect property values and conserve energy and natural resources;
- F. To provide for adequate light and air and acceptable noise levels;
- G. To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;
- H. To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;
- I. To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;
- J. To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and exceptions; and
- K. To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

#### **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.



## **103 ZONING JURISDICTION**

These regulations shall apply to all buildings, structures and land within the corporate limits of the city of Haysville, Kansas, as presently exist or are hereafter established by annexation.

## **Article 2. Interpretation, Construction and Definitions**

### **200 RULES OF INTERPRETATION**

**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.

**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.

**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.

**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.

**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.

**F. 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.

**G. Vesting of Development Rights.** For single-family residential development, if construction of a principal structure does not begin on the land within 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.)

## **201 RULES OF CONSTRUCTION**

A. In the construction of these regulations, the provisions and rules of the 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.

B. In all other cases all words and phrases not defined in this article shall be defined by the Planning Commission as necessary utilizing a dictionary to limit possible definitions and using

the spirit and intent of this chapter as a guide.

## 202 DEFINITIONS

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

Accessory apartment. An accessory use dwelling unit that may be wholly within, or may be detached from, a principal single-family dwelling unit. Commercial or Industrial district, security only, not as a primary residence.

~~Accessory use or structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to in purpose or size to a principal use or structure.~~  
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.

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. 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.

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.

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.

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.

~~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.

All weather surface. Includes: 1) asphalt, minimum 2" inches depth, shall be placed over base material minimum 4" inches depth, 2) concrete, minimum 4" inches depth, 3) compacted rock/crushed concrete, minimum 4" inches depth, utilizing minimum 1" inch diameter rock with not more than 10% fines for a binder, 4) brick paver stone, minimum 2 3/8" inches thick shall be placed over base material minimum 5" inches depth. Base material shall consist of a minimum 4" inches depth crushed stone or gravel, and topped with sand minimum 1" inch depth. Utilization of the compacted rock/crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage. Every all-weather surface must be properly maintained and kept free of potholes, weeds, grass, dust, trash, and miscellaneous scattered objects (debris) to qualify as an "all-weather" surface. A surface that is not maintained free of weeds and debris is not an "all-weather" surface as an improperly developed or maintained surface does not meet the goals or the intent of this definition.

Alteration, structural. Any change 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.

Animal Care, General. Means a use providing veterinary services for large animals, and that may include small animals (household pets), and for which boarding facilities may also be provided.

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

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.

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.

Attached structure. Any building or structure that is physically connected to another by means of the walls or roof touching.

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.

Automated Teller Machine. 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.

Bank or Financial Institution. Means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions. Bank or Financial Institution also includes ATMs.

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

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

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.

Bed and Breakfast Inn. 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 15 guests on a paying basis.

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.

Block. A tract of land bounded by streets, or by a combination of streets, railway right-of-way or waterways.

Board of Zoning Appeals. Shall mean the board of zoning appeals.

Broadcasting or 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.

**Building.** 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.

~~**Building, auxiliary.** A building on the same lot as the main building or principal use which may be 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 portable metal storage shed on a concrete slab with modified footings is an auxiliary building~~

~~**Building, accessory.** A building which is on a foundation that meets the requirements of the adopted building code on the same lot as the main building or principal use, and of a nature customarily incidental and subordinate to the main building or principal use.~~

~~**Building, auxiliary.** A building on the same lot as the main building or principal use which may be 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 portable metal storage shed on a concrete slab with modified footings is an auxiliary building.~~

**Building, community.** A building for social, educational, and recreational activities of a neighborhood or community, provided, that any such use is not operated for commercial gain.

**Building, height.** The vertical distance measured from the adjoining curb grade to the highest point of the roof, 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.** 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 not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

**Car Wash.** Means an establishment engaged in cleaning or detailing Motor Vehicles, whether self-service or automated.

~~**Cargo container (shipping container).** 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. Not to be used as a base, platform, or location for business identification signs or temporary signs~~

~~**Cargo container (shipping container).** 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. Not to be used as a base, platform, or location for business identification signs or temporary signs.~~

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 premises 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.

Class "A" Club. 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. No memberships required.

Class "B" Club. 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. Memberships only.

Commission. The city of Haysville Planning Commission.

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 [charitableeleemosynary](#) institutions, private museums, art galleries, observatories, planetariums, botanical gardens, arboretums, zoos, and aquariums.

Comprehensive plan. [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 Burn Site, General. 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 commercial](#) burn site. Construction burn site, general does not include a construction and demolition or a municipal solid waste landfill.

Construction Burn Site, Limited. 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 commercial](#) burn site.

**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 of 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.

**Convenience Store.** 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.

**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, General.** Means a facility occupied by more than 15 individuals, including staff members who may reside there.

**Correctional Placement Residence, Limited.** Means a facility occupied by three to 15 individuals, including staff members who may reside there.

**Court.** 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.** 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.** 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.

**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, 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 Care, Limited. 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.

~~Detached Structure. Any building or structure that does not have a wall, roof or other structural member in common with or in permanent contact with another building or structure.~~

District. 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. One or more rooms in a dwelling, apartment, condominium, or hotel designed for occupancy by one family for living purposes.

Easement. A grant of specific property rights to land for the use of the public, a corporation or another person or entity.

~~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.~~

Entertainment Establishment. Means any event center or any person or entity that provides entertainment.

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.

~~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.~~

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.

Freight Terminal. Means a building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

Frontage. 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.

Frontage lot. That portion of the frontage which lies between the side lot lines of a single lot.

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

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

Garage.

Private garage. An accessory structure ~~detached accessory building~~ or portion of a main building for the parking and temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not occupants of the premises; (b) not more than one commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed 26,000 pounds gross vehicle weight rating.

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.

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.

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.

Governing Body. The mayor and city council of the city of Haysville.

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.

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

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

Green area. A landscape area set aside and maintained by the owner for the aesthetic enjoyment of the public.

Group Home. A dwelling unit as defined by K.S.A. 12-736 as amended, and is 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.

Group Residence. 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" or "correctional placement residence."

Group Residence, General. A group residence that is occupied by more than fifteen persons, including staff members who reside in the facility.

Group Residence, Limited. A group residence that is occupied by six to fifteen persons, including staff members who reside in the facility.

Hard surface. 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.

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.

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.

Home occupation. 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.

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.

~~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.~~

Hotel/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.

Improvements. 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.

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 property ownerresident](#), and premises housing over ten adult dogs.

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

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

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, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

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.

Livable area. The total contiguous area of a dwelling unit.

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.)

Lot. 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 buildings, and

including such open spaces as are required under this article and having its principal frontage upon a public street or officially approved place.

Corner lot. A lot ~~located at the intersection of two or more streets 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.

Interior lot. A lot other than a corner lot ~~or a through lot.~~

Through lot. A lot, ~~other than not~~ a corner lot, with frontage on ~~more than one street.~~ two parallel or approximately parallel streets.

Key lot. ~~A corner lot abutting two or more non-corner (interior or through) lots.~~

**TABLE: LOT TYPES**

STREET				
CORNER	INTERIOR	THROUGH	INTERIOR	KEY
			INTERIOR	
CORNER	INTERIOR		INTERIOR	KEY
STREET				

Lot area. The total horizontal area within the lot line of a lot.

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

Lot lines. The lines bounding a lot as defined herein.

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

Lot width. 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.

Manufactured home. 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.

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

Manufactured home sitepace. 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.

Manufactured home subdivision. Means a subdivision that is platted for Development as individual home sites 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.

Manufacturing, General. 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.

Manufacturing, Limited. Means 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 uses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, ice cream manufacturing, millwork and cabinetry, monument and grave marker manufacturing, precision machining of tools, dies and jigs, production of instruments and lenses for medical, dental, optical, scientific, and other professional purposes, and upholstery shops.

Marine Facility, Recreational. Means a facility relating to recreational boating. Typical uses

include boat docks, marinas, boathouses, and yacht clubs.

~~Master plan. 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.~~

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 ~~nd~~

analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical laboratories.

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.

Microbrewery. Means a brewery that: (1) is licensed by the Director of Alcohol Beverage Control of the state Department of Revenue; (2) produces no more than 5,000 barrels of beer per year; and (3) does so in a completely enclosed building.

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.

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.

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 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.

Monument sales. Means an establishment primarily engaged in the retail sale of Monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, and ledges, for placement on graves, including indoor or Outdoor Storage.

Multi-Family. Means the use of a site for three or more dwelling units within a single building. Typical uses include triplexes, fourplexes, apartments, residential condominiums, and townhouses.

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.

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 ~~or that provides entertainment.~~

Nonconforming structure or lot. A structure, or lot, lawfully existing at the time this zoning ordinance became effective, or as amended, which does not conform with the setback, height, lot size or other dimensional or property development standards applicable to the zoning district in which the structure or lot is located.

Nonconforming use. 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.

Nurseries and Garden Centers. 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.

Nurseries and Garden Centers. A place of business where retail and wholesale products and

~~produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, and other garden and farm variety tools and utensils.~~

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.

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.

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

Original tract. A tract of land in existence at the time that Sedgwick County adopted subdivision regulations. (July 1, 1969)

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

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.

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 Ancillary Parking Area is located. Parking areas--public or customer improved in accordance with the parking appendix.

Parking Area, Commercial. Means an 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 area, private. An area, other than a Street or Alley, used or intended to be used for the Parking of the 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 Zoning 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. (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 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.

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.

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

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 of 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.

~~Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.~~

~~Planning consultant. Any person, firm, partnership, association, or corporation contracted to provide professional planning advice or service to the city.~~

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.

Porch. A roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosing features except roof supports and open railing.

Post office substation. Means a facility or structure owned by the U.S. Postal Service that is

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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.

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.

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.

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. Typical 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.

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.

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 stored 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.

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.

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

(A) 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.

(B) 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.

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Replat. The re-subdivision of a tract of land that has previously been lawfully subdivided and a plat of such prior subdivision duly recorded.

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.

Residential-Design Manufactured Home. Means a Manufactured Home on a permanent foundation that has minimum dimensions of 22 body feet in width, a pitched roof, siding and roofing materials that 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)

Restaurant. Means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state, including the retail sale of alcoholic liquor or cereal malt beverages for consumption on the premises, but not as a Tavern and Drinking Establishment as defined herein.

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.

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.

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 shall not include Rodeo.

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

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.

**Safety Services.** A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

**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.

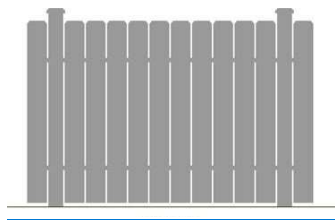
**School, Elementary, Middle, & High.** The use of a site for instructional purposes on an elementary or secondary level, including both public schools as well as private schools that have curricula similar to those in public schools.

**Screening.** Fencing, evergreen vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fences, evergreen vegetation or berms.

**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.

Figure 2-2

Example of 90% Opacity of Screening



**Secondhand Store.** Means a retail establishment other than an antique store that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items. Temporary outdoor display of merchandise for sale is permitted. No other outdoor storage is permitted.

**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.

**Setback-line.** The distance that is required by this Code between a Principal Structure or Accessory Structure and the property line of the Lot on which the Structure is located. (Note: The term Setback refers to a required minimum area, while the term Yard refers to the actual open area.)



Setback, front. 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.

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.

Setback, rear. 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.

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. Means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Short-term Residential Rental. Means any non-owner-occupied dwelling 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.

Signs. As defined by Appendix D, Haysville Municipal Code.

Sight/Vision Triangle. 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 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)



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.

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, or other similar items not considered accessory uses as listed in this code. The term storage, outdoor (or outdoor storage) does not include vehicle storage yard.

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.

~~Storage, Outdoor as Principal Use. Means the keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, trailers, portable storage containers, or other similar items not considered accessory uses as listed in this code. The term storage, outdoor (or outdoor storage) does not include vehicle storage yard.~~

Street lines. A property line identified between a parcel of land and the street right of way.

Structure or building. 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, billboards and poster panels. ~~For the purpose of this chapter, fences will not be considered 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.

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.

Tavern and Drinking Establishment. 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 this Code, 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.

Three-Four Family. Means the use of a lot for three or four principal dwelling units within a single building.

Tiny Home. Means the use of a lot for one detached principal dwelling unit not to exceed 599 square feet in size.

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.

Transient Guest. Means a person who occupies a short-term residential rental for not more than twenty-eight (28) consecutive days.

Two Family. Means the use of a lot for two principal dwelling units within a single building.

University or College. Means an institution of higher education (post High School) offering undergraduate or graduate degrees in higher learning, including seminaries.

Use, principal. The main and primary purpose for which land or a structure is designed, arranged or intended, or for which it may be occupied or maintained under this ordinance.

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 Utility, Major 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.

Variance. To authorize in specific cases a deviation from the specific terms of the 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, and provided 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.~~

Vehicle and Equipment Sales, Outdoors. 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.

Vehicle, Commercial. ~~M~~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.

Vehicle, Inoperable. ~~M~~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. In the City, an Inoperable Vehicle shall also include any Vehicle with uninflated tires, or otherwise meeting the definition of Inoperable Vehicle in [Chapter Title 8](#) of the Code of the City of [HaysvilleWichita](#).

Vehicle, Motor. ~~M~~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.

Vehicle, Passenger. ~~M~~means a Motor Vehicle that is designed primarily to carry ten or fewer

passengers, and that is not used as a Commercial Vehicle.

Vehicle, 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 Motor Vehicle. Recreational Vehicle shall include motor homes, 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.

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.

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 Storage Yard. Means the keeping outside of an enclosed building 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.

Vocational School. 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 or 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.

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 goods or services to other firms.

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: (A) 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; (B) 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; ~~-(C) 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~~ (D) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

**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.

**Yard.** 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 this chapter.

**Front yard.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front property line and the building line. On corner lots, the street address shall determine the primary front yard requirement which shall have the required front yard depth. ~~\_-and-~~the~~~~ The subordinate front yard ~~other~~ shall have no less than fifteen (15) feet.

**Rear yard.** 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. In case of through lots and corner lots there will be no rear yards, but only front and side yards.

**Side yard.** From the front yard to the point of intersection of the rear yard or property line, when no rear yard exists.

**Street yard.** The area of a lot, 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.

## **ARTICLE 3. GENERAL REGULATIONS**

### **300 BASE DISTRICTS**

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.