THE HAYSVILLE MUNICIPAL
ZONING AND PLANNING CODE
2026 EDITION

PREPARED BY THE HAYSVILLE PLANNING COMMISSION
WITH THE ASSISTANCE OF CITY STAFF

Adopted by Ordinance 1156
Effective Date: August 13, 2026

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ARTICLE 1
LEGAL FRAMEWORK

SECTION 101. TITLE, PURPOSE, AUTHORITY AND JURISDICTION

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

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

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

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

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

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

101.E. EFFECTIVE DATE. The City of Haysville governing body adopted these regulations on August 10, 2026 and they became effective on August 13, 2026. Upon taking effect, these regulations replaced any prior zoning regulations.

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

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

SECTION 102. RULES OF INTERPRETATION

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

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

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

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

102.E. DELEGATION OF AUTHORITY. Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

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

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

SECTION 103. RULES OF CONSTRUCTION

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

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

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

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

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

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

SECTION 104. VESTED RIGHTS AND PRE-EXISTING DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2
ADMINISTRATION

SECTION 201. ZONING ADMINISTRATOR

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

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

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

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

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

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

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

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

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

SECTION 202. PLANNING COMMISSION

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

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

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

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

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

4. **Capital improvements plans.** The commission shall review and make recommendations on the capital improvements plan annually.
5. **Other duties and powers.** The commission shall have the authority to perform all other duties and powers prescribed by these regulations.

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

SECTION 203. BOARD OF ZONING APPEALS

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

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

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

1. **Appeals.** The board shall have the power to hear appeals (of, where, or when) it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer, department, board or bureau in the enforcement of these regulations. Appeal procedures may be found in SECTION 1007.
2. **Variances.** The board shall be permitted to make decisions on requests for a variance from the specific terms of these regulations. Variance procedures may be found in SECTION 1005.
3. **Special exceptions.** The board is authorized to grant exceptions to the provisions of these regulations in those instances where the board is specifically authorized to grant such exceptions. Special exception procedures may be found in SECTION 1006.
4. **Definitions and use classifications.** The board shall have the power to, in cases of uncertainty determined by the Zoning Administrator and pursuant to SECTION 201.E, classify any use or define any word not specifically identified in these regulations. Such use or definition shall be defined and may be permitted as determined by the Board of Zoning Appeals. The board's determination shall be recommended for adoption by the Planning Commission in a public hearing as an amendment to these regulations. Amendment procedures may be found in SECTION 1009.
5. **Other duties and powers.** The board shall have the authority to perform all other duties and powers prescribed by these regulations.

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

ARTICLE 3
DEFINITIONS

SECTION 301. LAND USE DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specifically excluded shall be pitch and putt courses, independent driving ranges and miniature golf courses.

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

Hospital. Means an institution that:

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

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

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

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

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

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

materials that are a byproduct or integral part of such enterprise. See SECTION 404.E.2.a for special use standards.

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

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

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

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

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

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

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

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

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

Utility, major. Means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term major utility shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities, communication switching facilities

that are accompanied by office uses, telecommunication carrier with transmission equipment for long-distance call and high-speed Internet connections with one or more telecommunication carrier located within a building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Medical service. Means an establishment providing therapeutic, preventive, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other practitioners of the medical

or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical laboratories.

Microbrewery. Means a brewery that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.

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

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

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

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

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

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

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

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

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

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

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

(1) Electronic tune-ups;
(2) Brake repairs (including drum turning);
(3) Air conditioning repairs;
(4) Transmission and engine repairs;

(5) Generator and starter repairs;
(6) Tire repairs;
(7) Front-end alignments;
(8) Battery recharging;
(9) Lubrication; and/or
(10) Sales, repair and installation of minor parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Manufacturing, medium. Means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles. Typical uses include ice cream manufacturing, millwork and cabinetry, monument and grave marker manufacturing, precision machining of tools, dies and jigs, and other professional purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 302. GENERAL DEFINITIONS

302.A.

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

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

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

1) Compacted rock or crushed concrete, a minimum of 4" inches deep, utilizing a minimum of 1" inch in diameter rock with not more than 10% fines for a binder;
2) Asphalt millings;
3) Brick paver stone, a minimum of 2 3/8" inches thick and placed over base material a minimum of 5 inches deep;
4) Any other similar pervious surface; or
5) Any surface defined as a hard surface.

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

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

302.B.

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

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

Board. Means the Board of Zoning Appeals.

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

> Accessory building. Means a building that is subordinate to and serves a principal building or structure; is subordinate in purpose, floor area, and height to the principal building or structure

served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure served; and is located on the same zoning lot as the principal building or structure.

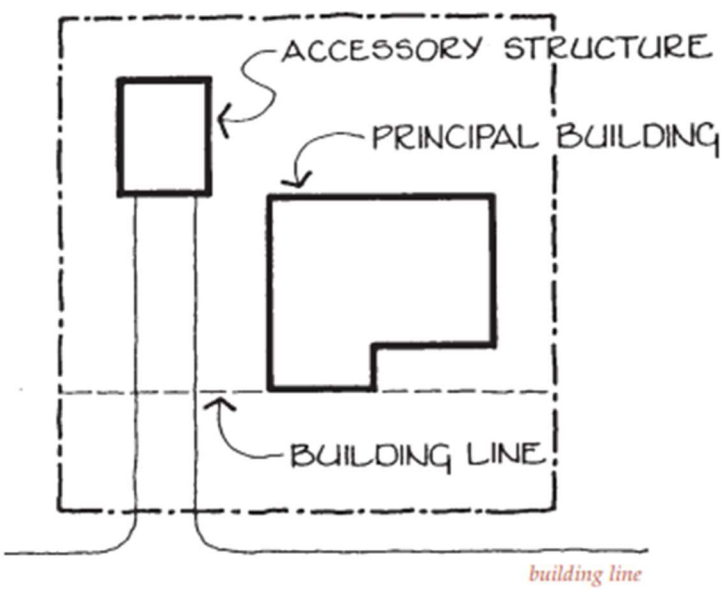
Auxiliary building. Means an accessory building that does not exceed 99 square feet in size or any other accessory building that does not require a building permit. Such structures may be built on a substandard permanent foundation. A portable metal storage shed on a concrete slab with modified footings,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

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

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

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

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



building line

302.C.

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

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

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

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

Commission. Means the City of Haysville Planning Commission.

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

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

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

Inner court. Means a court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

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

302.D.

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

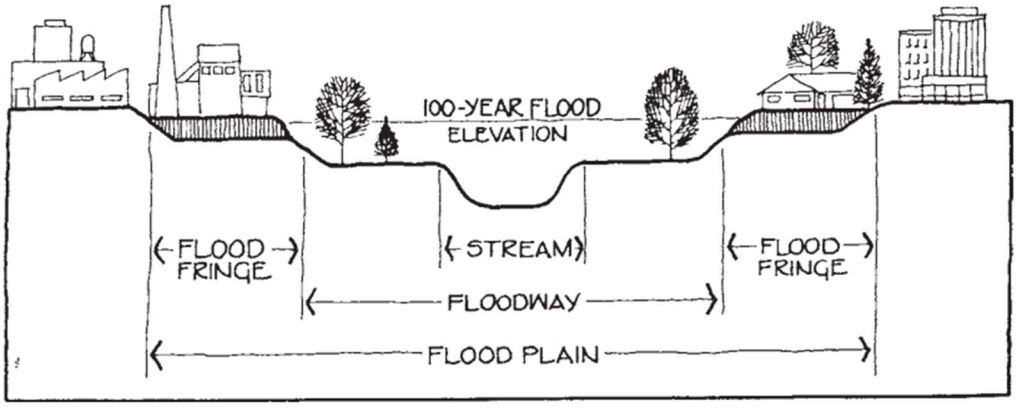
Dwelling unit. Means a building, or a portion of a building, that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

302.E.

302.F.

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

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



floodplain

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

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

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

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

302.G.

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

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

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

Governing body. Means the Mayor and City Council of the City of Haysville.

302.H.

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

1) Asphalt, a minimum of 2” inches deep and placed over base material a minimum of 4” inches deep;
2) Concrete, a minimum of 4” inches deep;
3) Pervious concrete; or
4) Other similar generally impervious surface.

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

302.I.

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

302.J.

302.K.

302.L.

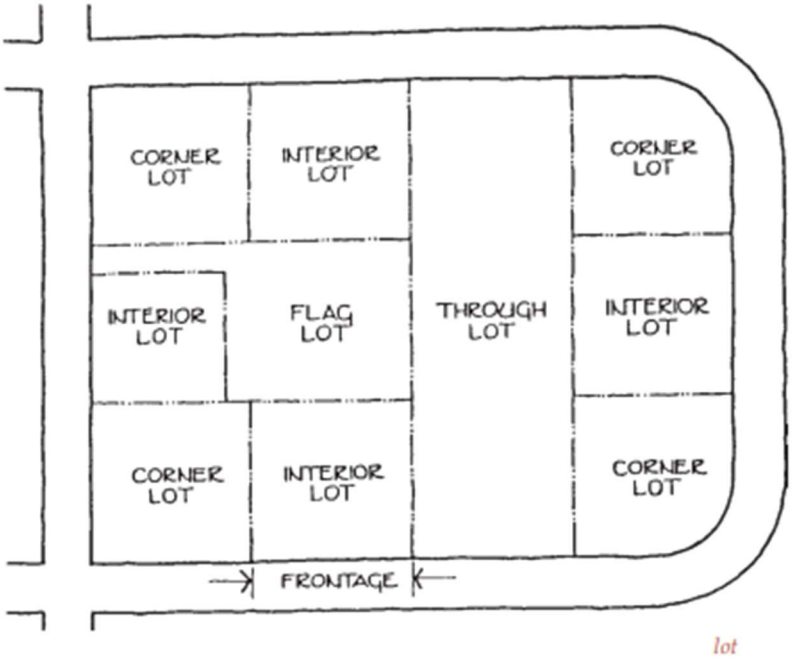
Lot. Means a portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred. A building site or parcel of land occupied or intended to be occupied by a building and accessory structures, and including such open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

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

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

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

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

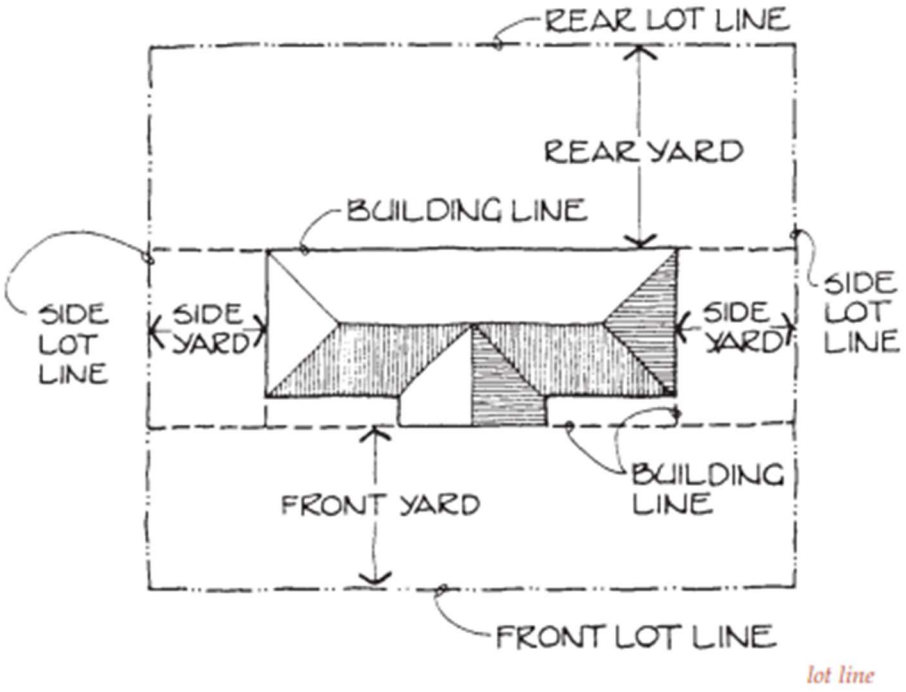


lot

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

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

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



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

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

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

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

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

302.M.

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

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

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

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

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

302.N.

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

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

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

302.O.

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

302.P.

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

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

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

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

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

302.Q.

302.R.

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

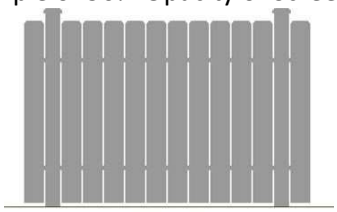
302.S.

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

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

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

Example of 90% Opacity of Screening



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

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

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

Sexually oriented business. See adult entertainment.

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

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

Example of a sight triangle.



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

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

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

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

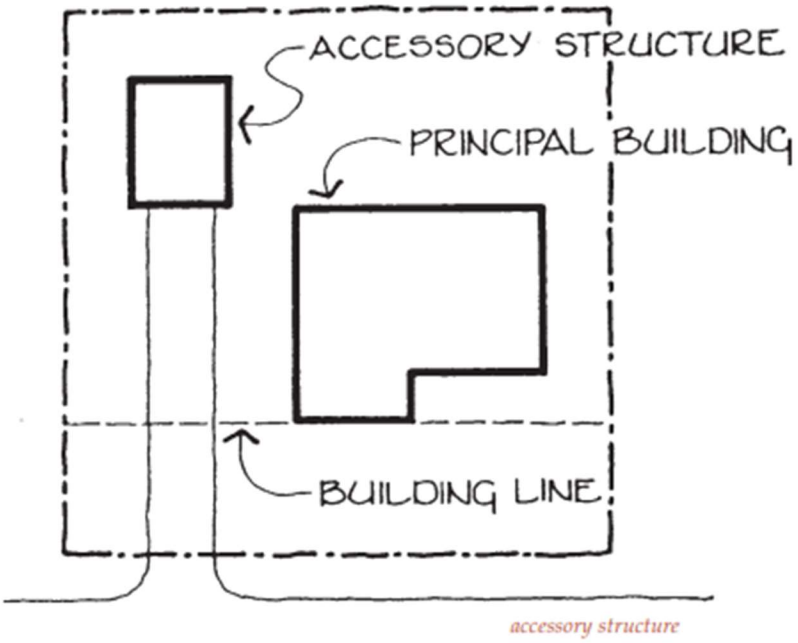
not all structures shall be considered buildings. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

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

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

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

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



accessory structure

302.T.

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

302.U.

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

Accessory use. Means a use that is subordinate to and serves a principal use; is subordinate in purpose to the principal use served; contributes to the comfort, convenience, or necessity of the

occupants of the principal use served; is located on the same lot as the principal use; but is not an incidental use.

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

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

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

302.V.

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

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

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

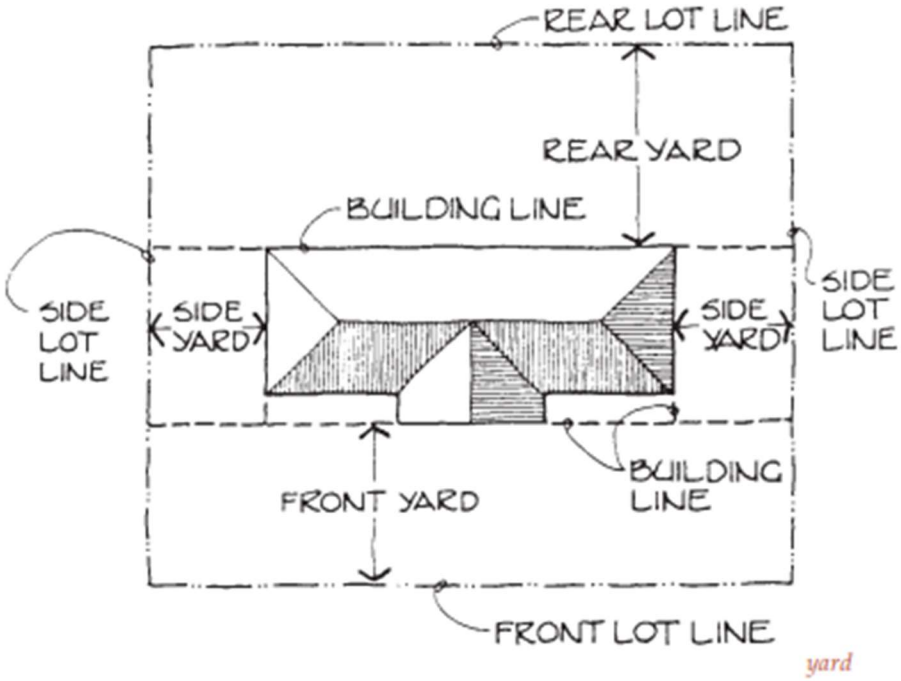
Inoperable vehicle. Means any vehicle that is unable to operate or move under its own power. It shall also mean any motor vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition that includes having no wheels, or lacking other parts necessary for the normal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

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

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

Recreational vehicle. Means a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a motor vehicle. Recreational vehicle shall include travel trailers, truck campers, camping trailers,

converted buses, houseboats or other similar units as determined by the Zoning Administrator. A recreational vehicle may or may not include individual toilet and bath.



yard

302.W.

302.X.

302.Y.

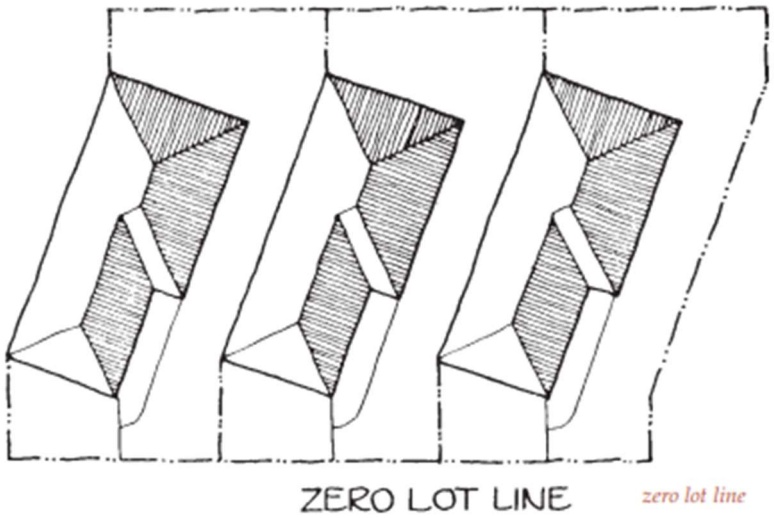
Yard. Means an open space, other than a court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, is unoccupied and unobstructed from the ground upward, except as provided in these regulations.

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

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

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

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



zero lot line

302.Z.

Zero lot line. Means the location of a building on a lot in such a manner that

one or more of the building's sides rest directly on a lot line.

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

Zoning lot. Means a parcel of land that is designated by its owner or developer as a tract, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:

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

ARTICLE 4
GENERAL REGULATIONS

SECTION 401. BASE DISTRICTS.

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

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

Table 401.B. Base districts.

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

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

SECTION 402. DISTRICT MAP ADOPTED.

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

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

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

SECTION 403. ANNEXED TERRITORY.

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

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

SECTION 404. USE STANDARDS; ALL DISTRICTS.

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

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

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

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

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

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

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

Table 404.D. Use Chart.

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

Zoning Districts															
Use Type	**SF-15**	**SF-5**	**SF-3**	**TH**	**TF**	**MF4**	**MU-R**	**MH**	**MU-C**	**LC**	**HMC**	**HC**	**LI**	**HI**	**Special Use Standards**
Public and Civic (cont.)															
School, Elementary, Middle & High	C	C	C	C	C	C	C								
University or College	C	C	C	C	C	C	C		C	C	C	C	C	C	
Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial															
Adult Entertainment Establishment															
Airport or Airstrip													P	P	
Animal Care, Limited							P		P	P	P	P	P	P	
Animal Care, General												P	P	P	
Automated Teller Machine (ATM)		P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.3.a
Bank or Financial Institution							P		P	P	P	P	P	P	
Bed and Breakfast Inn	P	P	P	P	P	P	P		P	P	P				
Broadcast/Recording Studio							P		P	P	P	P	P	P	
Car Wash									C	C	C	P	P	P	
Construction Sales and Service									P	P	P	P	P	P	See 404.E.3.b
Convenience Store							C		C	C	P	P	P	P	
Entertainment Establishment						P	P		P	P	P	P	P	P	
Event Center	C					P	P		P	P	P	P	P	P	
Farmer's Market	P								P	P	P	P	P	P	
Funeral Home									P	P	P	P	P	P	
Heliport													P	P	
Hotel or Motel							C		C	C	P	P	P	P	
Kennel, Hobby									P	P	P	P	P	P	
Kennel, Boarding/Breeding/Training							P		P	P	P	P	P	P	
Medical Service							P		P	P	P	P	P	P	
Microbrewery									P	P	P	P	P	P	See 404.E.3.c
Mobile Food Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Monument Sales									P	P	P	P	P	P	
Nightclub							P		P	P	P	P	P	P	
Nurseries and Garden Centers							P		P	P	P	P	P	P	
Office, General							P		C	P	P	P	P	P	
Parking Area, Accessory						C	C	C	C	C	C	C	C	C	
Parking Area, Commercial							C		C	C	C	C	C	C	
Pawnshop							P		P	P	P	P	P	P	
Personal Care Service							P		P	P	P	P	P	P	
Personal Improvement Service							P		P	P	P	P	P	P	
Post Office Substation							P		P	P	P	P	P	P	
Printing and Publishing, General							P		P	P	P	P	P	P	

Zoning Districts															
Use Type	**SF-15**	**SF-5**	**SF-3**	**TH**	**TF**	**MF4**	**MU-R**	**MH**	**MU-C**	**LC**	**HMC**	**HC**	**LI**	**HI**	**Special Use Standards**
Commercial (cont.)															
Recreation and Entertainment, Indoor							P		P	P	P	P	P	P	
Recreation & Entertainment, Outdoor							P		P	P	P	P	P	P	
Recreational Vehicle Campground	C											C	P	P	See 404.E.3.d
Restaurant							P		P	P	P	P	P	P	
Retail, General							P		P	P	P	P	P	P	
Retail Fulfillment Center									P	P	P	P	P	P	See 404.E.3.e
Riding Academy or Stable												P	P	P	
Rodeo												P	P	P	
Secondhand Store							P		P	P	P	P	P	P	
Service Station									P	P	P	P	P	P	See 404.E.3.f
Short-term Residential Rental	P	P	P	P	P	P	P		P						See 404.E.3.g
Tavern and Drinking Establishment							P		P	P	P	P	P	P	
Teen Club							P		P	P	P	P	P	P	
Vehicle and Equipment Sales, Outdoor											P	P	P	P	See 404.E.3.h
Vehicle Repair, Limited									C	C	P	P	P	P	
Vehicle Repair, General												P	P	P	See 404.E.3.i
Vocational School	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Warehouse, Self-Service Storage												C	C	C	
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Industrial, Manufacturing and Extractive															
Asphalt or Concrete Plant, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Asphalt or Concrete Plant, General													P	P	
Basic Industry													P	P	
Construction Burn Site, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Construction Burn Site, General	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Freight and/or Truck Terminal													P	P	See 404.E.4.a
Gas and/or Fuel Storage and Sales													P	P	
Hazardous Operations														C	
Landfill														C	
Manufacturing, Light							P		P	P	P	P	P	P	See 404.E.4.b
Manufacturing, Medium												P	P	P	
Manufacturing, Heavy													P	P	
Mining or Quarrying	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.4.c
Oil and Gas Drilling	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Research Services												P	P	P	
Rock Crushing	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Solid Waste Incinerator													P	P	

Zoning Districts															
Use Type	**SF-15**	**SF-5**	**SF-3**	**TH**	**TF**	**MF4**	**MU-R**	**MH**	**MU-C**	**LC**	**HMC**	**HC**	**LI**	**HI**	**Special Use Standards**
Industrial, Manufacturing and Extractive (cont.)															
Storage, Outdoor													C	P	See 404.E.4.d
Transfer Station													P	P	
Vehicle Storage Yard													C	P	See 404.E.4.e
Warehousing												P	P	P	
Welding or Machine Shop												P	P	P	
Wholesale or Business Services												P	P	P	
Wrecking/Salvage Yard															
Agricultural															
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.5.a
Agriculture Processing													P	P	
Agriculture Research	C											P	P	C	
Agriculture Sales and Service												P	P	P	
Grain Storage	P											P	P	P	

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

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

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

2. **Public and civic uses.**

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

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

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

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

3. **Commercial uses.**

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

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

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

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

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

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

with APPENDIX E-501.E.1, shall be provided along any common property line with a residential district.

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

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

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

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

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

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

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

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

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

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

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

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

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

   i. All merchandise displayed is in operable condition;

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

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

   iv. No part or piece storage is displayed outdoors;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. **Agricultural.**

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

SECTION 405. DIMENSIONAL STANDARDS; ALL DISTRICTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

405.J. SETBACKS.

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

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

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

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

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

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

SECTION 406. TRANSITIONAL GUIDELINES

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

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

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

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

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

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

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

SECTION 407. ACCESSORY USES AND STRUCTURES; ALL DISTRICTS.

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

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

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

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

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

1. Setbacks shall be 6 feet for combustible structures.

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

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

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

ARTICLE 5
RESIDENTIAL ZONING DISTRICTS

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 502. SF-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 504. TH TINY HOME RESIDENTIAL DISTRICT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Residential Code.

c. Stairways accessing lofts shall comply with Appendix Q or with Sections AQ104.2.1.1 through AQ104.2.1.5 of the currently adopted International Residential Code.

d. Width – Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall not be less than 20 inches.

e. Headroom – The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

f. Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height.

g. Landing platforms – The top tread and riser of stairways accessing lofts shall be constructed as a landing platform. The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, 16 to 18 inches in height measured from the landing platform to the loft floor.

h. Handrails shall comply with Section R311.7.8 of the currently adopted International Residential Code.

i. Stairway guards – Guards at open sides of stairways shall comply with Section R312.1. of the currently adopted International Residential Code.

j. Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2 of the currently adopted International Residential Code.

k. Size and capacity – Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200-pound load on any rung. Rung spacing shall be uniform within 3/8-inch.

l. Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.

m. Alternating tread devices accessing lofts shall comply with Section R311.7.11.1 of the currently adopted International Residential Code.

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

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

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

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

SECTION 505. TF TWO-FAMILY RESIDENTIAL DISTRICT

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

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

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

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

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

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

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

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

SECTION 506. MF4 MULTI-FAMILY FOUR RESIDENTIAL DISTRICT

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

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

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

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

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

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

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

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

SECTION 507. MH MANUFACTURED HOME RESIDENTIAL DISTRICT

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

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

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

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

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

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

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

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

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

507.F. SPECIAL MH DISTRICT REGULATIONS.

1. **Street and parking regulations.**

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 6
COMMERCIAL AND MIXED USE ZONING DISTRICTS

SECTION 601. MU-R MIXED USE RESIDENTIAL DISTRICT REGULATIONS

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

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

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

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

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

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

including the area of basements and garages), the dimensional standards shall be as prescribed in TABLE 507.D of APPENDIX E-507.
2. When a side setback is provided, a minimum distance of 5 feet shall be required.
3. Heights for conditional uses shall be determined as part of the conditional use approval.

601.D. PARKING REGULATIONS. See APPENDIX E-500 for the full parking regulations.

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

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

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

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

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

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

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

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

SECTION 602. MU-C MIXED USE COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 603. LC LIGHT COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 604. HMC HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

working area of 30 inches.

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

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

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

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

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

   d. The schedule for completion of the screening plan.

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

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

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

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

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

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

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

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

SECTION 605. HC HEAVY COMMERCIAL DISTRICT REGULATIONS

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

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

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

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

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

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

605.D. PARKING REGULATIONS. See APPENDIX E-500 for the full parking regulations.

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

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

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

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

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

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

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

ARTICLE 7
INDUSTRIAL ZONING DISTRICTS

SECTION 701. LI LIGHT INDUSTRIAL DISTRICT REGULATIONS

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

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

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

Table 701.C. LI Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
10,000	60	90	35	10[1]	35	20	None

1. If zero lot line development is allowed, or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided in the rear on at least two sides of the building.

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

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

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

1. No outdoor operations, display, or storage is permitted within the front yard, except as provided for below:
    a. Required and accessory customer and employee vehicle parking and parking for vehicles used in conjunction with the business occupying the zoning lot is permitted in the front yard.
    b. If the principal use of the lot is the sales or rental of vehicles or equipment, the display of such vehicles or equipment may be located on hard surface areas within the front yard.

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

2. All items stored outdoors must be kept on an all-weather or hard surface.
3. All items stored outdoors, excluding those permitted by SECTION 701.F.1, shall not be visible from ground level view in any adjacent lot that is a lesser zoning district or from ground level view of any adjacent collector or arterial street.
4. Operations or products must not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
5. Any illumination shall be so arranged as to reflect the light away from adjoining premises and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

SECTION 702. HI HEAVY INDUSTRIAL DISTRICT REGULATIONS

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

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

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

Table 702.C. HI Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
10,000	100	100	35	0[1]	35	0[2]	None

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

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

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

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

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

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

4. Any illumination shall be so arranged as to reflect the light away from adjoining premises and shall be in conformance with CHAPTER 8, ARTICLE 8 of the City Code.

ARTICLE 8
SPECIAL ZONING DISTRICTS

SECTION 801. P-O PROTECTIVE OVERLAY DISTRICT REGULATIONS

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

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

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

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

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

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

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

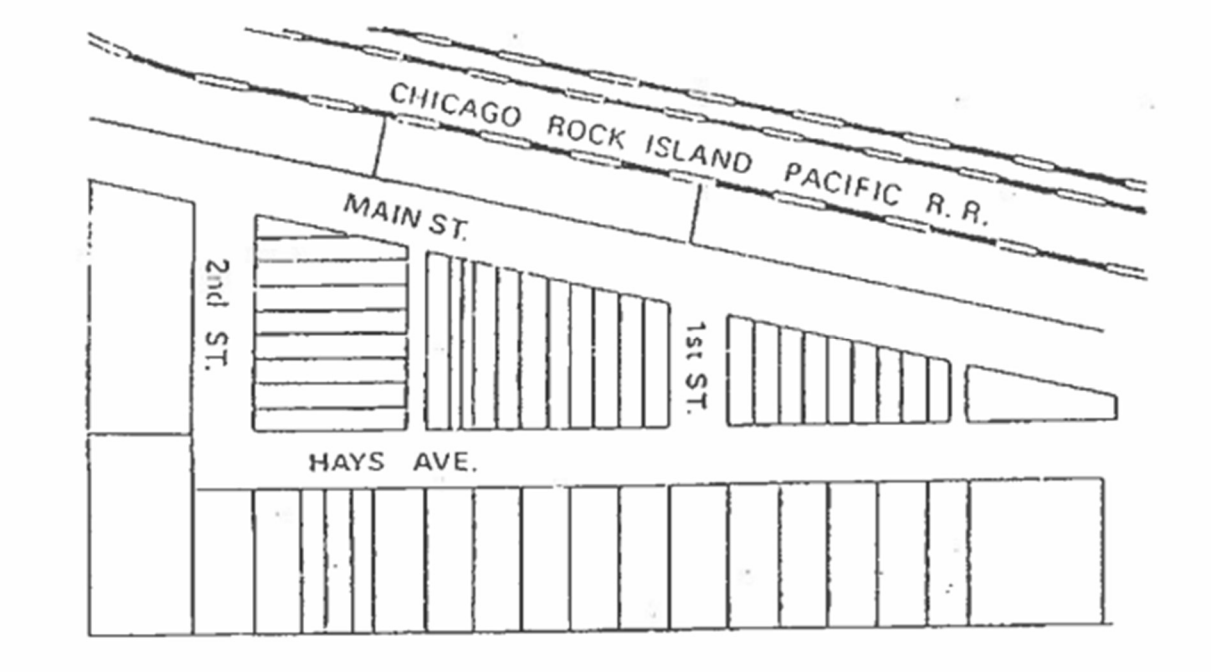
802.A. PURPOSE. The Original Town Historic Overlay District (HD-O) is intended to accommodate development and redevelopment within the area recognized as the Original Town of Haysville, while recreating the historical significance and unique qualities of the area. The design review provisions applicable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

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

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

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

Figure 802.B. HD-O Application Area



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

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

Table 802.C. HD-O Use Standards

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

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

Table 802.D. HD-O Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height
	Width	Depth	Front yard	Side yard	Street yard	Rear yard	
None	*None*	*None*	35	0	0	0	35[1]

1. A church steeple may extend beyond this height.

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

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

802.G. DESIGN REVIEW PROCEDURES.

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

802.H. DESIGN STANDARDS.

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

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

c. Permanent fences should avoid wire materials whenever possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 9.
NONCONFORMITIES

SECTION 901. PURPOSE, POLICY AND APPLICABILITY

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

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

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

SECTION 902. NONCONFORMING USES

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

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

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

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

SECTION 903. NONCONFORMING STRUCTURES

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

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

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

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

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

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

SECTION 904. NONCONFORMING LOTS

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

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

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

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

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

SECTION 905. OTHER NONCONFORMITIES

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

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

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

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

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

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

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

SECTION 906. NONCONFORMITIES CREATED BY PUBLIC ACTION

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

SECTION 907. DISCONTINUANCE

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

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

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

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

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

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

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

SECTION 908. DETERMINATION OF NONCONFORMING STATUS

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

ARTICLE 10
PROCEDURES

SECTION 1001. ZONE CHANGE

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

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

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

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

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

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

1. In addition to such public notice, written notice of such Zone Change shall be mailed to all property owners and applicable addresses included in the certified list submitted by the applicant and an opportunity granted to interested parties to be heard at the public hearing.
2. If the City initiates a Zone Change from a less restrictive to a more restrictive zoning district of 10 or more lots of the same zoning district that have five or more owners of record, written

notice of such Zone Change shall be mailed to only the owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition, in accordance with K.S.A. 12-757(c)(2).

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

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

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

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

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

1001.H. PROTEST. Regardless of the commission’s decision on a Zone Change if a protest petition against such Zone Change is filed in the Office of the City Clerk within 14 days after the date of the

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

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

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

1001.K. REVIEW CRITERIA FOR ZONE CHANGES. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a Zone Change may be developed by the commission and incorporated into any recommendation in support of the requested Zone Change.

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

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

SECTION 1002. CONDITIONAL USE PERMIT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1002.N. CONDITIONAL USE REVIEW CRITERIA. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a Conditional Use permit may be developed by the commission and incorporated into any recommendation in support of the requested Conditional Use permit.

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

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

SECTION 1003. PLANNED UNIT DEVELOPMENT (PUD).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1003.O. REVIEW CRITERIA FOR PUDS. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a Planned Unit Development may be developed by the commission and incorporated into any recommendation in support of the requested Planned Unit Development.

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

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

SECTION 1004. ADMINISTRATIVE ADJUSTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1005. VARIANCE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1006. SPECIAL EXCEPTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1007. APPEALS.

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

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

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

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

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

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

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

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

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

SECTION 1008. PROTEST PETITIONS.

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

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

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

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

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

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

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

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

SECTION 1009. AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

ARTICLE 11
VIOLATIONS AND ENFORCEMENT

SECTION 1101. VIOLATIONS

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

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

SECTION 1102. ENFORCEMENT PROCEDURES

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

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

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

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

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

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

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

1102.G. OTHER ENFORCEMENT MATTERS.

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

ARTICLE 12
FLOODPLAIN MANAGEMENT

SECTION 1201. FLOODPLAIN MANAGEMENT ORDINANCE INCORPORATED

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

APPENDIX E CONTENTS

These sections of the Zoning Regulations were amended and restated as Appendix E. Site Development Regulations to the City Code. Sections 502, 504, 505, 506 and 507 were incorporated by reference in Section 101.A of the Zoning Regulations and shall require official proceedings to amend.

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APPENDIX E.
SITE DEVELOPMENT REGULATIONS

SECTION 500. OFF STREET PARKING REQUIREMENTS

500.A. SCOPE AND APPLICATION. In any zoning district, all structures built, and all uses established after the effective date of this article, and, when an existing structure is expanded, off-street parking shall be provided in accordance with the following regulations.

1. Scope of regulations:
    a. New construction and new uses: For all buildings and structures erected, and all uses of land established after the effective date of this article, accessory off-street parking facilities shall be provided in accordance with the provisions contained herein. However, where a building permit has been issued prior to the effective date of this article, and provided that construction has commenced within six months of such effective date and diligently prosecuted to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this article.
    b. Expansion of a building or use: When the intensity of use of any building, structure, or premises shall be increased, additional parking facilities shall be provided as follows:
        i. Whenever a building, structure or use existing prior to the effective date of this article is enlarged to the extent of less than 50 percent in floor area, the addition or enlargement shall comply with the parking requirements set forth herein.
        ii. Whenever a building, structure or use existing prior to the effective date of this article is enlarged by one or more additions, the sum total of which increases the floor area to the extent of 50 percent or more, the uses contained within the original building or structure and all enlargements shall thereafter comply with the parking requirements set forth herein.
        iii. Whenever an existing single-family dwelling with more than 950 square feet in floor area has less than two parking spaces, it shall be permitted to expand by not more than 25 percent in floor area without having to comply with the off-street parking requirements set forth herein.
    c. Change of use: Whenever a use existing prior to the effective date of this article shall be changed to a new use, parking facilities shall be provided as required for such new use.
2. Existing parking facilities: Accessory off-street parking facilities in existence on the effective date of this article and located on the same zoning lot as the building or use served, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use.
3. Permissive parking facilities: Nothing in this article shall be deemed to prevent the establishment of additional off-street parking facilities to serve any existing building or use provided that all regulations herein governing the location, design, and operation of such facilities are satisfied.

4. Damage or destruction: Whenever a building or use existing prior to the effective date of this article, and for which the required number of parking spaces is not provided, is damaged or destroyed by fire, tornado or other natural causes to the extent of 50 percent or more of its fair market value, shall be required to meet the off-street parking requirements and standards for that portion proposed to be rebuilt.

500.B. OFF-STREET PARKING REQUIREMENTS.

1. General requirements: The following requirements shall govern in the design, location and number of off-street parking and stacking spaces.
    a. Computation: When determination of the number of off-street parking and stacking spaces results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one space.
    b. Utilization: Off-street parking and stacking facilities provided for the uses hereinafter listed shall be reserved exclusively for the parking of motor passenger vehicles, in operating condition, of patrons, occupants, visitors or employees of such uses.
    c. Computing off-street parking: In computing the floor area to determine the requirements for off-street parking, such computations for a structure shall exclude:
        i. The exterior wall width of the structure;
        ii. Elevator shafts;
        iii. Common courts or lobby areas;
        iv. Mechanical equipment rooms;
        v. Stairways;
        vi. Restrooms;
        vii. Basements, except those portions not used exclusively for service to the structure;
        viii. Balconies;
        ix. Incidental storage areas including but not limited to janitorial rooms, supply rooms, etc.

        The building inspector shall determine then net floor area of the structure and shall require off-street parking as specified for the use set forth in the applicable district regulations.
    d. Shared parking provisions: In the case of mixed uses, the off-street parking and stacking spaces required shall equal the sum of the requirements of the various uses computed separately, provided all regulations governing the location of accessory off-street parking and stacking spaces in relation to the uses served are adhered to.
    e. There shall be no parking in established easements, and no vehicle including recreational vehicles shall be parked so as to be located upon or overhang onto an established easement.
2. Specific requirements:
    a. Open and enclosed parking: Accessory off-street parking and stacking spaces may be

open to the sky or enclosed within a garage.

b. Surfacing: All off-street parking and stacking spaces, aisles and drives shall be graded and paved with a hard surface, except areas determined by the zoning administrator to be in a flood zone as set forth within the currently adopted FIRM may use an all-weather surface which shall be maintained in good condition.

c. Location: Off-street parking and stacking spaces, aisles and drives shall be located as follows:

    i. General

        1. All required off-street parking and stacking spaces, aisles and drives shall be located on the same zoning lot as the use served.

        2. No off-street parking shall be permitted in front yards, other than established hard surface driveways. Off-street parking in back and side yards shall be permitted on an all-weather surface. Off-street parking access path shall be an all-weather surface the width of the vehicle and shall extend from the accessory off-street parking to the hard surface driveway or easement. All off-street parking shall not infringe on any road right-of-way or easement.

        3. Aisles and drives shall not be considered in determining whether off-street parking and stacking requirements have been met except in the instance of single-family dwellings and duplexes.

        4. For residential properties, all open off-street parking areas and pathways inside, street, and rear yards must have sight obscuring screening of not less than six (6) feet in height, between the parking area and or/pathway, and the adjacent residential property. When abutting property owners have entered into, and filed with the Sedgwick County Register of Deeds, a shared access agreement, this provision may be modified with the approval of the Zoning Administrator. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals.

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

    i. Parking space dimension. An off-street parking space shall be at least eight feet six inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps or columns, unless special parking is designated for variable sizes of vehicles.

    ii. Access: Each off-street parking space shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to such parking space.

    iii. Exiting a parking facility: No off-street parking facility shall be designed in such a manner that when exiting a parking facility, it would require backing into a public street, unless specifically approved by the Planning and Zoning

Administrator. Such arrangements are to be discouraged, except in unusual circumstances wherein the traffic safety of the public can still be protected.

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

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

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

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

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

h. Modification of parking requirements: Where it can be demonstrated by the property owner that a specific use has such characteristics that the number of parking or stacking spaces required is too restrictive, the Public Works Director, city engineer and building inspector may upon request grant up to a 25-percent reduction in the number of required spaces. Such request shall be filed with the city building inspector as appropriate on forms as may be provided. Should a reduction greater than 25 percent be requested, a variance will need to be granted by the board of zoning appeals in accordance with the procedures set forth in article III. Where a reduction of 25 percent or less is requested, the applicant shall be required to reserve an area of land on the site of the use served equal in size to the area of land needed to provide the spaces for which a reduction is granted. Such land reserved shall be suitable for development of a parking facility and conform with the parking requirements.

i. Condition of off-street parking facility: Any parking facility which does not meet the standards of this chapter, and which shall create a nuisance to the public from any cause shall meet the requirements as recommended by the Planning and Zoning Administrator, and Public Works Director pertaining to screening, surfacing or entrances or exits.

j. Parking limits for residential properties: All off-street passenger vehicle parking in back and side yards shall not exceed more than two (2) passenger vehicles. To accommodate those properties with back yard garages, or other less common design standards, property owners may apply to the Planning and Zoning Administrator for a modification to the two (2) passenger vehicle limit. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals. Additionally, all off-street recreational vehicle parking in side, street, and back yards shall not exceed more than one (1) of each type of recreational vehicle: One (1) boat, one (1) camper, one (1) RV, one (1) cargo trailer, and one (1) registered trailer.

500.C. REQUIRED NUMBER OF OFF-STREET PARKING SPACES. In all districts, unless otherwise stated within the district regulations, there shall be provided prior to the occupation of a building or commencement of a principal use a minimum number of off-street parking and stacking spaces as set forth herein except as otherwise provided for in the section below (D)(2).

LAND USE	NUMBER OF SPACES REQUIRED
RESIDENTIAL	
Single-Family	1 per dwelling unit
Duplex	1 per dwelling unit
Multi-Family	1.25 per one-bedroom dwelling unit; 1.75 per two bedroom or larger unit
Bed & Breakfast Inn	1 per sleeping room
Short Term - Residential Rental	1 per sleeping room. Parking of commercial vehicles larger than what is commonly referred to as a 1-ton truck (with a gross vehicle weight rating of 16,001 pounds or more) is not permitted by transient guests. Up to two on-street parking spaces may substitute for required off-street parking if the property contains a frontage of 40 feet or more, not including approaches, sidewalk ramps, and no parking zones.
Hotels & Motels	1 per sleeping room plus additional space for restaurants, convention centers, and other facilities as may be open to public
Congregate Living & Dormitory Type Dwellings	1 per sleeping room
Developmentally Disabled Group Home	1 per each 2 sleeping rooms
Assisted Living	0.75 per unit
Day Care - Limited	1 per teacher/employee, plus 1 per vehicle used in the center, plus 1 per 10 children based on enrollment above 12 children.
COMMUNITY FACILITIES AND INSTITUTIONAL USES	
Public and Private Educational Facilities:	
Elementary	1 per teacher/employee, plus 5 visitor spaces
Middle School	1 per teacher/employee, plus 10 visitor spaces
Senior High	1 per teacher/employee, plus 1 per five students
Church or Place of Worship	1 per every four seats in auditorium or largest room
Community Center	1 per 300 square feet of floor area
Reception, conference, and assembly facility	1 per 150 square feet of floor area or 1/3 of the occupant load, whichever is less

Day Care - General	1 per teacher/employee, plus 1 per vehicle used in center, plus 1 per 10 children based on enrollment. To provide for the safe and convenient loading and unloading of persons as well as minimize traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the Planning and Zoning Administrator) shall be provided at the building entrance.
Group Home	1 per each house parent, plus 1 per each resident who is permitted to drive
Hospital and Convalescent Care Facilities	1 per 5 beds, plus 1 per employee in the largest working shift
Private Membership Association, Club, Lodge or Fraternal Organization	1 per 300 square feet of floor area
College or University	1 per 2.5 students enrolled
Business or Vocational School, Technical College	1 per 200 square feet of floor area
PROFESSIONAL OFFICES	
Medical and Related Offices and Clinics, Chiropractic, Dental, Optometrist, Osteopath, Pediatrician, etc.	1 per 300 square feet of floor area
Professional and Governmental Offices: Accounting, Architectural, Engineering, Governmental, Insurance Sales, Law, Real Estate, Sales and Brokerage, etc.	1 per 400 square feet of floor area
Financial Institution	1 per 200 square feet of floor area, plus 3 stacking spaces for each external teller or customer service window
Veterinarian	1 per 400 square feet of floor area
COMMERCIAL	
Business and Retail Establishments (other than listed)	1 per 200 square feet of floor area
Restaurants:	
Family Dining Type, where all food consumed within an enclosed structure	1 per 150 square feet of floor area or 1/3 the occupant load, whichever is less
Carry-out and Delivery Only, where no food consumed on the premises	1 per each employee based upon maximum shift, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
Drive-in type, where food may be consumed on the premises, outside a completely enclosed building, or served directly to customers in parked vehicles.	1 per 35 square feet of floor area, plus 5 stack spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street

Fast Food, an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises	1 per 85 square feet of floor area or 1/3 the occupant load, whichever is less, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
Automotive Service Station, Convenience Store	1 per 4 gas pumps, but, not fewer than 4 spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
Funeral Home or Mortuary	1 per every 3 seats in the main seating area
Theater, adult/nonadult	1 per each 2.5 seats
Automotive or Vehicle Carwash	1 per each 2 washing stalls plus 2 stacking spaces per washing stall
Shopping Centers	4.55 per 1,000 square feet of gross floor area
RECREATION, ENTERTAINMENT AND AMUSEMENT	
Commercial Recreational Facility (other than listed)	1 per 150 square feet of floor area
Courts, racquetball, handball, squash and tennis (when operated as an independent use.)	4 per each court, or 1 per 2 spectator seats, whichever is greater
Amusement Indoor Establishments	1 per 100 square feet of floor area
Auditorium, Fairgrounds, Stadiums and Grandstands	1 per every 4 seats
Athletic Field	15 spaces for every diamond; 20 spaces for every soccer or athletic field, or 1 space for every 4 seats, whichever is greater
INDUSTRIAL USES	
Industrial Establishments (other than listed)	1 per 1,000 square feet of floor area
Warehousing	1 per 1,000 square feet of floor area to a maximum of 5 spaces for establishments up to 25,000 square feet, 5 spaces plus 1 for each additional 5,000 square feet above 25,000 square feet of floor area
Manufacturing or Establishments Engaged in Production, Processing, Packing and Crating, Cleaning, Servicing, or Repair of Materials, Goods or Products	1 per 600 square feet of floor area up to 25,000 square feet of floor area; and 1 per 1,000 square feet of floor area above 25,000 square feet of floor area
OTHER USES	
For uses not listed, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Planning and Zoning Administrator or his designee	

(Code 2023)

500.D. APPROVAL OF OFF-STREET PARKING FACILITIES. The design of all off-street facilities shall be subject to the approval of the city or county building official as appropriate prior to issuance of a building and/or parking lot permit, or for any certificate of occupancy where no building permit is required. Before approving any off-street parking plan, the appropriate governmental official shall find the spaces, aisles and drives provided are usable as designed and meet the requirements as set forth herein.

1. Submission of site plan: Any application for a parking lot and/or building
2. Temporary permit: Prior to issuance of a certificate of occupancy, all parking and stacking spaces, aisles and drives shall be properly constructed and surfaced; except that the appropriate city or county building official may issue a temporary certificate of occupancy in those instances where the building official finds that the surfacing cannot reasonably be completed due to adverse weather conditions or settling of land on the site after demolition or filling. A temporary certificate of occupancy shall be effective only to a date specified.
3. Enforcement: If the applicant fails to construct the parking facility in conformity with the requirements of this article or other prescribed requirements, the appropriate governing body may order the removal or replacement of the nonconforming parking facility or portion thereof. The cost of removal or replacement and any necessary reconstruction shall be levied as a special assessment against the property.
4. Public right-of-way shall not be utilized for internal traffic circulation or stacking for drive-up window facilities and similar such car-service features.

All facilities proposing “drive-in” and/or “carry-out” service features shall be reviewed and considered by the Planning and Zoning Administrator, Public Works Director or designee in respect to ingress/egress to public right-of-way; the impact upon street side parking; adequacy of on-site vehicle storage, parking and traffic patterns; and pedestrian safety. The Planning and Zoning Administrator, Public Works Director, shall not approve the proposal if the public safety and welfare are negatively impacted.

SECTION 501. LANDSCAPING

501.A. PURPOSE. The purpose of this article is to enhance the attractiveness of the community through the establishment of landscape requirements. The standards herein established shall apply to all new development and certain levels of redevelopment, renovations and/or additions within the corporate boundaries of the City of Haysville, except single-family residences and duplexes.
Properly established and maintained, landscaping can improve the livability of neighborhoods, enhance the appearance of commercial areas, increase property values, improve relationships between non-compatible uses, screen undesirable views, soften the effects of structural features, and contribute to a positive overall image of the community.

501.B. DEFINITIONS. For the purpose of this article, certain terms or words used herein shall be interpreted as follows:

1. Average lot depth. The horizontal distance between the front and rear lot lines measured along the median between the side lot lines. For multiple frontage lots, the average lot depth measured from each street shall be divided by the total number of streets to obtain one average depth for the lot.
2. Berm. An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.
3. Conifer tree. An evergreen tree, usually of the pine, spruce or juniper genus, bearing cones and generally used for its screening qualities. For purposes of these regulations, a conifer shall be considered a shade tree if it is at least five (5) feet tall when planted AND is one (1) of the evergreen trees listed in the Kansas Urban Forestry Council's publication titled Preferred Tree Species for South Central Kansas AND will obtain a mature height of twenty (20) feet or greater.
4. Deciduous. Trees and shrubs that shed their leaves annually.
5. Evergreen. Trees and shrubs that do not shed their leaves annually.
6. Groundcover. Living landscape materials or low-growing plants, other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface, and which upon maturity normally reach the average maximum height of not greater than twenty-four 24 inches.
7. Landscape materials. Living plants, such as trees, shrubs, vines, groundcover, flowers and grasses. It may include such nonliving features as bark, wood chips, rock, brick, stone or similar materials (monolithic paving not included) and structural and/or decorative features such as fountains, pools, gazebos, walls, fences, benches, light fixtures, sculpture pieces, and earthen berms, terraces and mounds.
8. Landscaping. The product of careful planning and installation using any combination of landscape materials subject to the limitations set out in this article which results in the softening of building lines, the modification of environmental extremes, the definition of separate functional spaces and the presentation of a pleasing visual effect on the premises.
9. Mulch. Non-living organic, inorganic or synthetic materials customarily used in landscape design and maintenance to retard soil erosion, retain moisture, insulate soil against temperature extremes, suppress weeds, deter soil compaction, and provide visual interest.

10. Ornamental tree. A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet. Trees listed in the Kansas Urban Forestry Council's publication titled Preferred Tree Species for South Central Kansas as small deciduous trees and medium deciduous trees will be classified as ornamental trees for purposes of administering this article.
11. Parking lot. An area not within a building or other structure where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. This definition shall include vehicle queuing or holding areas such as at car washes, drive-up windows, gasoline pumps, etc., but shall not include vehicle storage and display areas for new and used vehicle sales lots or parking for one-family and two-family dwellings.
12. Shade tree. Usually a deciduous tree-rarely an evergreen-planted primarily for its high crown of foliage or overhead canopy. Trees listed in the Kansas Urban Forestry Council's publication titled Preferred Tree Species for South Central Kansas as large deciduous trees and very large deciduous trees will be classified as shade trees for purposes of administering this article.
13. Shrub. A deciduous or evergreen woody plant smaller than a tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, which attains a height of twenty-four (24) inches or more.
14. Site specific. As used in this article, 'site specific' shall mean that the plant material chosen to be used on a site is particularly well suited to withstand the physical growing conditions which are normal for that location.
15. Street frontage. The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
16. Street wall. Any building wall facing a street.
17. Street wall line. A line that extends from the building parallel to the street wall until it intersects a side or rear lot line or a wall line of another building.
18. 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.
19. 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 road right away, and a third side across the lot which connects the ends of the two sides. In all residential 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. (Code 2023)



20. Xeriscape. Water conservation through creative landscaping which applies the following seven principles:
    a. Plan and design carefully.
    b. Improve the soil water holding capacity through use of soil amendments.
    c. Use efficient irrigation methods and equipment.
    d. Select site-specific, hardy plant materials, and then group all plants according to their sun and moisture needs.
    e. Use turf grass appropriately in locations where it provides functional benefits.
    f. Mulch.
    g. Give appropriate and timely maintenance.
21. Zoning lot. A parcel of land that is designated by its owner or developer at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:
    a. A single lot of record; or
    b. A portion of a lot of record; or
    c. A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

501.C. SUBMISSION AND REVIEW OF LANDSCAPE PLANS.

1. Landscape plans shall be submitted when the applicant applies for a building permit and shall show the location of all landscape materials and shall be drawn to scale with the scale and north arrow indicated as well as names of all adjacent streets, the lot dimensions, the location of all utility and drainage easements, zoning of adjacent properties, and the legal description of the zoning lot. The plans shall contain a listing of the proposed plant materials indicating their numbers, names (both botanical and common) and sizes at the time of planting. The plans shall also state how water is to be provided to plant materials. Copies of the plans shall be submitted to the Planning and Zoning Administrator, Public Works Director, or his or her designee, in the quantity required by current policy. The number of parking spaces within each parking lot shall be shown. Calculations of the amount of required landscaped street yard and number of parking lot trees, as well as the amount and number actually provided, shall be included as part of the landscape plan.

2. Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application. (Code 2023)
3. An approved plan must be on file prior to the applicant receiving their framing inspection.

501.D. REQUIRED LANDSCAPED STREET YARD.

1. The minimum amount of landscaped street yard for non-residential districts or uses which are adjacent to at-grade expressway or freeway frontage roads, arterial or collector streets, or which are adjacent to local streets when across from residential districts, except as provided for in subsections 501.D.l.h below, shall be as follows:
   a. On a zoning lot with an average lot depth of 175 feet or less - eight (8) square feet of landscaped street yard per lineal foot of street frontage.
   b. On a zoning lot with an average lot depth of 175.01 feet to 275 feet - ten (10) square feet of landscaped street yard per lineal foot of street frontage.
   c. On a zoning lot with an average lot depth of 275.01 to 375 feet - fifteen (15) square feet of landscaped street yard per lineal foot of street frontage.
   d. On a zoning lot with an average lot depth of more than 375 feet - twenty (20) square feet of landscaped street yard per lineal foot of street frontage.
   e. The square footage per lineal foot of street frontage may be reduced twenty percent (20%) if the minimum planting size of materials specified in subsections (3)(c) and (3)(d) of this section is increased by one hundred percent (100%) or more.
   f. Plant, installation and maintenance techniques meeting the principles of Xeriscape shall be utilized for landscaping required by these regulations.
   g. On a zoning lot with frontage on two or more streets, each of which requires a landscaped street yard, the landscaped area requirement shall be based on the sum of the street frontages, less the greatest perpendicular distance between the property line abutting a street and the street wall line, multiplied by the factor based on average lot depth as defined above. On multiple-frontage lots where the use of the average lot depth, as defined in section 501.B, would require more landscaped street yard than would be required if each frontage were calculated individually, the lesser of the calculations may be used. Although the required amount of landscaped street yard does not have to be equally distributed to the various street frontages, there shall be no less than twenty percent (20%) of the total required landscaping within any street yard.
   h. On collector streets with industrial zoning on both sides of the street, the requirement for a landscaped street yard shall be automatically waived.
   i. When located in a residential district or adjacent to a residential district, vehicle parking shall not be located within the required from yard setback and such front yard shall remain unpaved and shall be landscaped.
2. Minimum number of trees within street yards: A minimum of one (1) shade tree shall be required per five-hundred (500) sq. ft. of area. Two (2) ornamental trees are equivalent to one (1) shade tree, or ten (10) shrubs are equivalent to one (1) shade tree, or five (5) shrubs are equivalent to one (1) ornamental tree.
3. Design standards for landscaped street yards and required trees:

a. Height. Trees shall be chosen that will not meet a maturity height the same height or taller as any high-lines in the street yard.

b. Spacing. Street trees may not be planted closer together than the following:

4. Small Trees -15 feet;

a. ii. Medium Trees - 25 feet;

b. Large Trees - 35 feet; and

c. Very Large Trees - 40 feet

d. Exceptions may be granted by the planning commission.

e. Curbs and Sidewalks. Small and medium street trees may be planted in the tree lawn where there is six (6) feet to (10) feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than three (3) feet from a sidewalk or, in the event a sidewalk does not exist, street trees shall be planted no closer than three (3) feet from the edge of the street. Exceptions may be granted by the planning commission.

f. Street Corners and Fire Hydrants. No street tree shall be planted within twenty (20) feet of any street corner along an arterial street or within fifteen (15) feet of any street corner along the adjoining collector street. Distance will be measured from the point of nearest intersecting curb lines. No street tree shall be planted within ten (10) feet of any fire hydrant.

g. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5-inch caliper measured six (6) inches above the ground; conifer trees --- five (5) feet.

h. Shrubbery may be substituted for up to one-third (1/3) of the required trees at the rate of ten (10) shrubs for one (1) required shade tree. Substitute shrubbery shall be of a site-specific type that attains a mature height of at least two (2) feet and shall be no less than two- (2) gallon container size at the time of planting.

i. Shrubbery, walls and fences which are twenty-five percent (25%) or more opaque in design shall be constructed no higher than three (3) feet above the finished grade in a required landscaped street yard when located within a site triangle, toward the shrubbery, wall or fence from any vehicular access point along the street right-of-way line and a line extending six (6) feet away from and perpendicular to the street right-of-way line from the same access point. Shrubbery, walls or fences located near the intersection of streets shall maintain sight visibility clearance as specified in the City Code. All opaque fences shall be located toward the private property side of required landscaped street yards along street right-of-way to maintain a landscaped appearance along the street.

j. The intent of the landscaped street yard is to visually soften the mass of buildings and parking lots and to separate building areas from parking areas through the use of plantings. Paved plazas may be credited to a maximum of fifty percent (50%) of required street yard landscaping area if such plazas have trees and/or shrubbery which provide(s) visual relief to those building elevations forming the major public views of the project. Paved walkways and bike paths connecting public sidewalks to buildings located on private property within a landscaped street yard may also be credited to a maximum of fifty percent (50%) of the required landscaped street yard.

501.E. REQUIRED BUFFERS.

1. Buffers Between Non-Residential and Residential Development:

   a. Where Required - Such a buffer is required along the common property line of any non-residential project in any zoning district where such project is adjacent to a residential district.

   b. Design Standards - There shall be a minimum of one (1) shade tree or two (2) ornamental trees for every forty (40) feet or fraction thereof of lot line abutting the residential district. The trees may be irregularly spaced but shall be within fifteen (15) feet of the property line common to the residential district. If utility and/or drainage easements occupy this fifteen (15)-foot perimeter area, the trees may be located outside the easements. Each tree shall be in a planting area having a minimum permeable ground surface of twenty-five (25) square feet. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5 -inch measured at a height of six (6) inches above the ground; conifer trees --- 5 feet in height. These trees shall be in addition to any screening required by City Code.

2. Buffers Between Adjacent Multi-Family Residential and Single- Family/Two-Family Residential Projects:

   a. Where Required - Such a buffer is required along the common property line of any multi-family project (a project with three or more dwelling units in one building) in any zoning district where such a project is adjacent to a one-family or two-family zoning district.

   b. Design Standards - There shall be a minimum of one (1) shade tree or two (2) ornamental trees and five (5) shrubs for every fifty (50) feet of the length of the buffer. A minimum of one-third (1/3) of the trees and shrubs shall be evergreen. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5-inch measured at a height of six (6) inches above the ground; conifer trees --- 5 feet in height. The minimum size of shrubs shall be two (2) gallon containers. The trees may be irregularly spaced but shall be within fifteen (15) feet of the property line common to the single-family/two-family residential projects. Parking shall be screened from adjacent residential areas in accordance with the parking lot screening requirements listed below. Required screening may be located within the buffer area. Parking may not be located within the buffer area.

501.F. PARKING LOT SCREENING AND LANDSCAPING.

1. Required Screening: All new parking lots or additions to parking lots shall be continuously screened from view from adjacent residential districts and certain types of streets when within one-hundred fifty (150) feet thereof (measured from the property line adjacent to the street), except at points of vehicular and/or pedestrian ingress and egress, to a minimum height of three (3) feet above the parking surface by the use of berms and/or plantings, with the following exemptions: 1) open parking lots in one-family and two-family residential projects in any zoning district and 2) open parking lots in industrial districts located on collector streets with industrial zoning on both sides of the street. Walls and fences may be used in combination with berms and plantings but may not be used as the sole means of screening a parking lot. This requirement shall apply to all at-grade expressway, freeway, arterial and collector street frontages and to all local streets when parking is across from residential zoning districts. On corner lots where parking is within one-hundred (150) feet of two (2) or more

streets but not all the street frontages require parking lot screening (due either to type of street or zoning district across the street), the parking lot screening shall wrap around the corner of the lot from the frontage which does require screening for a distance of not less than one hundred (100) feet.

a. Walls or fences used in combination with berms and/or plantings shall avoid a blank and monotonous appearance by such measures as architectural articulation and placement of vines, shrubs and/or trees.

b. All screening and landscape elements may be located within and be substituted for required landscape buffers and street yards, provided sight clearances are maintained as specified in section Appendix D.3.g above and provided further that the minimum number of trees otherwise required in the yard or buffer are established in the street yard. Shrubs used in meeting screening requirements shall not be substituted for required trees.

c. Where walls and fences are to be combined with vines and shrubs to create the screening effect, they should be located in a planting strip with a minimum width of no less than three (3) feet from the edge of any adjacent sidewalk. Landscape materials shall be located on the public right-of-way side of the wall or fence.

d. Where shrubs, trees and other landscape materials are used exclusively to create the screening effect, they should be located in a planting strip with a minimum width of no less than five (5) feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.

e. Where berms are to be combined with trees, shrubs, walls or fences to create the screening effect, they should be located in a planting strip with a minimum width of no less than ten (10) feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.

f. Planting strips associated with parking lot screening may be located in whole or in part on public street right-of-way on the basis of an approved landscape plan, provided adequate public right-of-way exists, there is no less than fourteen (14) feet of right-of-way between the property line and the curb, no conflict exists with public utilities, and the location of berms, walks, irrigation fixtures and other permanent landscape features is subject to a minor street privilege granted through the office of the Public Works Director.

g. The minimum size at the time of installation of plant materials used for parking lot screening shall be as follows: shade trees - 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees - 1.5 -inch caliper measured six (6) inches above the ground; conifer trees - 5 feet in height; shrubs -18-inch height. Shrubs used for parking lot screening shall be expected to obtain a height of at least thirty-six (36) inches within the third year after planting. Spacing between shrubs will depend upon the type of shrub but shall be close enough to achieve a visual screen when the plants reach maturity.

h. Evergreen and/or deciduous plant materials may be used, provided a solid screening effect is maintained on at least two-thirds (2/3) of the treated frontage during all seasons of the year.

i. All screening materials and landscape features shall be protected from vehicular damage or encroachment by appropriately located curbs or wheel stops.

2. Required Landscaping: All new parking lots or additions to parking lots which create twenty (20) or more spaces and which are required to provide screening in accordance with this section of the code shall also be required to provide at least one (1) shade tree or two (2) ornamental trees for each twenty (20) parking spaces or fraction thereof over twenty (20). Vehicle queuing and holding areas shall not be counted when determining the number of spaces in a lot. Up to one-half (1/2) of all trees required by the landscaped street yard calculations may be used to satisfy these parking lot landscaping requirements. The trees shall be located within and around the parking lot to enhance the appearance of the lot and to reduce the deleterious effect of large expanses of paved areas. In parking lots containing fifty (SO) spaces or more with two (2) or more drive aisles and three (3) or more parking bays, all of which are contiguous, at least one-half (1/2) of the required trees shall be planted in interior planting islands with each tree having a minimum permeable ground surface area of twenty-five (25) square feet. Trees shall be protected from possible damage caused by vehicle bumpers by the use of bumper blocks, raised curbs or other protective means. The minimum acceptable tree size at the time of installation shall be a 2 inch caliper for a shade tree and a 1.5 -inch caliper for an ornamental tree, both measured at a height of six 6 inches above the ground.

501.G. PERCENTAGE IN LIVING MATERIALS. Unless otherwise specified, required landscape area shall consist of a minimum of fifty-five percent (55%) in ground surface covering by living grass or other plant materials. The foliage crown of trees that may extend over monolithic paved surfaces beyond the required landscaped area or over non-living surfaces within the required landscaped area shall not be used in the fifty-five percent (55%) or other required percentage calculation. The remaining forty-five percent (45%) of the required landscape area may be covered with bark, wood chips, rock, bricks, stone, or similar materials (monolithic paving not included). An effective weed barrier shall be required in non-living landscaped areas. The use of non-living materials in required landscape areas for other than mulching around trees, shrubs and planting beds shall be on the basis of a landscape plan.

501.H. SCREENING OF MECHANICAL EQUIPMENT, LOADING DOCKS AND TRASH RECEPTACLES. Screening shall be provided to reasonably hide from ground level view all ground level heating, air conditioning and other mechanical equipment, loading docks, trash receptacles or similar uses from adjoining street rights-of-way or from adjoining properties which are zoned a residential district or used for residential purposes. Such screening shall be on the basis of a landscape plan.

501.I. OTHER LANDSCAPE REGULATIONS.

1. Landscaping shall not conflict with the traffic visibility requirements.
2. The use of artificial trees, shrubs, vines, turf, or other plants as an outside landscape material is prohibited.
3. The planting of Ulmus pumila (Siberian elm} in required landscape areas will not be allowed.
4. The planting of female or cotton-bearing cottonwood trees will not be allowed in any required landscaped area.
5. Clumped or multi-trunked trees, where used, instead of single-trunk trees, shall be credited as only one (1) of the required trees.
6. Landscaping shall not interfere with the general function, safety or accessibility of any gas, electric, water, sewer, telephone, or other utility easement. Landscaping shall be limited to an

eight-inch (8”} mature height within three (3) feet of a fire hydrant, traffic sign, traffic signal or utility structure.

7. The existing indigenous vegetation on a site is encouraged to be retained in a development project and may be credited toward required landscaping, provided this vegetation is adequately protected during construction to insure long-term survival.
8. Where a calculation of a requirement results in a fractional number (such as 14.2 required trees), the requirement shall be considered the next greatest whole number (such as 15 required trees).
9. Landscaping in the right-of-way of a State Highway shall be approved by the District Engineer, where applicable.
10. Prior to excavation for screening or landscape purposes within public right-of-way or easements, the location of all underground utilities shall be determined by calling the Kansas One-Call System and the Haysville Public Works Department.
11. Berms, irrigation systems, street furniture, entry monuments, fountains, statuary or similar landscape features may be located within public street right-of-way, provided adequate right-of-way exists and a minor street privilege is received from the office of the Public Works Director.
12. Walls and/or fences incorporated in any proposed landscape plan must comply with the City Code.
13. No more than seventy-five percent (75%) of the required landscape areas shall be covered by turf grasses unless the grass is buffalo grass.
14. Plants shall be high-quality nursery-grown stock, which meets the American Association of Nurserymen standards as specified by the American National Standards Institute in ANSI ZG0.1-1986 or as may be amended in the future.

501.J. MAINTENANCE.

1. The landowner is responsible for the maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.
2. Maintenance shall include mowing, trimming, weeding, cultivation, mulching, tightening and repairing of guys and stakes, resetting plants to proper grades and upright position, restoration of planting saucer, fertilizing, pruning, disease and insect control and other necessary operations.
3. All landscaped areas shall be provided with a readily available permanent water supply; provided, however, that landscaped areas utilizing drought-tolerant plants may use a temporary above-ground system and shall be required to provide irrigation for the first two (2) growing seasons only. Irrigation shall not be required for established trees and natural areas that remain undisturbed by development activities. Irrigation systems shall be designed and operated in a manner to avoid placing water on impervious surfaces and public streets. Long, narrow landscaped areas are difficult to irrigate efficiently, therefore landscaped areas less than five (5) feet in any dimension shall not be irrigated with overhead spray sprinklers. Drip irrigation is acceptable.

4. Disturbed soil between trees and shrubs in the planting beds shall be mulched, planted or otherwise treated to prevent wind and water erosion.
5. Plants which die shall be replaced within sixty (60) days or, if weather prohibits replanting within that time, then replanting shall occur within the first thirty (30) days of the next planting season.

501.K. EXCEPTIONS AND MODIFICATIONS. The provisions of this article may be modified and/or trade-offs permitted with respect to dimension or location within a property boundary. Permitted forms of modification and exception are identified as follows:

1. For purpose of application of this chapter, no buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen, nor allowed to be used in a trade-off or modification of a standard.
2. The change in use, or redevelopment of a site utilizing all or parts of an existing building shall not be required to meet the landscaping requirements of this chapter, except as follows:
    a. When the value of the new addition, renovation or redevelopment exceeds fifty percent (50%) of the value of the existing development, as determined by the County Appraiser's office; or
    b. When there is more than a thirty percent (30%) increase of the gross floor area on the site. New parking lots and additions to parking lots which are required to provide landscaping and/or screening in accordance with Section 501 F shall do so even if there is no increase in gross floor area or value.
3. Lots or tracts of land abutting the right-of-way of a railroad zoned for residential use and held by title separate from all abutting lands shall not be required to provide landscaped buffers along the common property line.
4. In those instances where a development site abuts a public park or other permanent public open space and where at least one-hundred sixty (160) feet of undisturbed natural foliage exists along the common lot line, a landscaped buffer requirement along the common property line is not required; provided, however, loading docks, trash containers, and storage areas on the development site along the common line shall be screened as provided by the City Code.
5. For purposes of this section, the City Inspector, in concurrence with the Planning and Zoning Administrator or his/her designated representative, shall have the authority to interpret the language and specifics of application of the exceptions as outlined in this section. Appeals of the decisions of the City Inspector and the Planning and Zoning Administrator shall be filed with the Planning Commission. In the opinion of the City Inspector and the Planning and Zoning Administrator, where there exist extraordinary conditions of topography, existing vegetation, land ownership, site boundaries and dimensions, adjacent development characteristics or other circumstances not provided for in this section, the City Inspector and the Planning and Zoning Administrator may modify or vary the strict provisions of this section in such a manner and to such an extent as is deemed appropriate to the public interest, provided that the purposes and intent of this article are maintained through such modification or variance.
6. No property owner obtaining a permit for a project involving a new building or building addition shall be required to expend more than ten percent (10%) of the total construction cost for materials and installation costs associated with landscaping and parking lot screening required by this article. Fifty percent (50%) of the total expended on landscaping shall be

dedicated to living materials. In order to qualify for this exception, the property owner must submit a bona fide bid from a licensed contractor for the total project cost, and a bona fide bid from a licensed contractor or nursery man for materials and installation costs for an approved landscape plan. The bid for landscaping must distinguish those items which are required by the article from any other items which are not required. If the total cost of required landscaping items exceeds the applicable percentage as specified above, then the property owner may select items, with approval of the Planning and Zoning Administrator, or his or her designee, to delete from the approved plan, and submit the list of items to be deleted as an addendum to the approved plan.

7. The preservation and protection from construction damage of each existing tree of six (6) or more inches in trunk diameter (measured six (6) inches above the ground) within a street yard, parking lot or perimeter buffer area of a site, shall be counted as two (2) trees for the purposes of meeting the required number of trees.

501.L. WATER CONSERVATION MEASURES. When meeting the landscape requirements outlined in this article, property owners are encouraged to use water in the most efficient way possible. A number of principles for effective water usage are found in the accepted approach to landscaping called Xeriscape. The term Xeriscape is derived from a Greek word meaning 'dry'. The desired effect of a Xeriscape, however, is to provide an attractive and even lush-appearing landscape with a minimum amount of water usage. This is accomplished through the application of the seven (7) basic principles of Xeriscape. Information concerning the principles of Xeriscape is available from Botanica, the Haysville Public Works Department, the Haysville Municipal Building and the Haysville Park Board. Property owners are encouraged to take advantage of the water-saving practices set out in the principles of Xeriscape. Regardless of the extent to which the principles of Xeriscape are applied, automatic irrigation systems installed in association with the landscaping requirements of this article, shall be equipped with moisture-sensing devices or automatic rain shut-off devices that forestall scheduled watering cycles when moisture adequate to sustain healthy plant life is present.

501.M. ENFORCEMENT/ASSURANCES FOR INSTALLATION AND COMPLETION. Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, except when a certificate of occupancy is obtained by providing acceptable assurance to the city guaranteeing the completion of such landscaping, all work as indicated on a landscaping plan shall be inspected and approved by the city inspector, or his or her designee. At the time of inspection, the landowner shall possess a copy of the approved landscaping plan for use by the City Inspector, or his or her designee. At the time of inspection, the City Inspector, or his or her designee, shall check the quantities and locations of landscape materials. At the time of such inspection, the landowner shall warrant that the completed landscaping complies with the requirements of this article. Such warranty shall include the quantities, locations, species and sizes of plants and other landscape materials used for compliance. In the event that an inspection is not conducted by the city inspector, or his or her designee, prior to the issuance of a certificate of occupancy because acceptable assurance has been provided to the city guaranteeing the completion of such landscaping, such inspection shall be done by the City Inspector, or his or her designee, subsequent to the installation of such landscaping but prior to the release or expiration of the acceptable assurance. A landowner may obtain a final certificate of occupancy for a structure prior to the completion of required landscaping work if the completion is not possible, due to seasonal or weather conditions, and if the landowner submits the necessary assurances to the city inspector, or his or her designee, for the completion of the landscaping. The acceptable assurance guaranteeing the completion of the landscaping (such as an irrevocable letter of credit, certified check, or other

acceptable assurance) shall be equal to one hundred twenty-five percent (125%) of the cost of the landscaping work and shall be accompanied by a written assurance that such landscaping will be completed to the satisfaction of the city inspector, or his or her designee.

SECTION 502. HOME OCCUPATIONS

Home occupations shall consist of the following:

502.A. AUTHORIZATION. Home occupations shall be approved by the planning commission unless otherwise specified in this section.

502.B. DEFINITION. A business, profession, occupation or trade conducted for gain entirely within a residential building or, when permitted by subsection (C) of this section, within a structure that is accessory to a residential building.

502.C. USE LIMITATIONS. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings.
    a. No alteration of the principal building or premises shall be made which changes the character or appearance.
    b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
    c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands or odors.
    d. There shall be no outside storage of equipment or materials used in the home occupation in the front setback. There shall be no overnight parking of vehicles rated over one (1) ton in the front setback.
    e. No more than two (2) persons shall be engaged in such home occupation other than a person occupying such dwelling unit as his or her residence.
    f. The home occupation shall be conducted entirely within an enclosed structure.
    g. Signs shall be permitted in accordance to Article 2, Appendix Haysville Municipal Code
    h. This in no way is to be construed to override any restrictive covenants of record.
    i. No more than two (2) vehicles used to advertise or operate the business shall be parked in the front setback at the home occupation at one time.

502.D. HOME OCCUPATIONS PERMITTED. Home occupations include the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections (B) and (C) of this section:

1. Artists, authors or composers, dancers, music teachers, aerobics, martial arts, and other similar artists, including instruction thereof, provided that instruction shall be limited to not more than five pupils at a time.
2. Home crafts, such as model making, rug weaving, etc.
3. Ministers, rabbis, priests for counseling purposes only.
4. Office facilities for sales persons, sales representatives, manufacturer’s representatives, when no retailing or wholesaling is made or transacted on the premises.

5. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
6. Office facilities for service type business such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
7. Personal services such as dressmakers, seamstresses, tailors, barbershops, beauty shops.
8. Gunsmithing and gun sales as a hobby, if no more than 36 guns are sold per year. Ammunition or ammunition components for sale must be stored in a lockable, fireproof container that meets UL approval.
9. Child Care as governed by state law.
10. Massage Therapy

502.E. PARTICULAR HOME OCCUPATIONS PROHIBITED. Permitted home occupations shall not in any event, be deemed to include:

1. Animal hospitals.
2. Auto and/or other vehicle repair.
3. Funeral homes.
4. Kennels and/or stables, unless specifically permitted by the district regulations.
5. Medical and/or dental clinics or hospitals.
6. Renting of trailers, cars or other equipment.
7. Restaurants.
8. Occupations listed in any less restrictive zone or district.

SECTION 503. RESERVED

SECTION 504. RESIDENTIAL DESIGN-MANUFACTURED HOMES ARCHITECTURAL AND AESTHETIC STANDARDS

On and after January 1, 1992, residential-design manufactured homes, as defined in these regulations, shall be permitted subject to the following architectural and aesthetic standards:

504.A. The roof must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, or asphalt composition shingles, but excluding corrugated aluminum, corrugated fiberglass, or corrugated metal roof.

504.B. Exterior siding shall be of a material customarily used on site-built dwellings, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with the local building code.

504.C. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in “Guidelines for Manufactured Housing Installations” currently in effect at the time of installation. A continuous, permanent masonry foundation on top of the footing or masonry curtain wall, unpierced except for required ventilation and access which may include basements and garages, shall be installed under the perimeter of the home, also in accordance with the ICBO “Guidelines for Manufactured Housing Installations” currently in effect at the time of installation.

504.D. The required door must have a minimum of three (3) feet by three (3) feet landing which is constructed to meet the requirements of the local building code.

504.E. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.

504.F. Any addition or attached garage to a residential-design manufactured home shall comply with all construction requirements of the local building code.

504.G. At the point of highest elevation of the finish grade, maximum height of the foundation/curtain wall will be a maximum of ten (10) inches and a minimum of eight (8) inches.

SECTION 505. WIRELESS COMMUNICATION FACILITIES

505.A. PURPOSE. This purpose of this article is to ensure that residents and businesses have reliable access to wireless telecommunications networks while also protecting the health, safety, welfare, and aesthetic character of the community. The City of Haysville recognizes that facilitating the development of wireless service technology can be an economic development asset to the city and a benefit to residents. This section is intended to ensure that the placement, construction, and modification of wireless telecommunications facilities complies with all applicable federal and state laws and is consistent with the City's land use policies, zoning, planning, and design standards.

505.B. APPLICABILITY. The provisions of this section apply to wireless infrastructure in the City which is not located in the public right-of-way. Wireless infrastructure in the City which is located within the public right-of-way, including Small Wireless (small cell) and Distributed Antenna System (DAS) facilities, is regulated by Chapter 13, Article 4 of the City Code.

505.C. ZONING REQUIREMENTS FOR WIRELESS INFRASTRUCTURE.

1. Any applicant wishing to construct, replace, or repair wireless infrastructure in Haysville must first apply for and obtain a zoning permit.
2. Zoning permits are not required for:
    a. Routine maintenance of elements of existing wireless infrastructure.
    b. Antennas or other equipment erected temporarily on an existing wireless facility, for test purposes or for emergency communication, which are removed within 72 hours following installation.
3. Zoning small wireless or DAS facilities.
    a. Zoning permits are not required for installation or operation of a small wireless or DAS facility which is located entirely inside a structure, or entirely on the site of a campus, stadium or athletic facility.
    b. In residential zoning districts, small wireless or DAS facilities which are not located in a public right-of-way, or entirely inside a structure, or entirely on the site of a campus, stadium or athletic facility, are allowed as a conditional use.
    c. In commercial or industrial zoning districts, small wireless or DAS facilities which comply with the district's maximum height restriction are a permitted use.
        (1) A small wireless or DAS facility which does not comply with the district's maximum height restriction may be allowed as a special use.
4. Wireless facility antennas on existing structures. In all commercial or industrial zoning districts, wireless facility antennas which are installed on an existing tower or base station, meet applicable performance standards, and comply with the district's maximum height restriction are a permitted use.
5. An antenna which does not comply with the district's maximum height restriction may be allowed as a special use.

6. Other wireless facilities. In the g zoning district, wireless facility structures, other than small wireless or DAS facilities or antennas mounted on an existing tower or base station, are a permitted use.
    a. Wireless facility structures which do not comply with the district's maximum height restriction may be allowed as a special use.

505.D. APPLICATION PROCEDURES.

1. Shot clocks are time limits established by the FCC, within which a state or local government is required to process an application to deploy a wireless infrastructure facility.
    a. Shot clock start. A shot clock begins running (tolling) on the day the application is submitted.
        i. Exception: if an application is submitted on a holiday, the shot clock starts running on the next business day.
    b. Applicability.
        i. Shot clocks apply to all authorizations necessary for the deployment of personal wireless service, including:
            1. License or franchise agreements to access public rights-of-way.
            2. Required pre-application procedures, public notices, and meetings.
            3. Site plan review and approval procedures.
            4. Building permits, electric permits, and road closure permits.
        ii. Shot clocks apply to applications submitted in batches.
            1. Section 332 of the communications act prohibits localities from refusing to accept batched applications. (see 47 u.s.c. § 332).
    c. Shot clocks as determined by the 2018 FCC declaratory ruling and third report and order FCC 18-133.
        i. For small wireless facilities:
            1. To review a small wireless facility application for completeness, and notify the applicant of missing information in order to reset the shot clock - 10 calendar days [47 c.f.r. §1.6003(d)(l)].
            2. To act on an application to collocate a small wireless facility on an existing structure (does not have to be a telecommunications structure) 60 calendar days [47 c.f.r. §1.6003(c)(l)(i)].
            3. To act on an application for a small wireless facility using a new structure - 90 calendar days (47 c.f.r. § 1.6003(c)(l)(iii)].
        ii. For other wireless facilities:
            1. To review any wireless facility application for completeness, and toll the shot clock if the applicant is notified in writing the application is not acceptable - 30 calendar days (47 c.f.r. §1.6003(d)(2){iii)].

2. To review a resubmission and notify the applicant of any missing information - 10 calendar days (47 c.f.r. § 1.6003(d){3)(iii)].
3. To act on a request for a non-substantial modification, including modifications to macro towers - 60 calendar days (47 u.s.c. §1455].
4. To act on an application to collocate a facility other than a small wireless facility using an existing structure - 90 calendar days (47 c.f.r. §1.6003(c)(1){ii)].
5. To act on an application for a facility other than a small wireless facility using a new structure - 150 calendar days (47 c.f.r. §1.6003(c)(1)(iv)].

2. Approval deadlines. If the zoning administrator does not issue a final decision on a wireless facility application within the shot clock time limits specified above in section_05_, then the applicant may provide notice to the zoning administrator that the time period has lapsed, and the application is then deemed to be approved. (see K.S.A. 66-2019.)
3. Incomplete applications. If the application is materially incomplete, the zoning administrator must notify the applicant that more documents or information are required within 30 days after the application was submitted.
    a. The notification must identify the missing documents or information, and also specify the rule or regulation that requires their submission.
    b. The shot clock will restart at zero on the day the applicant provides a supplemental application containing the required information.
        i. If the supplemental application does not provide the missing documents or information identified in the original notice, the zoning administrator must notify the applicant within 10 days after the supplemental application was submitted.
        ii. The shot clock will be paused on the day the notice of an incomplete supplemental application is provided to the applicant, and will resume on the day the applicant provides a completed supplemental application containing the required information.
4. Denial of application. If an application is denied, the zoning administrator will notify the applicant in writing of the reasons for the denial.
    a. Within 30 days of the notice, a party aggrieved by the city’s denial of an application may bring an action for review in any court of competent jurisdiction.
5. Planning Commission special use review. The Planning Commission must review a special use for any application which is not permitted by right in the underlying zoning district.
    a. Exceeding wireless facility height limitations. In all zoning districts, applicants may apply to the Planning Commission for a special use to exceed maximum height limitations established in the review criteria for all types of wireless facilities.
6. Zoning administrator approval. The zoning administrator may approve wireless facility zoning permit applications for:
    a. Modification or replacement of an existing tower or base station.

i. The zoning administrator must issue a final decision on the application within 60 calendar days after a complete application is filed.

b. New small wireless or DAS facilities on an existing tower or base station.

i. The zoning administrator must issue a final decision on the application within 60 calendar days after a complete application is filed.

c. Installation of a new antenna on an existing tower or base station, if the antenna is permitted by right in the underlying zoning district, and meets applicable performance standards.

i. The zoning administrator must issue a final decision on the application within 60 calendar days after a complete application is filed.

d. A new antenna on an existing tower or base station, which substantially changes the physical dimensions of the tower or base station, and which:

i. Has been authorized as a special use by the board of zoning appeal.

ii. Is permitted by right in the underlying zoning district.

iii. Meets applicable performance standards.

iv. The zoning administrator must issue a final decision on the application within 90 calendar days after a complete application is filed.

e. A new tower.

i. Has been authorized as a special use by the board of zoning appeals.

ii. Is permitted by right in the underlying zoning district.

iii. Meets applicable performance standards.

iv. The zoning administrator must issue a final decision on the application within 150 calendar days after a complete application is filed.

7. Notification requirements.

a. For wireless facility applications as a special use, the applicant must provide written notice of the Planning Commission's public hearing to all adjacent and abutting property owners of record within 500 feet of the property parcel for which the exception is being requested.

i. Notice must be provided at least 30 days in advance of the hearing.

ii. Notice must be provided by certified mail, return receipt requested.

b. For applications for zoning administrator approval, the applicant must provide written notice to all adjacent and abutting property owners of record within 500 feet of the property parcel that constitutes the proposed location of the wireless facility.

i. The notice must include:

1. Description of the proposed wireless facility.

2. Plan drawing showing the proposed location and the facility improvements.

3. Applicant's contact information.
4. A statement that the property owner has 20 days from the date of the notice to provide the city with any input regarding the application.

ii. Notice must be provided by certified mail, return receipt requested.

F. APPLICATION REQUIREMENTS.

1. Pre-application conference. A pre-application conference between the applicant and designated city staff is required before filing an application for modification or replacement of an existing wireless facility, or construction of a new wireless facility.
    a. The pre-application conference may be waived by the zoning administrator.
    b. The purpose of the pre-application conference is to ensure the applicant understands all requirements, to address issues that will expedite the review and approval process, and to establish a tentative timeline.
    c. The pre-application conference does not toll applicable shot-clocks under federal or state law.
2. Application contents. Unless waived by the zoning administrator, the applicant must include the following information in an application for a zoning permit for a wireless facility.
    a. Site plan.
    b. Landscape plan that demonstrates effective screening as required by section 501(0) of this code, with all materials and plant sizes specified.
    c. Elevation drawings of the proposed wireless facility. Show all towers, base stations, antennas, transmission equipment, accessory equipment, cabinets, fencing, screening, landscaping, lighting, and other improvements related to the facility, including information on specific colors and materials.
    d. Lighting plan, showing that the proposed wireless facility complies with federal aviation administration regulations.
    e. Digital before and after photo simulations of the site, demonstrating the visual impact of the proposed wireless facility on the surrounding environment.
        i. The zoning administrator may require photo simulations from any specific vantage point.
    f. Notices. A statement from the applicant affirming that required notices were sent in a timely manner.
        i. Include a list of the addresses to which notices were sent.
        ii. Include copies of certified mail return receipts.
    g. Leased property. If any part of the wireless facility site is leased, the applicant must provide a signed copy of the lease, and a signed statement from the property owner indicating the property owner's approval for the proposed wireless facility.
        i. The documentation must contain a provision stating that, if the lessee abandons the facilities or terminates the lease and fails to remove the wireless facility, the property owner will be responsible for removing the wireless facility.

h. Engineer's report. A report from a licensed engineer registered in Kansas which:

i. Describes the wireless facility's height and design, including a cross section and elevation.

ii. Describes the wireless facility's structural capacity, and its ability to safely accommodate antennas and other equipment.

iii. Includes the engineer's seal and license number.

i. An application for zoning administrator approval of antenna placement on roofs, walls, and existing wireless infrastructure must include a final site and building plan.

j. Application fee. Fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application. The fee must not exceed statutory maximums as required by K.S.A. 66-2019(c). The fee must reflect the actual costs of processing the application.

3. Consolidated application for small wireless and DAS facilities. An applicant may file a single consolidated application for a small wireless network of up to 25 individual small wireless facilities of a substantially similar design in both appearance and function. (see K.S.A. 66-2019(g).)

505.G. APPLICATION APPROVAL CRITERIA.

1. Wireless facility zoning criteria.

a. Screening. Ground mounted accessory buildings, structures and equipment, which are visible from public ways or any other nearby property, must be screened with a solid wall at least 6 feet in height.

b. Signs. No signs may be applied on or attached to any part of a wireless facility, except for associated warning or emergency information signs.

2. Wireless facility location criteria.

a. Only one wireless facility tower or base station is permitted at any one time on anyone zoning lot.

b. Setbacks. Wireless infrastructure must meet all setback requirements of the underlying zoning district.

i. No minimum setback is required for wireless facility antennas attached to utility transmission support structures, light standards, traffic signals, etc.

c. Easements. Wireless infrastructure must not unlawfully encroach on any easements.

d. Wireless infrastructure must not be located between a principal structure and a public street.

i. Exception: in industrial zoning districts only, wireless infrastructure may be located between a principal structure and a public street which is not an arterial street.

3. Wireless facility design criteria.

a. All wireless infrastructure and antennas constructed in the city, including all associated electrical components and wiring, must comply with the following requirements:

i. All applicable provisions and requirements, including the latest structural standards and wind loading requirements, of the Haysville Municipal Code.

1. Compliance must be certified by a licensed engineer registered in Kansas.

ii. Federal communications Planning Commission guidelines for wireless infrastructure.

b. Tower design. Towers must be a self-supporting design, or otherwise architecturally compatible with surrounding development.

i. Exception: a special use for a guyed tower may be approved by the governing body.

c. Tower height limitations.

i. Tower height is defined as the vertical distance from the wireless facility's point of contact with the ground or building to the highest point of the wireless facility, including all antennas or other attachments, but not including any lightning rod 10 feet or less in height.

ii. Maximum tower height by zone.

d. Antennas and accessory facilities.

i. Antennas and visible accessory facilities on rooftops must meet the requirements of section 501(0) of this code.

1. Antennas attached to a roof must be located as close to the center of the roof as possible.

ii. Antennas may be installed on any existing building or structure, excluding single-family residences and their accessory structures, provided that the antennas add no more than 20 feet to the height of the existing structure.

iii. Color. Antennas and visible accessory facilities must be colored and finished to be as visually unobtrusive as possible.

e. With the exception of public electric and communications service and connection lines, no part of any wireless facility or its associated equipment must at any time extend over a property line.

f. Facility wiring. All low energy conductors extending horizontally above the ground between a wireless facility or antenna and an accessory facility, or between wireless infrastructures, must either be buried underground, or be at least 8 feet above the ground at all points.

i. Facility wiring should not cross over, under, or through private property.

g. Utilities. With the exception of emergency power systems, all utilities at a wireless facility site must be installed underground and in compliance with applicable codes.

h. Equipment cabinets. No more than 4 equipment cabinets are permitted per wireless facility, unless otherwise approved by the Planning Commission.

i. Equipment storage. Equipment which is not used in direct support of a wireless facility must not be stored on the wireless facility site, unless the wireless facility is being repaired or an emergency exists.

j. Parking areas and drives. Parking areas and drives associated with the wireless facility must be designed to provide adequate emergency and service access.

    i. Vehicles must not be parked on the wireless facility site, unless the wireless facility is being serviced or inspected, or an emergency exists.

k. Landscaping. Wireless infrastructure must meet the requirements of section 501 of this code.

    i. Maintenance of wireless facility landscaping. The owner or provider is responsible for maintenance of all landscaping.

l. Security fence and screening. Wireless infrastructure which is not in the right-of-way, and which incorporates ground mounted equipment or accessory structures must be surrounded by a security fence and screening at least 6 feet in height, that prevents unauthorized access.

m. Lighting. Except for lighting specifically required by the federal aviation administration or other federal or state authority, wireless infrastructure must not be artificially illuminated and must not display strobe lights.

    i. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way, and the lighting avoids illuminating the tower.

    ii. When incorporated into the design of the wireless telecommunication facilities, streetlights, traffic signal, or light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the wireless facility.

    iii. Temporary lighting for nighttime repairs is permitted.

505.H. WIRELESS FACILITY INSPECTIONS.

1. Wireless facilities must meet operational standards established by the FCC, FAA, EPA and other applicable federal regulatory agencies.

    a. If standards are revised, the wireless facility must be brought into compliance within 6 months of the effective date of the revised standards.

    b. Failure to comply with federal standards constitutes grounds for removal of the facility at the owner or provider's expense.

2. All wireless facilities may be inspected by the zoning administrator or their designee, to determine compliance with original construction standards.

    a. Deviation from original construction standards constitutes a zoning violation.

    b. If the city inspection determines that the wireless facility does not comply with city building codes, and constitutes a danger to persons or property, the zoning administrator will notify the wireless facility owner or property owner in writing.

        i. The wireless facility owner or property owner must bring the wireless facility into compliance within 30 days following written notice, or the city may order

the removal of the wireless facility, or have the wireless facility removed at the owner or property owner's expense.

505. I. REMOVAL OF ABANDONED FACILITIES FOR WIRELESS COMMUNICATION. ANY WIRELESS FACILITY THAT IS NOT OPERATED FOR 12 CONTINUOUS MONTHS WILL BE CONSIDERED ABANDONED AND A NUISANCE.

1. The zoning administrator will provide written notice to the wireless facility owner or the landowner, that the wireless facility must be removed within 90 days of receipt of the notice.
2. The wireless facility owner may be allowed to demonstrate whether the wireless facility has been in operation during the time period in question. The burden of proof is on the owner.
3. If the wireless facility is not removed within 90 days, the city may have the wireless facility removed at the wireless facility owner or landowner's expense.

SECTION 506. CARGO CONTAINERS

Cargo containers are permitted only in accordance with the following provisions and standards:

1. In a residential zoning district, one cargo container used as a moving pod no larger than 160 square feet and no more than nine feet tall may be used on a temporary basis for up to 45 days within a calendar year.
2. In commercial zoning districts LC and HC cargo containers shall not be visible from a public street either by placement or opaque fence/landscape screening. Any cargo container only visible from the front of buildings on adjacent property shall be set against the primary building and color matched with the building and shall be limited to one cargo container. In addition, cargo containers shall:
    a. Not displace or interfere with required parking, circulation, or emergency access;
    b. Not be used as a base, platform, or location for business identification signs or temporary signs;
    c. Not be located in any required front or side yard setback adjoining a street right-of-way; and
    d. Be located at grade level and not stacked.
3. In industrial zoning districts (LI) and (HI) cargo containers shall not be stored on public rights-of-way, in fire access lanes, in landscaped or front setback areas or in an area visible from the property's primary street.
4. Exceptions to the requirements in subsections (a) through (b) of this section include:
    a. Cargo containers used for allowed on-site construction purposes for a period not to exceed the duration of a construction project with a valid building permit and for no more than 180 days for construction projects not requiring a building permit.

SECTION 507. BY-RIGHT HOUSING DEVELOPMENT

507.A. PURPOSE. The purpose of this section is to promote the development of housing by streamlining the approval process for certain types of housing development in certain zoning districts in accordance with K.S.A 12-757. By facilitating the construction of additional housing units, this section aims to address housing shortages and promote affordability.

507.B. DEFINITIONS. For this purposes of this section, certain terms or words used herein shall be interpreted as follows:

1. Development application. Means a building permit or subdivision plat.
2. Floor area. Means the sum of the square footage of all of the floors of a structure or building, excluding the areas of basements, attached garages or space used for off-street parking or loading, breezeways, enclosed or unenclosed porches, and accessory structures.

507.C. APPLICABILITY. By-right housing development includes single-family homes, two-family homes, townhouses, and accessory dwelling units (ADUs). All by-right housing development must be approved without discretionary review or approval from the Planning Commission, Board of Zoning Appeals, or governing body if such development:

7. Complies with the special use standards outlined in SECTION 404.E of the Zoning Regulations;
8. Is a permitted use in the requested zoning district, in accordance with TABLE 404.D of the Zoning Regulations;
9. Does not require federal or state discharge permits or stormwater drainage studies;
10. Has a maximum of 12 attached units as part of any townhouse project;
11. Complies with the condition that the construction of public infrastructure extensions or improvements:
    a. Is not required for the development;
    b. Has been completed; or
    c. Is a condition of approval of the application that has been agreed to by the applicant;
12. Will not increase impervious surface in a manner that adversely affects drainage into a special flood hazard area as defined by any adopted floodplain management ordinance, as designated by the Kansas department of agriculture's division of water resources or other office designated by the governor or by law; and
13. Is not located within a district listed on the national register of historic places or otherwise subject to historic preservation review under applicable state, federal, or local law.

507.D. DIMENSIONAL STANDARDS. The following standards, as listed in TABLE 507.D and in accordance with SECTION 405 of the Zoning Regulations, shall apply to all single-family homes, two-family homes, and townhouses with a floor area of less than 2,500 sq. ft. (excluding the area of basements and garages). When the floor area is greater than 2,500 sq. ft. (excluding the area of basements and garages), the dimensional standards of the applicable zoning district shall apply. See SECTION 407 of the Zoning Regulations for the dimensional standards for ADUs.

Table 507.D. Dimensional Standards for Single-Family, Two-Family, and Townhouses with a Floor Area less than 2,500 sq. ft. (in feet, unless otherwise noted).

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Townhouse	2,750	25	80	20	0[1]	10	10	*See district max*	600
Single-Family	3,000	30	80	20	5				
Stacked Two-Family	3,000	30	80	20	5				
Side-by-side Two-Family	3,000	35	80	20	5				

1. When a side yard setback is provided, a minimum distance of 5 feet shall be required.

507.E. DENIAL TIMELINES. A complete building permit application for a by-right housing development shall be deemed approved unless the application is denied within a certain time frame. Applications for subdivision plats shall be deemed approved if they comply with the Subdivision Regulations and all applicable subdivision statutes adopted pursuant to K.S.A. 12-752, and amendments thereto, and are not denied within a certain time frame. The time frames are as follows:

1. For building permits, applications shall be deemed approved unless denied within 30 days of submission.
2. For small plats with less than 40 lots, applications shall be deemed approved unless denied within 60 days of submission.
3. For large plats with more than 40 lots, applications shall be deemed approved unless denied within 90 days of submission.

507.F. APPEAL OF A DENIED APPLICATION. When denied by the Zoning Administrator, an appeal of a denied by-right development application shall adhere to the provisions of SECTION 1007 of the Zoning Regulations. When denied by any other party, an appeal shall adhere to the provisions of K.S.A. 12-760, and amendments thereto.

AMENDMENT HISTORY

February 23, 1955; Ord 34. Original adoption of the Zoning Regulations, establishing commercial and industrial zoning districts. Repealed by Ord 65.

August 18, 1956; Ord 65. Adopting new Zoning Regulations, establishing residential zoning districts, and repealing Ord 34. Repealed by Ord 92.

February 24, 1958; Ord 92. Adopting new Zoning Regulations and repealing Ord 65.

April 13, 1959; Ord 92A. Revoking and repealing Sections 6.3.c and 6.3.d of the Zoning Regulations.

August 6, 1962; Ord 92B. Amending the commercial and industrial zoning district regulations.

May 22, 1967; Ord 92C. Amending the "B" residential district regulations to allow intensive care facilities as a permitted use.

December 28, 1967; Ord 92D. Amending the "D" Light Commercial district regulations.

October 28, 1968; Ord 92E. Amending Section 13 of the Zoning Regulations pertaining to permits.

February 10, 1969; Ord 92F. Amending the "D" Light Commercial district regulations to require all items for sale, rent, display, storage or hire be kept within an enclosed building.

August 25, 1969; Ord 92G. Amending Section 3.6 and Section 5.F of the Zoning Regulations to reference and incorporate the mobile home regulations adopted in August 1969.

April 23, 1973; Ord 304. Amending Section 13-409.a and Section 13-409.d pertaining to the uses allowed and the off-street parking provided in the "CC" district regulations.

October 13, 1975; Ord 343. Amending Section 13-302 pertaining to appeal procedures and filing fees.

September 26, 1977; Ord 92H. Repealing Section 13-410, Section 5.F.8, and Section 3.6 of the Zoning Regulations as they pertain to mobile home regulations.

September 28, 1981; Ord 92I. Amending Section 13-424, providing additional and substitute provisions relating to filing fees.

September 28, 1981; Ord 92J, 92K, 92L, and 92M. Amending certain section of the Zoning Regulations to allow chimneys to project into front and side yard setbacks in all zoning districts.

November 10, 1981; Ord 92N. Amending Section 13-419 to adopt state statute procedures for the Planning Commission when amending the Zoning Regulations and making recommendations on zone changes.

June 12, 1989; Ord 591. Establishing a Planned Unit Development (PUD) district and adopting rules and regulations relative thereto.

July 10, 1989. Ord 592. Adopting by reference general revisions to the Zoning Regulations.

December 30, 1991; Ord 626. Adopting by reference general revisions to the Zoning Regulations.

March 23, 1992; Ord 629. Adopting by reference general revisions to the Zoning Regulations.

December 2, 1992; Ord 641. Amending Section 16-404 to include definitions for “group home”, “manufactured home subdivision”, “recreational vehicle”, “recreational vehicle campground”, “subcollector street” and amending the definition for “mobile home.”

January 25, 1992; Ord 647. Amending Section 16-413 to include a list of conditional uses in the “C” Manufactured Home Subdivision district.

March 14, 1994; Ord 665. Amending certain sections of the Zoning Regulations to allow overhangs, cornices, chimneys, awnings, basement escape window wells, and similar architectural appendages to encroach into required yards in all zoning districts.

August 28, 1995; Ord 696. Amending Section 16-406.f. Parking and Loading to require 20 feet of curb somewhere on the property and to not allow driveway approaches within 18 feet of a corner and removing Section 16-406.f.e through Section 16-406.f.i.

January 8, 1996; Ord 703. Amending the definition for a “restaurant club”, removing the definition of a “night club”, and adding definitions for “drinking establishment”, “restaurant drinking establishment”, “Class A Club”, and “Class B Club.” Amending the permitted uses in the “D” Light Commercial district to remove taverns. Amending the permitted uses in the “E” Heavy Commercial district to include drinking establishments, taverns, restaurant drinking establishments, Class A Club and Class B Club and remove night clubs. Amending Section 16-405.c to state that no more than two vehicles used to advertise or operate the business may be parked at a home occupation at one time.

October 28, 1996; Ord 715. Amending the “D” Light Commercial district to add commercial storage warehouses as a conditional use.

February 24, 1997; Ord 726. Amending certain sections of the Zoning Regulations to increase the filing and publication fees.

March 8, 1999; Ord 747. Adopting by reference general revisions to the Zoning Regulations.

August 23, 1999; Ord 755. Establishing “P-O” Protective Overlay district regulations.

August 14, 2000; Ord 777. Amending the Zoning Regulations to allow auxiliary parking area as a conditional use for all lots in a residential zoning district and adjacent to a commercially or industrially zoned lot or lots, provided that certain conditions are met.

August 14, 2000; Ord 778. Establishing “AZ” Single-Family Zero Lot Line district regulations.

January 29, 2002; Ord 809. Adopting by reference general revisions to the Zoning Regulations.

May 10, 2004; Ord 856. Amending the permit requirements.

November 8, 2004; Ord 869. Amending and repealing the home occupation regulations and the district regulations for the “AA”, “AAA”, “A”, “AB”, “BB”, “B”, “OC”, “D”, and “E” zoning districts.

August 8, 2005; Ord 890. Amending and repealing the historic preservation regulations.

October 10, 2005; Ord 893. Establishing the “HD-O” Original Town Historic Overlay district regulations.

April 10, 2006; Ord 901. Amending and restating the sign regulations.

July 10, 2006; Ord 907. Amending and restating the definitions.

September 25, 2006; Ord 911. Defining "general construction sales and service", "limited construction sales and service", "parts car", "salvage yard", "outdoor storage yard", and "general vehicle restoration"; amending the definition of "RV campground"; permitting limited construction sales and service and outdoor storage yard in the "E" Heavy Commercial zoning district; adding outdoor storage yard for salvage vehicles as a conditional use in the "E" Heavy Commercial zoning district; and permitting general construction sales and service, outdoor storage yards, and vehicle restoration in the "F" Light Industrial zoning district.

January 12, 2007; Ord 912. Adopting by reference a model floodplain management ordinance.

October 22, 2007; Ord 924. Adopting by reference the zoning regulations of the City of Haysville; establishing by reference the Historic Preservation Regulations, Sign Regulations, and Chapters 16A and 16B of the City Code; and repealing certain sections.

July, 14, 2008; Ord 931. Amending the Sign Regulations regarding the permitted gross surface area of signs in the "F" Light Industrial and "G" Heavy Industrial zoning districts.

March 9, 2009; Ord 944. Adopting wireless telecommunications facility regulations and permitting them conditionally in the "OC", "D", "E", "F", and "G" zoning districts.

June 13, 2011; Ord 974. Defining "auction house"; amending the "OC" Office Commercial and "D" Light Commercial zoning districts with additional use regulations; adding parking and loading regulations to the "E" Heavy Commercial zoning district; adding metal recycling as a permitted use in the "F" Light Industrial zoning district; and removing secondhand stores as a permitted use in the "HD-O" district.

December 12, 2011; Ord 982. Adopting by reference general revisions to the Zoning Regulations.

January 9, 2012; Ord 984. Adopting by reference general revisions to the Zoning Regulations.

August 13, 2012; Ord 992. Adopting by reference general revisions to the Zoning Regulations.

January 12, 2015; Ord 1020. Amending the "all-weather surface" definition and amending certain sections of the off-street parking regulations.

May 26, 2015; Ord 1021. Adopting by reference general revisions to the Zoning Regulations.

September 14, 2020; Ord 1073. Amending the Zoning Regulations to define "assisted living facilities" and permit them conditionally in the "A" zoning district and by-right in the "B" and "BB" zoning districts.

June 14, 2021; Ord 1079. Amending Article 9. Planning Commission and Article 10. Board of Zoning Appeals and adding new provisions.

February 13, 2023; Ord 1101. Amending and restating the Zoning Regulations.

July 10, 2023; Ord 1105. Amending and restating the definitions in Section 202; Article 4, including the use chart and the district regulations; and the appeals procedures in Section 1001.

October 10, 2023; Ord 1107. Amending and restating the Historic Preservation Regulations and moving them to Appendix C of the City Code.

October 10, 2023; Ord 1108. Amending and restating the Sign Regulations and moving them to Appendix D of the City Code.

October 10, 2023; Ord 1109. Amending and restating the Off-Street Parking Regulations and moving them to Appendix E, Section 500 of the City Code.

January 8, 2024; Ord 1113. Amending and restating the definitions and the use chart.

May 13, 2024; Ord 1121. Amending the regulations for all district in Section 303, the regulations for accessory uses and structures in Section 304, and the bulk regulations for all zoning districts.

January 13, 2025; Ord 1136. Amending and restating the Zoning Regulations.

August 10, 2026; Ord 1156. Amending and restating the Zoning Regulations.