

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

Agenda

January 22, 2026

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

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of December 11, 2025
- IV. Public Forum
- V. Old Business
- VI. New Business
 - A. One-Step Final Plat: 79TH ESTATES ADDITON; generally located approximately 600 feet west of the intersection of East 79th Street South and South Hillside Avenue (Area of Influence)
 - B. Review of a Text Amendment to the Zoning Regulations: Changes to Article 2. Interpretation, Construction and Definitions; Article 3. General Regulations; Article 4. Zoning Districts
- VII. Correspondence
 - A. PAS QuickNote on Small-Lot Subdivision Design
 - B. PAS QuickNote on Zoning for Mixed Uses
 - C. PAS QuickNote on Planning to Support Small Businesses
- VIII. Off Agenda
 - A. Next Meeting Date
- IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

December 11, 2025

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

The members present were Mark Williams, Debbie Coleman, Tim Aziere, Dan Rinke, and Jeff Blood. Also present was Planning and Zoning Administrator, Kailyn Hogan.

The first item of business was the minutes of November 13, 2025.

Hogan presented changes to page two of the minutes.

Motion by Coleman, Second by Rinke.

To approve the minutes as amended.

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

Motion carried.

There was no one to speak under public forum.

There was no old business.

Under new business a Review of the Comprehensive Plan.

Hogan presented the annual review of the Comprehensive Plan. Blood proposed grammatical changes. A public hearing will be scheduled for a later date to amend the plan.

Under new business a Review of the Master Plan Review Calendar.

Hogan presented the 2025 Master Plan Review Calendar. Aziere questioned the importance of reviewing the South Broadway Corridor Plan if all references to it have been removed from the zoning regulations.

Under new business was a Review of the Closing Calendar.

Hogan presented the 2025 Closing Calendar. There were no questions.

There was no correspondence.

Under off agenda was the next meeting date: Thursday, January 22, 2025.

Motion by Coleman, Second by Williams.

To adjourn tonight's meeting.

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

Motion carried.

The meeting adjourned at 6:07 p.m.

November 13, 2025

Haysville Planning Commission Meeting Minutes

Page 1



Haysville Planning Commission Staff Report

PLAT 2026-001

CASE SUMMARY

Project Name: 79th Estates Addition
Property Location: Generally located approximately 600 feet west of the intersection of East 79th Street South and South Hillside Avenue
Applicant: Eric Gilbert (property owner)
Surveyor: Logan Mills, P.E.
Engineer: Logan Mills, P.E.
Prepared By: Kailyn Hogan, Planning and Zoning Administrator
Meeting Date: January 22, 2026

Required Applications:

Preliminary Plat	Preliminary plat to subdivide subject site into eight large single-family lots
Final Plat	Final plat to subdivide subject site into eight large single-family lots

ANTICIPATED MEETING SCHEDULE

Body	Meeting Date	Action
Planning Commission	January 22, 2026	Review Preliminary and Final Plat. Make a recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
City Council	February 9, 2026	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission.

SITE DATA

Existing Zoning	RR Rural Residential
Proposed Zoning	RR Rural Residential
Site Area	19.130 acres
Number of Lots	8
Ward(s)	Area of Influence
Neighborhood(s)	North of RH Ford Addition, Northeast of Ervin Addition to Sedgwick County, Kansas
Future Land Use	Residential
Built Form	Agriculture

SITE DESCRIPTION AND PRESENT USE. The applicant is requesting a one-step final plat for a 19.130 acre property located approximately 600 feet west of the intersection of West 79th Street and South Hillside Avenue. The subject site is located on the edge of the City of Haysville’s Urban Area of Influence. It is currently vacant and used for agricultural purposes.

SURROUNDING PROPERTIES AND NEIGHBORHOOD.



The character of the neighborhood is agricultural with some rural residential. All properties surrounding the subject property are zoned RR Rural Residential. Most properties are used for agricultural purposes and include single-family dwellings. Properties to the east, west and south are developed with large lot single-family dwellings.

ADJACENT ZONING AND LAND USE.

NORTH:	Agriculture	RR Rural Residential
SOUTH:	Agriculture with single-family dwellings, and large lot single-family dwellings	RR Rural Residential
EAST:	Large lot single-family dwelling and agriculture with single-family dwelling	RR Rural Residential
WEST:	Large lot single-family dwelling and agriculture with single-family dwelling	RR Rural Residential

PROJECT DESCRIPTION. The applicant is requesting the one-step final plat in order to subdivide the subject site into eight single-family lots. According to Article 1, Section 5 of the Subdivision Regulations, any owners of land subdividing the same into lots and blocks for the purpose of laying out any subdivision, suburban lots, building

lots, tracts or parcels or establishing any street, alley, or other property intended for public use shall cause a subdivision plat to be made. Additionally, according to Article 9, Section 1 of the Subdivision Regulations, no building permit may be issued for an undeveloped, unplatted lot.

RELATED APPROVALS. A drainage plan is required for this plat. A drainage plan has been submitted and reviewed by City Staff and Sedgwick County.

ANALYSIS

FINDINGS. The final and preliminary plats submitted by the applicant contain all the required contents of final and preliminary plats, as specified in the Subdivision Regulations, and conform to the design standards with no modifications. MAPD confirmed that the plats conform to the zoning regulations of the area during their review.

The submission is unable to conform to City plans as the *City of Haysville's Comprehensive Plan* is outdated and does not include this parcel of land. No other area plans include this parcel, but a review of the adjacent area plans has been included nonetheless.

The City of Haysville's *Comprehensive Plan* Future Land Use Map describes the area just west of the subject site as Residential. This land use is intended for "a mix of single, two, and multi-family residential."

City of Derby's *Vision Derby 2040* Future Land Use Map describes the area just south of the subject site as Agricultural. This land use is intended for "open farms and crop fields with a farmstead or rural residences."

The City of Wichita's *Community Investments Plan 2015-2035* Future Land Use Map describes the area directly to the east of the subject site (i.e. the area encompassing the M.S. Mitch Mitchell Floodway) as Parks and Open Space and the area to the north of the floodway as Residential. Parks and Open Space is described as "major parks, golf courses, public open space, private development reserves and recreation facilities [or] corridors (including floodplain, natural drainage channels, easements, abandoned railway corridors, etc.)," and Residential is described as "areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality."

RECOMMENDATION

Based upon the provided information, planning staff recommends that the one-step final plat request be **APPROVED.**

COMMENTS

A. City Planning Staff:

1. Please show the location of the existing right of way for 79th Street on both sides of the street and mark the centerline
2. Recommend moving the temporary cul-de-sac to the north property line
3. A different street name is needed as the cul-de-sac is temporary. Volustia Street to the north is approximately in line with this development, so it can be extended. Many other streets on the other side of the floodway have been extended as well.
4. In the signature boxes:

- i. Replace Jonathon Tardiff with Kailyn Hogan
 - ii. Change Angela Milspaugh to Angela Fulton
 - iii. Change Josh to Joshua Pollak
 - 5. What is the intended street width for this subdivision?
- B. City Engineer:
 - 1. Preliminary Plat:
 - i. Add existing and proposed zoning of subject property.
 - ii. Add FEMA Floodplain Note (same note that is on the Final Plat in the Owner Certificate or the same note that is on the drainage plan).
 - iii. I am not familiar with the “Advanced Septic” systems noted to be proposed for this development. Need to confirm that the lot sizes proposed are adequate to accommodate this type of sewage treatment.
 - iv. Label proposed street dedication along the north side of 79th.
 - 2. Final Plat:
 - i. Property irons that have been set should include size and length (in the legend).
 - ii. Property irons that have been found should include cap ID information. If no cap is present, so state.
 - iii. Statement should be added to the Owner’s Certificate regarding the granting of drainage easements.
 - iv. Statement should be added to the Owner’s Certificate regarding the responsibility of maintenance of the ponds within the easements.
 - v. Label proposed street dedication along the north side of 79th.
 - vi. Revise the title of the plat to “AN ADDITON TO SEDGWICK COUNTY, KANSAS.”
 - vii. Applicant to provide a “Driveway Closure Certificate” document with the Final Plat. (To guarantee the closure of the two existing driveways on 79th as noted on the Preliminary Plat).
 - viii. Does this plat require approval by the Board of County Commissioners?
 - ix. If setbacks are not shown on the plat, then the setbacks per the zoning district will govern.
 - 3. Drainage Plan:
 - i. Show pond outlet pipe locations on the plan.
 - ii. Drainage plan to be reviewed and approved by Sedgwick County Public Works.
 - iii. Add note or detail to clarify if the detention areas are wet ponds or dry ponds.
- C. Metropolitan Area Planning Department:
 - 1. The proposed plat adheres to the requirements of the RR Rural Residential district of a minimum lot size of two acres with a 200-foot lot frontage.
- D. Cox:
 - 1. No issues or conflicts with the plat.
- E. Evergy:
 - 1. The applicant is required to provide a path outside of the flow of water for Evergy to install equipment in along 79th Street, but no new additional easements are requested at this time. Any relocation or removal of existing equipment due to this plat will need to be discussed with Evergy and will be done at the applicant’s expense. Kevin Rieschick, Area Design Representative,

will be the contact for this plat and any project related to it. He can be reached at (785) 410-2986.

F. Sedgwick County Electric Coop:

1. No comment. The plat is outside their trade territory.

G. Kansas One Gas:

1. The plat is not in conflict with KSG lines or equipment. Utility map is attached.

H. Sedgwick County Public Works:

1. The applicant is required to contact MABCD to set up soil test pits to determine what type of wastewater systems may be installed due to a mix of soil types at the subject site.
2. The right-of-way dedications are approved.
3. The access controls are approved.
4. The applicant is advised to guarantee the closure of any existing driveway openings located in areas of complete access control. A driveway control certificate in lieu of a guarantee may be provided.
5. The applicant is recommended to move the temporary cul-de-sac to the north property line.

I. Sedgwick County Survey:

1. County commissioner Ryan Baty, Fourth District, must sign the plat. Please include a signature block on the Final Plat.

J. Sedgwick County Stormwater Management:

1. The upstream and downstream drive entrance culverts shown on the attached drainage plan shall be sized along 79th Street South.
2. The proposed drive entrance culvert for the proposed subdivision street shall provide the overall drainage area and flow lines.
3. The road right-of-way ditch within the 60-foot platted road right-of-way shall be improved as part of the development to improve the off-site road runoff through the site and discharges from the two on-site detention ponds.
4. The two pond outfalls are not shown on the drainage plan. Please locate the discharge locations and make sure the storm sewer pipe is not located within the proposed road right-of-way. Consider a notched concrete outfall weir rather than a piped outfall.
5. The drainage plan shall be submitted in written report/study format to be consistent with the plans submitted by others. The report needs to identify how the site is providing for WQ and water quantity requirements.
6. The backyard drainage easement grading within the drainage easement shall provide spot elevations and be enlarged to 30-foot drainage easements to convey the 100-year runoff conditions.
7. What are the off-site runoff conditions for this development? It appears the plan does not identify where the drainage patterns for the off-site lands on the attached drainage plan markup.
8. WQ treatment is required, as drainage note four is not current.
9. The drainage plan/report needs to be signed and sealed by an engineer licensed in the State of Kansas.

K. Sedgwick County Fire:

1. The plat must comply with the Sedgwick County Drive Code and the 2024 International Fire Code.

L. City Public Works:

1. No comment.

ATTACHMENTS

1. Aerial photo
2. City of Haysville Land Use Map
3. City of Derby Land Use Map
4. City of Wichita Land Use Map
5. Evergy letter
6. Kansas One Gas utility map
7. Sedgwick County Stormwater Plat Comments
8. Preliminary Plat
9. Final Plat



Date: 1/5/2026

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

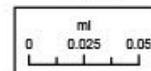
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Aerial Map

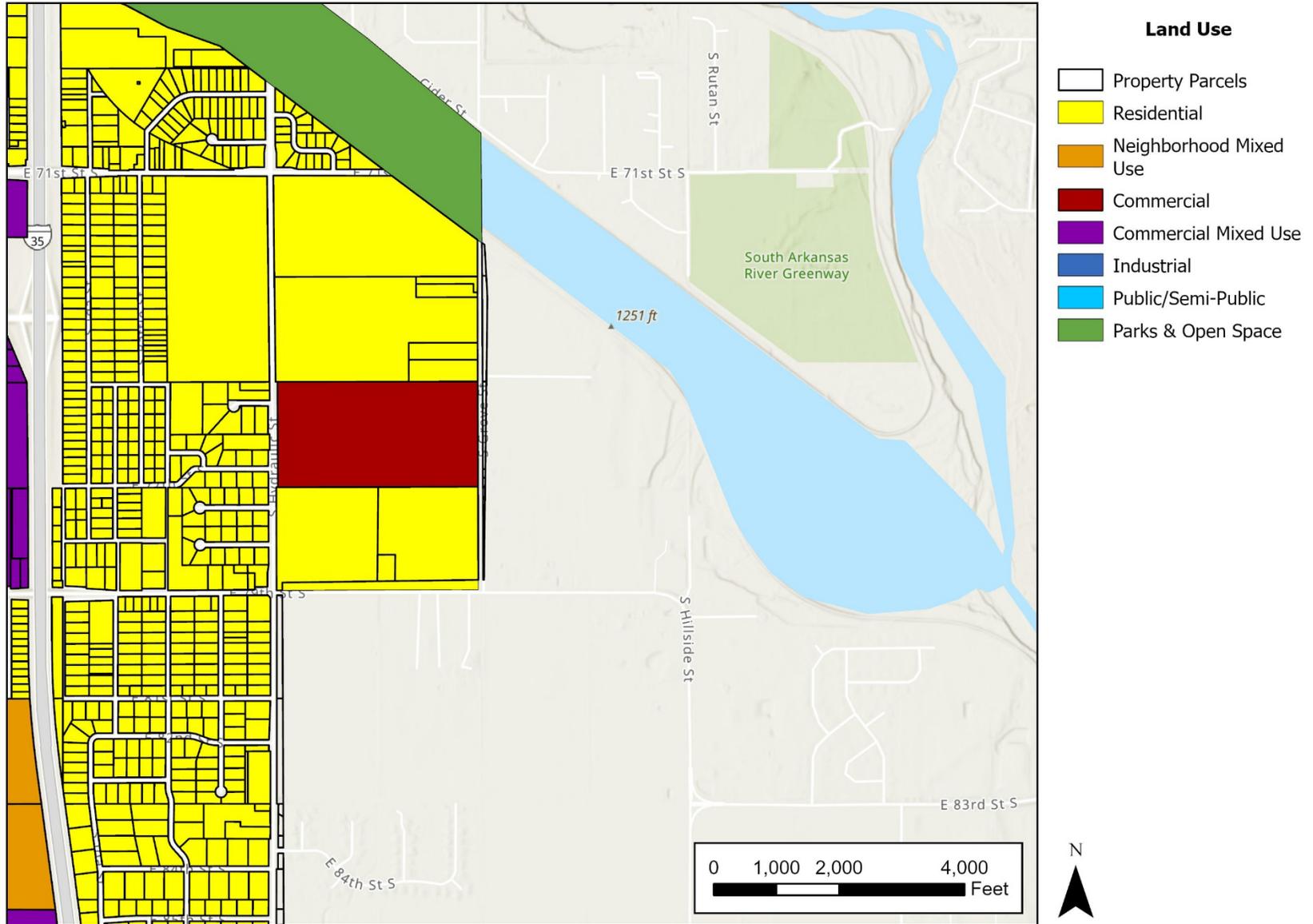
Sedgwick County, Kansas



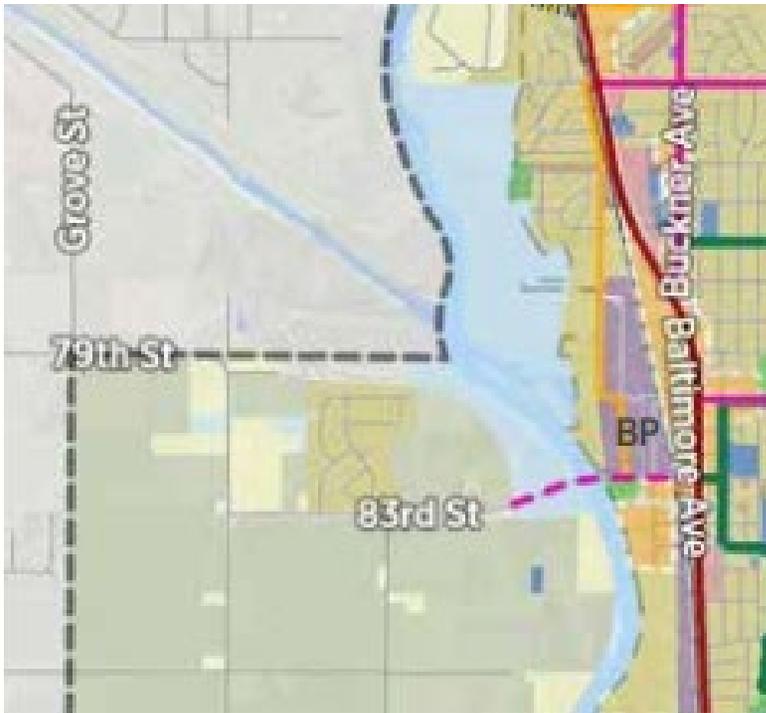
1:4,514



City of Haysville's Comprehensive Plan Future Land Use Map



City of Derby's *Vision Derby 2040* Future Land Use Map



City of Wichita's *Community Investments Plan 2015-2035* Future Land Use Map





Kailyn Hogan
City of Haysville
200 W. Grand Ave
PO Box 404
Haysville KS 67060

December 8, 2025

RE: Preliminary plat-79th Estates Add -Haysville Sedgwick Co Kansas

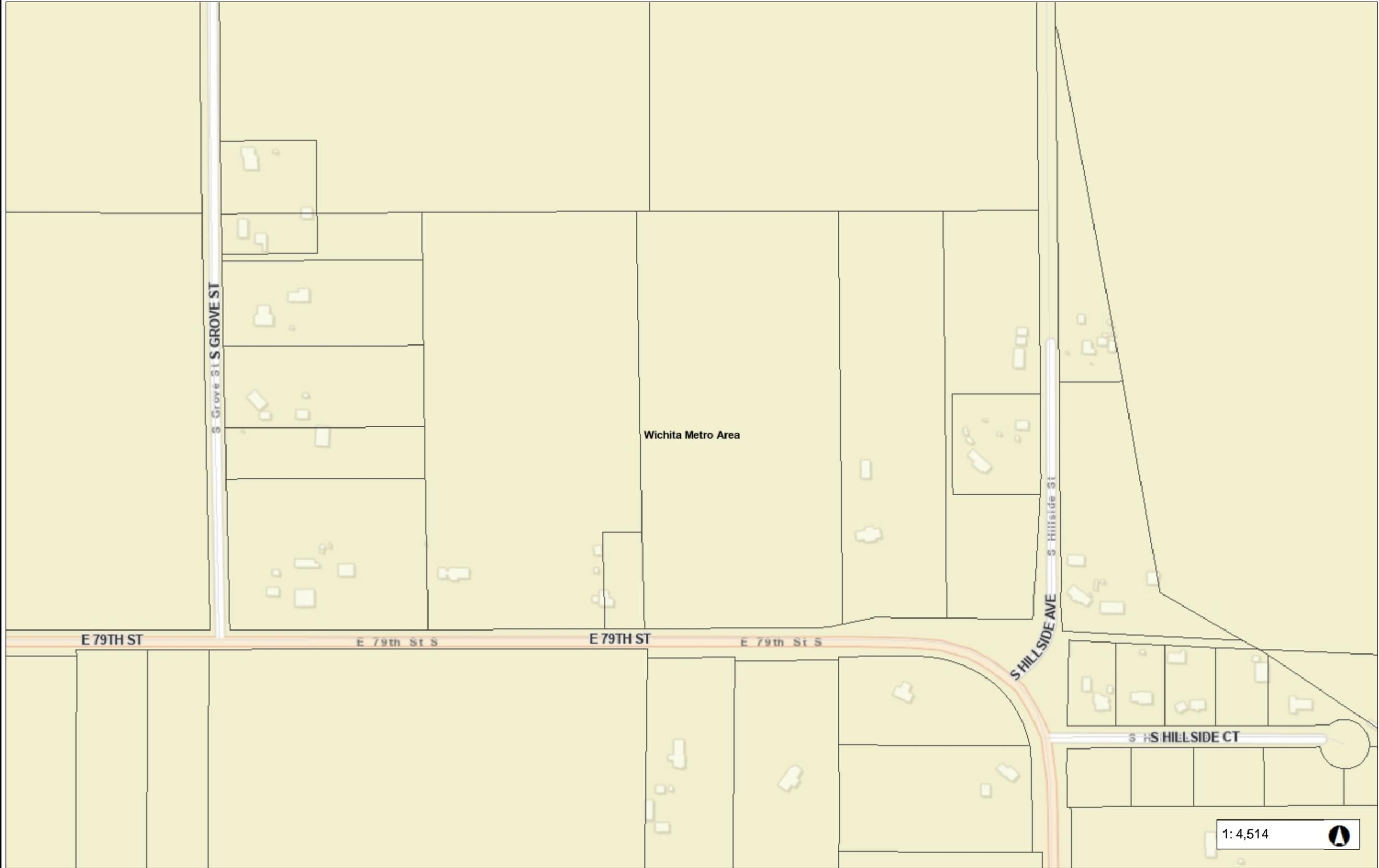
Dear Ms. Hogan,

Evergy has reviewed this preliminary plat and will require a path outside of the flow of water to install in along 79th St. We will not need to request new additional easements this time. **Any relocation or removal of existing equipment due to this plat will need to be discussed and will be at the applicant's expense.** Kevin Rieschick, Area Design Representative will be the contact for this plat and any project related to it. He can be reached at (785) 410-2986.

Thank you for sending for Evergy's review

Sincerely,
Vickie Phothilath
Sr. Administrative Assistant.

CC: Vickie Phothilath, Evergy
Kevin Rieschick, Evergy



Legend

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

752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

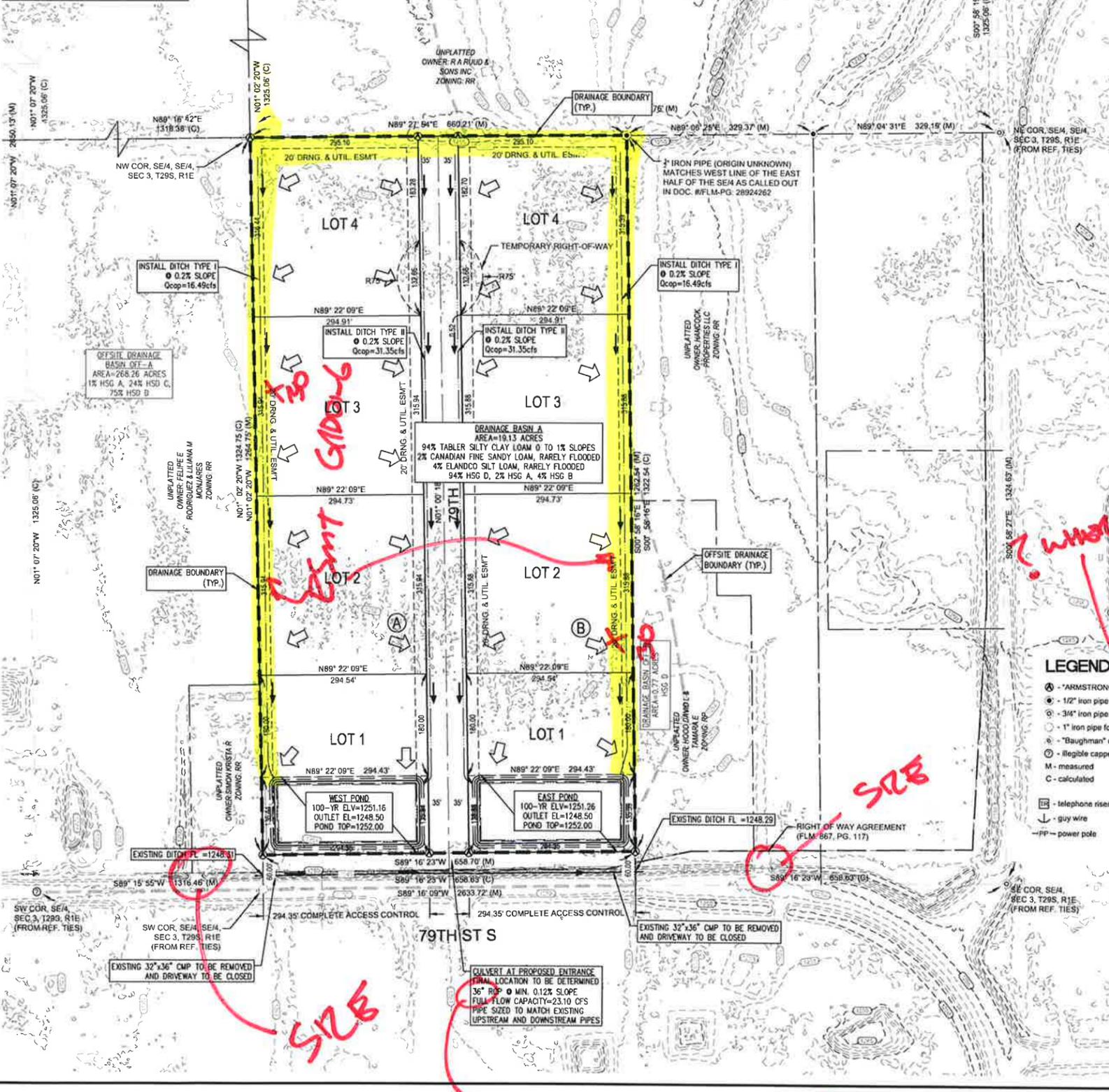
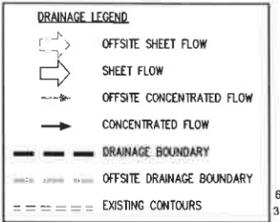
DISCLAIMER: This document and information herein is a visual representation and approximation of ONE Gas facilities and is subject to revision at any time without notice. It is an informational tool and is not guaranteed, warranted, or represented to be to scale, complete, accurate, or depicting depth.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

Notes

1: 4,514

DRAINAGE PLAN 79TH ESTATES

AN ADDITION TO SEDGWICK COUNTY
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 3
TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL
MERIDIAN, SEDGWICK COUNTY, KANSAS



Existing Drainage Summary Chart - SCS Method

Drainage Basin	Drainage Area (Acres)	% Impervious	Curve Number (CN)	Return Period	Tc (min.)	Peak Discharge (cfs)
A	19.13	0	83	2	2	20.63
				5	10	29.30
				10	25	37.05
				25	100	48.24
OFF-A	268.26	12	86	2	2	178.68
				5	10	244.89
				10	25	305.22
				25	100	391.42
OFF-B	0.77	0	84	2	2	1.79
				5	10	2.50
				10	25	3.13
				25	100	4.03

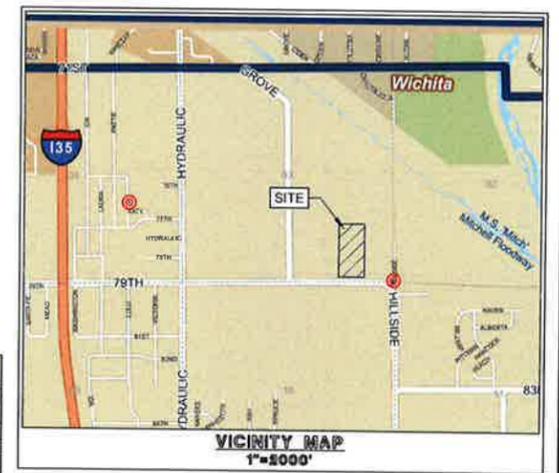
Developed Drainage Summary Chart - SCS Method

Drainage Basin	Drainage Area (Acres)	% Impervious	Curve Number (CN)	Return Period	Tc (min.)	Intensity (in/hr)	Peak Discharge (cfs)
A	19.13	25	90	2	2	3.34	41.69
				5	10	4.18	55.49
				10	25	4.81	67.50
				25	100	5.63	84.47
A	19.13	25	90	2	2	3.34	13.72
				5	10	4.18	18.26
				10	25	4.81	24.00
				25	100	5.63	44.02

Detained Developed Drainage Summary Chart - SCS Method

Drainage Basin	Drainage Area (Acres)	% Impervious	Curve Number (CN)	Return Period	Tc (min.)	Intensity (in/hr)	Peak Discharge (cfs)
A	19.13	25	90	2	2	3.34	13.72
				5	10	4.18	18.26
				10	25	4.81	24.00
				25	100	5.63	44.02

Stage (Elev Area (SF))	Total Detention Storage (Cu. Ft.)	Stage (Elev Area (SF))	Total Detention Storage (Cu. Ft.)
0.00 24,431	-	0.00 24,640	-
0.50 25,820	12,560	0.50 26,040	12,667
1.50 28,673	39,791	1.50 28,916	40,130
2.50 31,626	69,926	2.50 31,893	70,519
3.00 34,680	103,064	3.00 34,970	103,935



LEGAL DESCRIPTION:
THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (W/2 SE/4 SE/4) OF SECTION 3, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS

SURVEYOR:
JORDAN DOOM, PS
ARMSTRONG LAND SURVEY, PA
1601 E HARRY
WICHITA, KS 67211
(316) 263-0082

OWNERS:
ERIC GILBERT
11100 S FREMONT CIR
MULVANE, KS 67110
(316) 650-7536

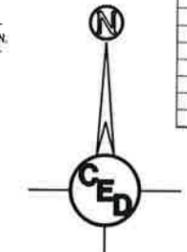
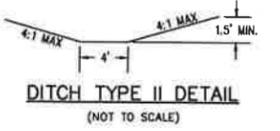
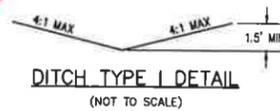
NOTE: BOUNDARY SURVEY COMPLETED BY ARMSTRONG LAND SURVEY, PA, ON OR ABOUT OCTOBER 28, 2025.

BENCHMARK:
600 NAIL IN THE WEST FACE OF A POWER POLE LOCATED APPROXIMATELY 31 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 1, BLOCK B, 79TH ESTATES
ELEV=1251.00 NAVD 88

- DRAINAGE NOTES:
- The SCS Method was used to compute the peak discharges for existing and developed conditions. CN-Values were assigned to the existing site and proposed improvements from the City of Wichita/Sedgwick County Drainage Manual. The SCS Method was utilized to size culverts.
 - Soil Types were determined from the Natural Resource Conservation Soil Survey website. 94% of the site consists of Hydrologic Soils Group D. 2% and 4% of the site consists of HSG A and B, respectively.
 - The platted property is located within Zone X, areas determined to be outside of the 1% annual chance flood and areas with reduced flood risk due to levee as shown on Map 2017300516G, dated December 22, 2016.
 - Water Quality treatment is not required for Sedgwick County developments outside of the latest US Census Urbanized Area.
 - Detention is provided with the addition of two ponds located at the south of the property on each side of the proposed road. These areas ultimately drain to the roadside ditch on the north side of 79th St.
 - All elevations shown are in NAVD 88 vertical datum.

LEGEND

- ARMSTRONG capped rebar set
- 1/2" iron pipe found
- 3/4" iron pipe found
- 1" iron pipe found
- Baughman capped rebar found
- illegible capped rebar found
- M - measured
- C - calculated
- telephone riser
- guy wire
- power pole



Minimum Drive Entrance Culvert Sizes

Lot	Block	Sizes (in)
1	A	18
2	A	15
3	A	15
4	A	15
1	B	18
2	B	15
3	B	15
4	B	15

Minimum Building Pad Elevations for Lowest Opening to the Structures

Lot	Block	Elevation (NAVD88)
1	A	1253.2
1	B	1253.3

DRAWINGS PREPARED BY:
CERTIFIED ENGINEERING DESIGN, P.A.
1935 WEST MAPLE STREET
WICHITA, KANSAS 67213
PH: (316) 262-8808
FAX: (316) 262-1669

SHEET 1
TOTAL 1

SUB

SUB

CDIT NOT BE IN R/W

REVIEW VIS & DIS SUBS DD, QUAP, ECT

ACROSSING WEIRS

SUBMIT XPDRAINAGE STUDY REPORT

FILE LOCATION: E:\Users\jgibson\OneDrive - CED\2025\20253528\Drawings\Development - DP.dwg TAB NAME: DP USER: jgibson DATE: 11/23/2025 8:45 AM PLOTTED: 11/23/2025 8:58 AM

PRELIMINARY PLAT 79TH ESTATES

AN ADDITION TO SEDGWICK COUNTY, KANSAS
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 3
TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL
MERIDIAN, SEDGWICK COUNTY, KANSAS



LEGAL DESCRIPTION:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (W/2 SE/4 SE/4) OF SECTION 3, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS

SURVEYOR:
JORDAN DOOM, PS
ARMSTRONG LAND SURVEY, PA
1601 E HARRY
WICHITA, KS 67211
(316) 263-0082

OWNERS:
ERIC GILBERT
11100 S FREMONT CIR
MULVANE, KS 67110
(316) 650-7536

NOTE: BOUNDARY SURVEY COMPLETED BY ARMSTRONG LAND SURVEY, PA, ON OR ABOUT OCTOBER 28, 2025.

BENCHMARK:
60D NAIL IN THE WEST FACE OF A POWER POLE LOCATED APPROXIMATELY 31 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 1, BLOCK B, 79TH ESTATES

CLOSURE COMPUTATION
PERIMETER=3846.20'
AREA=19.130 ACRES
NORTHING ERROR=-0.0090
EASTING ERROR=0.0009
ERROR OF CLOSURE=0.0091
PRECISION=1:422,659

ELEV=1251.00 NAVD 88

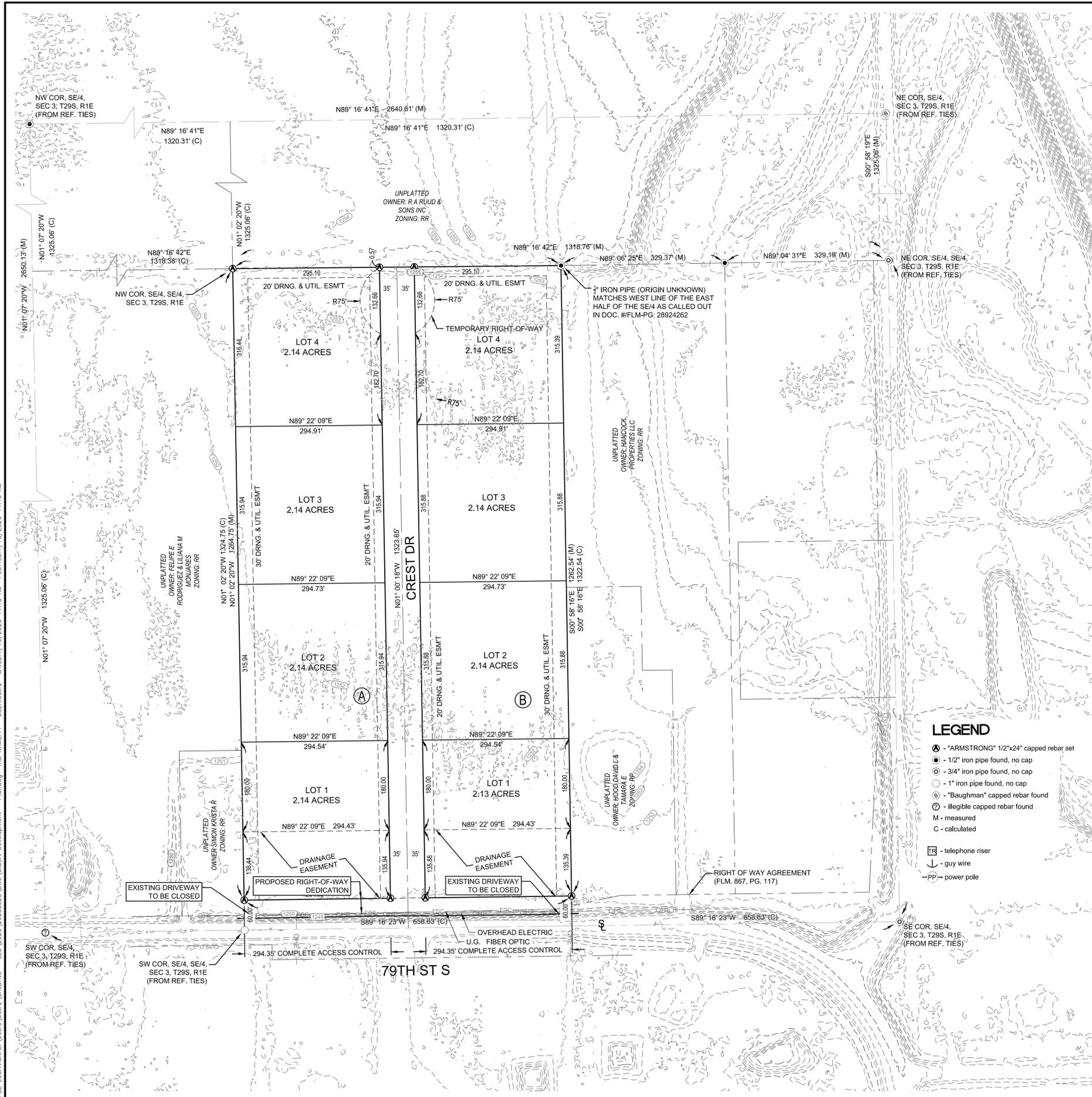
GENERAL NOTES:

EXISTING ZONING: RURAL RESIDENTIAL
PROPOSED ZONING: RURAL RESIDENTIAL

EXISTING USE: AGRICULTURAL
PROPOSED USE: RESIDENTIAL

PROPOSED UTILITIES:
WATER: PRIVATE WELL
SEWER: ADVANCED SEPTIC

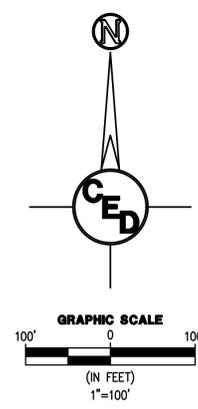
FEMA FLOODPLAIN NOTE:
FEMA FLOODPLAIN AND REGULATORY FLOODWAY BOUNDARIES ARE SUBJECT TO PERIODIC CHANGE, AND SUCH CHANGE MAY AFFECT THE INTENDED LAND USE WITHIN THE SUBDIVISION



LEGEND

- ⊙ - "ARMSTRONG" 1/2"x24" capped rebar set
- ⊙ - 1/2" iron pipe found, no cap
- ⊙ - 3/4" iron pipe found, no cap
- ⊙ - 1" iron pipe found, no cap
- ⊙ - "Baughman" capped rebar found
- ⊙ - illegible capped rebar found
- M - measured
- C - calculated
- ☒ - telephone riser
- ↓ - guy wire
- PP- power pole

Minimum Building Pad Elevations for Lowest Opening to the Structures		
Lot	Block	Elevation (NAVD88)
1	A	1253.1
1	B	1253.1



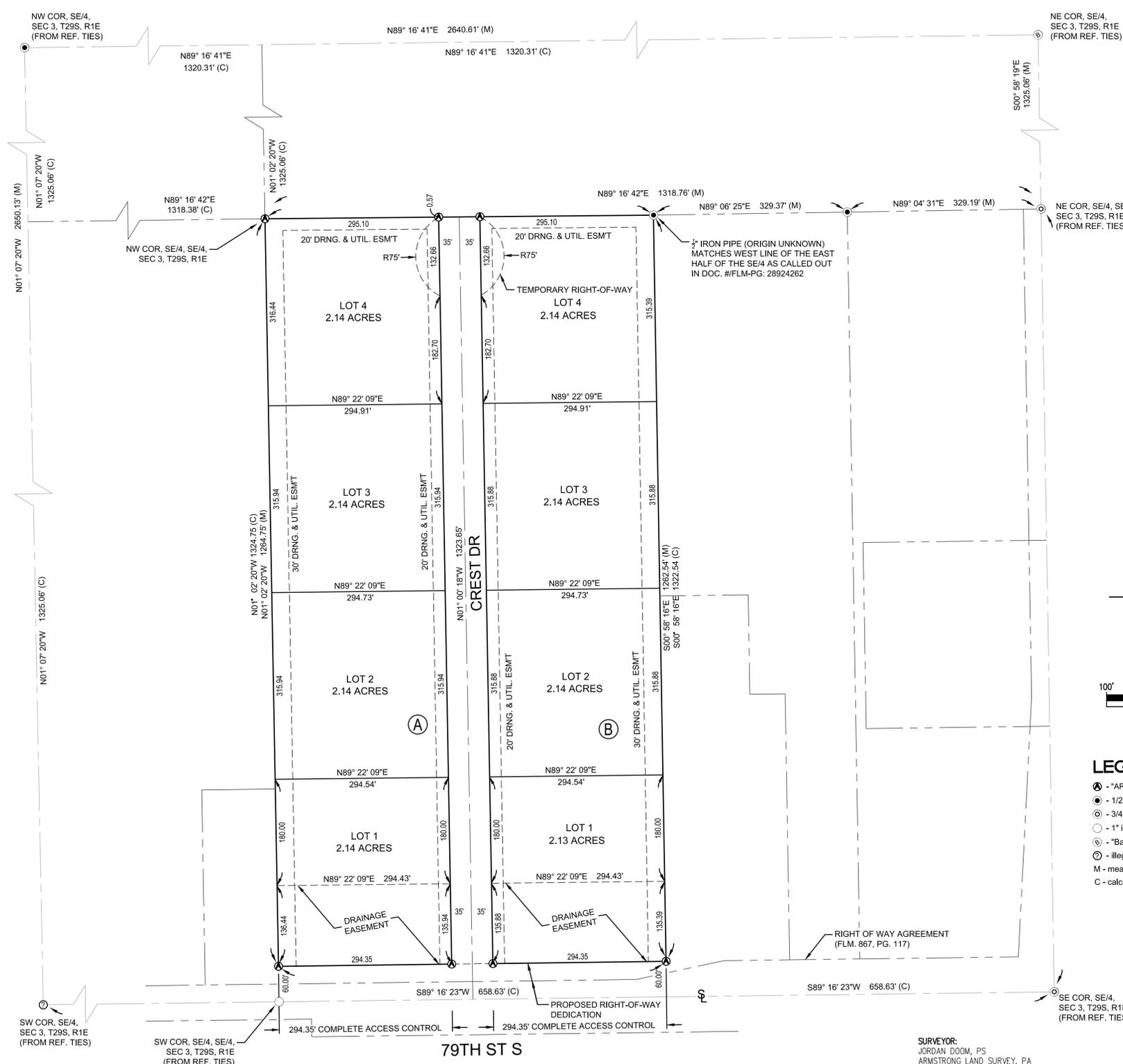
FILE LOCATION: C:\Users\jdoom\OneDrive - CED\2025\20253528\DWG\Gilbert_Development - Plat.dwg TAB NAME: PP USER: jdoom2 SAVED: 1/16/2026 11:15 AM PLOTTED: 1/16/2026 11:15 AM

DRAWINGS PREPARED BY:
CERTIFIED ENGINEERING DESIGN, P.A.
1935 WEST MAPLE STREET
WICHITA, KANSAS 67213
PH: (316) 262-8808
FAX: (316) 262-1669

CED	SHEET	1
	TOTAL	1

FINAL PLAT 79TH ESTATES

AN ADDITION TO SEDGWICK COUNTY, KANSAS
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 3
TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL
MERIDIAN, SEDGWICK COUNTY, KANSAS



LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, THE UNDERSIGNED, REGISTERED PROFESSIONAL SURVEYOR IN SAID STATE, DO HEREBY CERTIFY THAT UNDER MY SUPERVISION, THE FOLLOWING DESCRIBED TRACT OF LAND WAS SURVEYED BY ARMSTRONG LAND SURVEY, PA, ON OR ABOUT OCTOBER 28, 2025 AND THAT THE ACCOMPANYING FINAL PLAT PREPARED AND ALL THE MONUMENTS SHOWN HEREIN EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, UNLESS OTHERWISE NOTED, TO THE BEST OF MY KNOWLEDGE AND IS DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (W/2 SE/4 SE/4) OF SECTION 3, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS

ALL PUBLIC EASEMENTS AND DEDICATIONS BEING VACATED BY VIRTUE OF K.S.A. 12-512b, AS AMENDED.

ARMSTRONG LAND SURVEY, PA
DATE: _____ JORDAN DOOM, PS #1723

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS) SS
SEDGWICK COUNTY)

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED, HAVE CAUSED THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE TO BE PLATTED INTO A LOT, A BLOCK, AND A STREET TO BE KNOWN AS "79TH ESTATES" AN ADDITION TO SEDGWICK COUNTY, KANSAS. THE STREET IS HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC. ACCESS CONTROLS ARE HEREBY GRANTED TO THE APPROPRIATE GOVERNING BODY AS INDICATED ON THE FACE OF THE PLAT. THE TEMPORARY RIGHT OF WAY FOR A CUL DE SAC IS TO BE VACATED UPON EXTENSION OF THE STREET TO THE NORTH. ALL DRAINAGE EASEMENTS ARE HEREBY DEDICATED FOR DRAINAGE PURPOSES. THE DRAINAGE EASEMENTS ARE TO BE OWNED AND MAINTAINED BY THE INDIVIDUAL LOT OWNERS FOR THE ADDITION, THEIR SUCCESSORS, AND/OR ASSIGNS. LOTS PLATTED HEREIN MAY BE SUBJECT TO FUTURE GRADING PLANS. MINIMUM PAD ELEVATIONS FOR LOWEST OPENING ARE SHOWN IN THE ACCOMPANYING TABLES. A MASTER DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS PLAT. FEMA FLOODPLAIN AND REGULATORY FLOODWAY BOUNDARIES ARE SUBJECT TO PERIODIC CHANGE, AND SUCH CHANGE MAY AFFECT THE INTENDED LAND USE WITHIN THE SUBDIVISION. THE UTILITY EASEMENTS ARE HEREBY GRANTED AS INDICATED FOR THE CONSTRUCTION AND MAINTENANCE OF ALL PUBLIC UTILITIES.

ERIC GILBERT, OWNER

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THIS ____ DAY OF _____ 20____, BY ERIC GILBERT, OWNER.

SEAL OR STAMP _____, NOTARY PUBLIC
MY APPOINTMENT EXPIRES: _____

COUNTY SURVEYOR CERTIFICATE:

STATE OF KANSAS) SS
SEDGWICK COUNTY)

REVIEWED IN ACCORDANCE WITH K.S.A. 58-2005 ON THIS ____ DAY OF _____ 20____

TRICIA L. ROBELLO, PS #1246
DEPUTY COUNTY SURVEYOR
SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION CERTIFICATE

THIS PLAT OF "79TH ESTATES", AN ADDITION TO SEDGWICK COUNTY, KANSAS HAS BEEN SUBMITTED TO AND APPROVED BY THE CITY OF HAYSVILLE PLANNING COMMISSION, HAYSVILLE, KANSAS.
DATED THIS ____ DAY OF _____, 20____

HAYSVILLE PLANNING COMMISSION

_____, CHAIR
TIM AZIERE

ATTEST: _____, SECRETARY
KAILYN HOGAN

GOVERNING BODY CERTIFICATE

THIS PLAT OF IS APPROVED AND ALL DEDICATIONS SHOWN HEREON ACCEPTED BY THE CITY COUNCIL OF THE CITY OF HAYSVILLE, KANSAS.
DATED THIS ____ DAY OF _____, 20____

_____, MAYOR
RUSS KESSLER

ATTEST: _____, CITY CLERK
ANGELA FULTON

CITY ATTORNEY CERTIFICATE

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS PLAT IS APPROVED PURSUANT TO THE PROVISIONS OF K.S.A. 12-401.

DATE SIGNED: _____ 20____

_____, CITY ATTORNEY
JOSHUA POLLACK

COUNTY COMMISSIONER'S CERTIFICATE

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS PLAT APPROVED AND ALL DEDICATIONS SHOWN HEREON, IF ANY, ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THIS ____ DAY OF _____, 20____

_____, CHAIRMAN
RYAN BATY, FOURTH DISTRICT

ATTEST: _____, COUNTY CLERK
KELLY B. ARNOLD

TRANSFER RECORD

ENTERED ON TRANSFER RECORD THIS ____ DAY OF _____, 20____

_____, COUNTY CLERK
KELLY B. ARNOLD

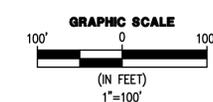
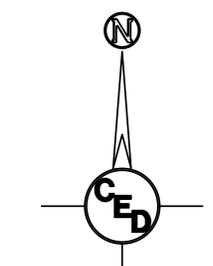
REGISTER OF DEEDS

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE, AT ____ A.M. - P.M., ON THE ____ DAY OF _____, 20____

_____, REGISTER OF DEEDS
TONYA BUCKINGHAM

_____, DEPUTY
KENLY ZEHRING



LEGEND

- ⓐ - "ARMSTRONG" 1/2"x24" capped rebar set
- ⓑ - 1/2" iron pipe found, no cap
- ⓒ - 3/4" iron pipe found, no cap
- ⓓ - 1" iron pipe found, no cap
- ⓔ - "Baughman" capped rebar found
- ⓕ - illegible capped rebar found
- M - measured
- C - calculated

SURVEYOR:
JORDAN DOOM, PS
ARMSTRONG LAND SURVEY, PA
1601 E HARRY
WICHITA, KS 67211
(316) 263-0082

NOTE: BOUNDARY SURVEY COMPLETED BY ARMSTRONG LAND SURVEY, PA, ON OR ABOUT OCTOBER 28, 2025.

BENCHMARK:
60D NAIL IN THE WEST FACE OF A POWER POLE LOCATED APPROXIMATELY 31 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 1, BLOCK B, 79TH ESTATES

ELEV=1251.00 NAVD 88

Minimum Building Pad Elevations for Lowest Opening to the Structures		
Lot	Block	Elevation (NAVD88)
1	A	1253.1
1	B	1253.1

DRAWINGS PREPARED BY:

CERTIFIED ENGINEERING DESIGN, P.A.

1935 WEST MAPLE STREET
WICHITA, KANSAS 67213
PH: (316) 262-8808
FAX: (316) 262-1669

SHEET 1
TOTAL 1

FILE LOCATION: C:\Users\jdoom\OneDrive - CED\2025\20253528 DWG\Gilbert Development - Plat.dwg TAB NAME: FP USER: jdoom2 SAVED: 1/16/2026 11:15 AM PLOTTED: 1/16/2026 11:15 AM



CITY OF HAYSVILLE, KANSAS

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

MEMORANDUM

To: Haysville Planning Commission
From: Kailyn Hogan, Planning and Zoning Administrator
Subject: Zoning Regulation Amendments
Date: January 22, 2026

The City is initiating amendments to the Zoning Regulations in an effort to modernize and codify practices, encourage the development of more housing, and encourage smart growth. The intent of these amendments is to achieve the City's goals of streamlining the development process, diversifying housing options, capitalizing on existing infrastructure, and supporting new and existing businesses. For this Planning Commission meeting, staff will be focusing on Articles 2 through 4 corresponding to the land use regulations, including the use chart and special use standards, and the residential zoning district regulations.

The City's *Comprehensive Plan* provides a framework for achieving the development desired by the citizens of Haysville, and its goals objectives provide the instructions for the incremental change that will result in such desired development. The City's Housing Assessment, conducted in 2023 by Kansas Commerce and WSU, further guides the implementation of the *Comprehensive Plan* policies by identifying specific housing needs. To implement the goals and objectives of the *Comprehensive Plan* and housing assessment, the City is proposing several Zoning Regulation amendments.

These amendments correspond with the following goals and objectives from the *Comprehensive Plan* and housing assessment:

- Housing G1: "Provide a variety of housing choices for current and future populations."
- Housing G1, O2: "To provide diversity in housing types and styles."
- Housing G1, O5: "To protect residential areas from incompatible land uses through the creation of new zoning districts and the updating of current ordinances."
- Economic Development G2, O2: "To provide support for new businesses and the expansion and retention of existing businesses."
- Economic Development G4: "Provide opportunities for the continuation and expansion of retail activities in the Haysville area."

ARTICLE 3 DEFINITIONS

SECTION 301. LAND USE DEFINITIONS

301.A. RESIDENTIAL. The following terms define the residential uses listed in Article 5 as permitted or conditional in each zoning district.

Accessory dwelling unit. Means an accessory *dwelling unit* that may be wholly within, or may be detached from, a *principal structure*.

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.

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.

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.

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

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

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

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

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

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

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

301.B. PUBLIC AND CIVIC. The following terms define the public and civic uses listed in Article 5 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 amphitheatres.

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.

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.

Recycling processing center. Means a building or land use in excess of 400 square feet devoted to the receipt, separation, storage, baling, conversion, and/or processing of recyclable materials, but not including *wrecking/salvage yard*.

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

- (a) Solar Energy Conversion System (SECS). Means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity and includes all associated support facilities including but not limited to, roads, substations, operation and maintenance buildings, as specified in the application.
- (b) Wind Energy Conversion System (WECS). Means the combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion Systems consist of the turbine apparatus and any other buildings, support structures and other related improvements necessary for the generation of electric power from wind and intended for wholesale sales of generated electricity.

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 Article 5 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.

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.

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 no more than 5,000 barrels of beer per year; and
- (3) Does so in a completely enclosed building.

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.

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. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball, and handball courts, and amusement rides. It does not include buildings typically accessory to a subdivision that are for use by the subdivision's residents and their guests.

Recreation and entertainment, outdoor. Means a privately-owned establishment offering recreation, entertainment, or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, "pitch and putt" facilities, tennis courts, and amusement rides. It does

not include *golf courses*, parks, open space, and recreational facilities typically accessory to a subdivision that are for use by the subdivision's residents and their guests.

Recreational vehicle campground. Means the use of land designated for occupancy by *recreational vehicles* for temporary or transient living purposes, including the use of camping spaces for tents.

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, 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*.

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.

Tavern and drinking establishment. Means an establishment engaged in the preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premises that derives, in a six-month

period, less than fifty percent (50%) of its gross revenues from the sale of food and beverages for consumption on the premises. For the purposes of these regulations, 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.

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.

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:

- (a) A wireless support structure consisting of a freestanding support structure, such as a monopole, guyed, or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities;

- (b) A base station that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics;
- (c) Equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and/or
- (d) Radio transceivers, antennas, coaxial or fiber- optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

301.D. INDUSTRIAL, MANUFACTURING, AND EXTRACTIVE. The following terms define the industrial, manufacturing, and extractive uses listed in Article 5 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.

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.

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.

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 limited 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*.

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*.

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 Article 5 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.

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

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

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

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

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SECTION 301. LAND USE DEFINITIONS

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

301.A. RESIDENTIAL. ~~The following terms define the residential uses listed in Article 5 as permitted or conditional in each zoning district.~~

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

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

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

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.

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 ~~home sites-lots~~ for *manufactured homes*, modular homes, *residential-design manufactured homes*, and site-built *single-family* dwelling units, all of which are required to be placed on permanent foundations.

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

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

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

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

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

- (1) Minimum dimensions of 22 body feet in width,
- (2) A pitched roof, and

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

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

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

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

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

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

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

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

301.B. PUBLIC AND CIVIC. The following terms define the public and civic uses listed in Article 5 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 premises or ~~s~~Site used primarily or exclusively for religious worship and related religious services or established pPlace of ~~w~~Worship, convent, seminary, or similar facility owned or operated by a bona fide religious group for religious activities.

Commented [KH2]: stopped here for searching and italicizing terms

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."

Commented [KH3]: While we had a definition for correctional placement residence (limited and general), we did not have one for what a correctional placement residence is.

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

~~Day care, general. Means a *day care* center that provides care, protection, and supervision for more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees, or a day care center for ten or fewer individuals at any one time that is not operated as a *home occupation*.~~

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. ~~Containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind.~~ This definition shall not include containers used for curbside recycling or containers used by a commercial or industrial enterprise for collection and/or compression of materials that are a byproduct or integral part of such enterprise.

Commented [KH4]: Make sure to add regulations back into the zoning code

Recycling Collection Station, pPublic. Means outdoor freestanding containers not occupying an area greater than 400 square feet (exclusive of area required for vehicular access) that are designed to receive and stored pre-sorted recyclable materials not intended for disposal and that are available to the general public. ~~Containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind.~~

Recycling processing center. Means a building or land use in excess of 400 square feet devoted to the receipt, separation, storage, baling, conversion, and/or processing of recyclable materials, but not including *wrecking/salvage yard.*

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

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

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

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 (~~post-high school~~) offering undergraduate or graduate degrees in higher learning, including seminaries.

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

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

301.C. COMMERCIAL. The following terms define the commercial uses listed in Article 5 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.

Bank or financial institution. Means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions. ~~The term *b*Bank or *f*Financial *i*nstitution~~ also includes *ATMs*.

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

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

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

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

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.

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

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.

Commented [KH5]: Haysville is not likely to have a marine facility. If one is established, the use Outdoor Recreation and Entertainment covers it.

Microbrewery. Means a brewery that:

- (1) Is licensed by the Director of Alcohol Beverage Control of the state Department of Revenue;
- (2) Produces no more than 5,000 barrels of beer per year; and
- (3) Does so in a completely enclosed building.

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

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

Nightclub. Means an establishment that provides entertainment, which may include the provision of dancing by employees or patrons, and which may or may not serve food.

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, ~~and/or accessory drive, ancillary.~~ ~~Means an area other than a private or commercial parking area, street or alley that is located in any district from the most restrictive through NO inclusive, and that is used for the parking of passenger vehicles as accessory parking to a principal use, that requires the same or a more intensive district than the district in which the ancillary parking area is located. Parking areas public or customer improved in accordance with the parking appendix. 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 ~~an area or structure used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis other than as accessory parking to a principal nonresidential use.~~ parking 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. ~~Temporary outdoor display of merchandise for sale is permitted. No other outdoor storage is permitted.~~

Commented [KH6]: Distinguishing this use from a vehicle storage yard by specifying that a fee must be charged, as this is a standalone commercial enterprise.

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

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

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

~~Printing and Copying, Limited. Means an establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.~~

Commented [KH7]: This is considered a personal improvement service.

Printing and publishing, general. Means the production of books, magazines, newspapers, and other printed matter, as well as record pressing and publishing, and engraving and photoengraving, ~~but excluding printing and copying, limited.~~

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

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

Recreational vehicle campground. Means the use of land designated for occupancy by *recreational vehicles* for temporary or transient living purposes, including the use of camping spaces for tents.

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, general. Means the sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include

grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.

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

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

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

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*.

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.

Tavern and drinking establishment. Means an establishment engaged in the preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premises that derives, in a six-month period, less than fifty percent (50%) of its gross revenues from the sale of food and beverages for consumption on the premises. For the purposes of ~~these regulations is Code~~, the term *tavern and drinking establishment* shall include *Class B Club*.

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.

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.

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:

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

301.D. INDUSTRIAL, MANUFACTURING, AND EXTRACTIVE. The following terms define the industrial, manufacturing, and extractive uses listed in Article 5 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~~landfill is not permitted to be burned or disposed of at a ~~construction burn site~~construction burn site.

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

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

Commented [KH8]: Middle ground between a commercial parking lot (fee paid) and a vehicle storage yard (long-term storage). There are multiple truck hauling businesses in Wichita that are classified by the LBSC as transit warehouse / warehouse-office combination / truck terminal none of which required a conditional use.

commercial motor truck-vehicle or rail, or where commercial motor vehicles are stored and dispatched as common carriers.-

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

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

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

Manufacturing, limited light. Means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants. an establishment primarily engaged in the on-site production of goods by hand manufacturing that generally involves only the use of hand tools or other equipment not exceeding two horsepower or a kiln not exceeding eight kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site. Typical useuses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, ice cream manufacturing, millwork and cabinetry, monument and grave marker manufacturing, precision machining of tools, dies and jigs, production of instruments and lenses for medical, dental, optical, scientific, and other professional purposes, and upholstery shops.

Commented [KH9]: Redefining manufacturing uses to allow nonobtrusive ones in lesser intense zoning districts. See examples of uses in definition.

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

Manufacturing, general heavy. Means an establishment engaged in the manufacture, predominantly from previously prepared materials or from lightweight nonferrous materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industry. Typical uses include apparel and garment factories, appliance manufacturing and assembly, bakeries engaged in large-scale production and wholesale distribution, beverage manufacturing and bottling (excluding breweries), boat building and repair, electrical and electronic equipment, food processing (excluding slaughterhouses and rendering plants), furniture and fixtures, jewelry manufacturing, laundry and dry cleaning plants, leather products, meat cutting and wholesale storage, machine shops, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, rubber and plastics products manufacturing, tobacco products manufacturing and toy manufacturing.other

types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

Mining or quarrying. Means the extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand, soil and gravel pit operations, quarries, and mines.

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 limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

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

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

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

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

Vehicle storage yard. Means ~~the a site where one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles are stored keeping~~ outside of an enclosed building for ~~compensation for~~ more than 72 consecutive hours ~~of one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles~~. The term *vehicle storage yard* does not include *wrecking/salvage yard*.

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.

Commented [KH10]: This is just a storage use. Freight and/or Truck Terminal is for the dispatching of commercial vehicles and may include overnight storage.

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 Article 5 as permitted or conditional in each zoning district.

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

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

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

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

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, Haysville Municipal Code.

All-weather surface. Means a 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) Compacted rock or crushed concrete, a minimum of 4" inches deep, utilizing a minimum of 1" inch diameter rock with not more than 10% fines for a binder. Utilization of the compacted rock or crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage. The compacted rock or crushed concrete can be filled to below, the same, or higher than the height of such borders;
- 4) Brick paver stone, minimum 2 3/8" inches thick shall be placed over base material of a minimum 5" inches deep.

Base material shall consist of a minimum 4" inch deep crushed stone or gravel, topped with sand a minimum of 1" inch deep. 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.

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

Board. Means the Board of Zoning Appeals.

Building. Means any structure used or intended for supporting or sheltering any use or occupancy.

Accessory building. Means a building or structure that is subordinate to and serves a *principal structure*; is subordinate in purpose, floor area, and height to the principal structure served; contributes to the comfort, convenience or necessity of occupants of the principal structure served; and is located on the same zoning lot as the principal structure. For the purpose of these regulations, the terms *accessory building* and *accessory structure* shall be synonymous.

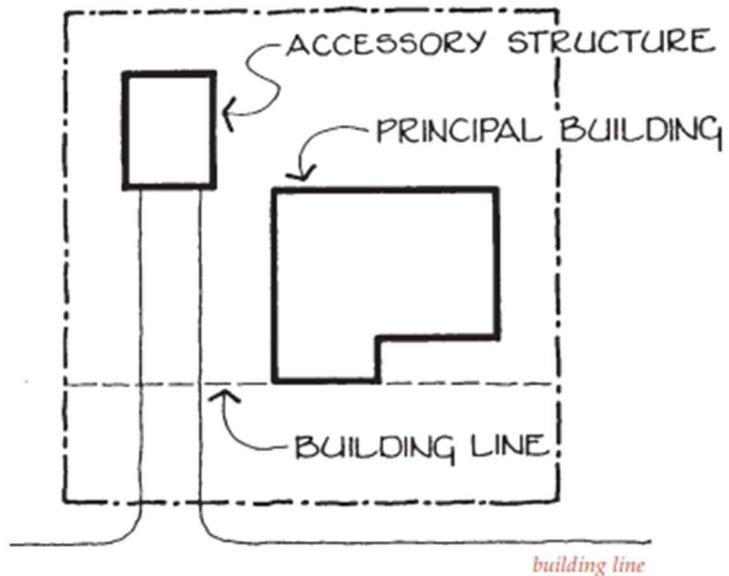
Auxiliary building. Means an *accessory structure* that does not exceed 99 square feet in size. Such structures may be built on a substandard permanent. For example, a portable metal storage shed on a concrete slab with modified footings is an *auxiliary building*.

Principal building. Means a building or structure in which the *principal use* of the site is conducted. For the purpose of these regulations, the terms *principal building* and *principal structure* shall be synonymous.

Temporary building. Means a building, office, shed, warehouse 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.

Building height. Means the vertical distance above the average existing grade to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

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



302.C.

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

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

Class "A" club. 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. Membership is required.

Class "B" club. 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.

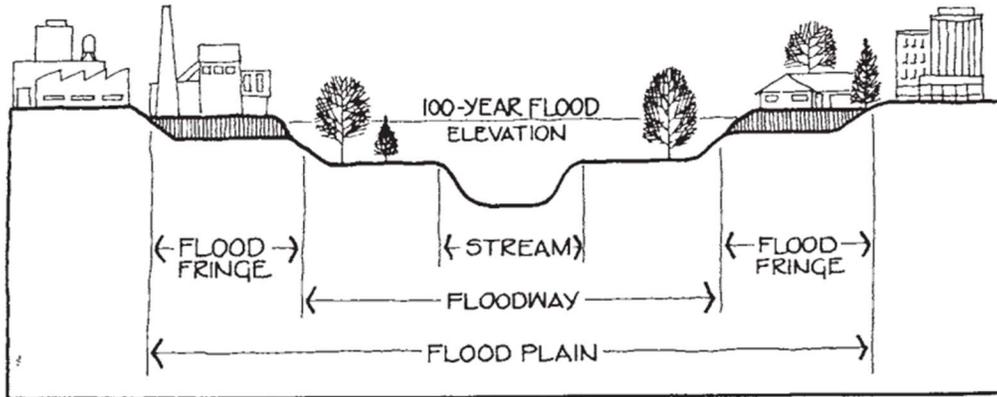
Dwelling unit. Means a building, or a portion of a building, that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

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.

Private 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:

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

Public garage. Means a building other than a *private garage* used for housing, care or repair of automobiles, or where such vehicles are equipped for operation, repaired, parked or stored for remuneration, hire, or sale.

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 a concrete or other similar surface impervious to water and strong enough for the intended use. A *hard surface* differs from an *all-weather surface* in that a hard surface does not include gravel or rock.

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.

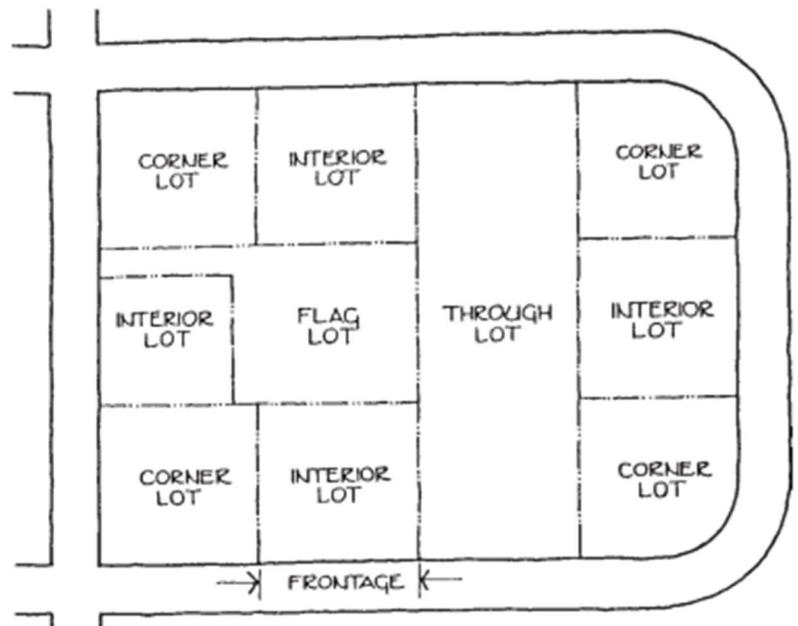
302.J.

302.K.

302.L.

Line of sight. Means a visual path emanating from an average eye level adjudged to be between three and eight feet above ground level.

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

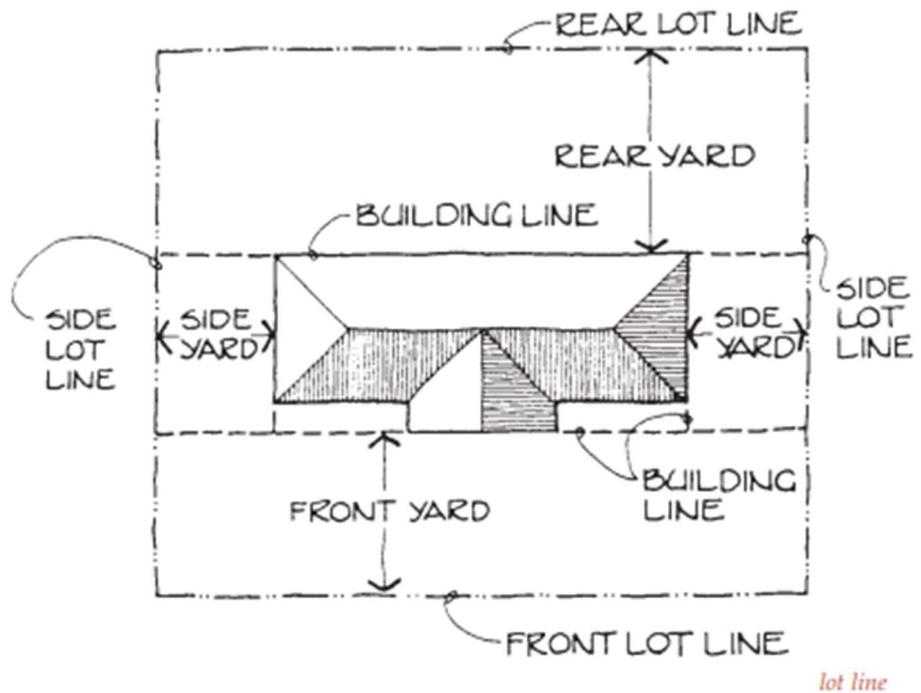
Lot depth. Means the horizontal distance between the front and rear lot *lines* measured along the median between the two side lot lines.

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 this zoning ordinance became effective, or as amended, which does not conform with 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 this zoning ordinance became effective, or as amended, which does not conform with 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.

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*.

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, other than use 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.

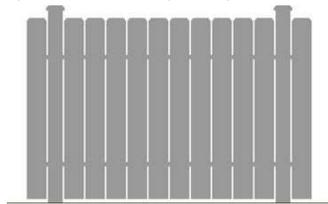
Salvage material. Means material, including but not limited to, scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, playground equipment, old or used machinery of any 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.

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 street right-of-way line to the *rear lot line* along the side of a lot that is contiguous or abutting another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

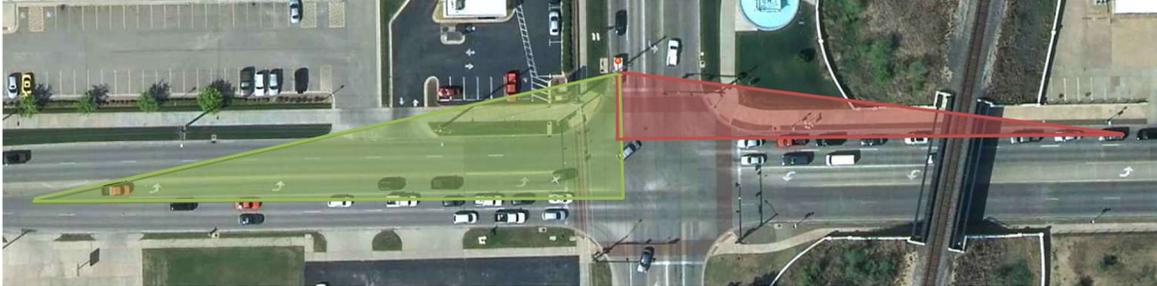
Street yard setback. Means a *Setback* that is to extend from the front Lot Line to the rear Lot Line along the side of a Lot that is abutting a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side Lot Line and a line parallel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

Sexually oriented business. See *adult entertainment*.

Sight triangle. Means the unobstructed, triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; two sides of which are measured from their corner

intersection for a distance specified based on roadway speed as identified in the AASHTO *Green Book*. The third side is a line across the corner of the lot adjoining the ends of the two sides.

Example of left-turn and right-turn *sight triangles* at the intersection of two streets.



Approach sight triangle. Means a *sight triangle* used for intersection with no control requiring adequate distance for an approaching *motor vehicle* to identify any conflicts in or approaching the intersection before entering.

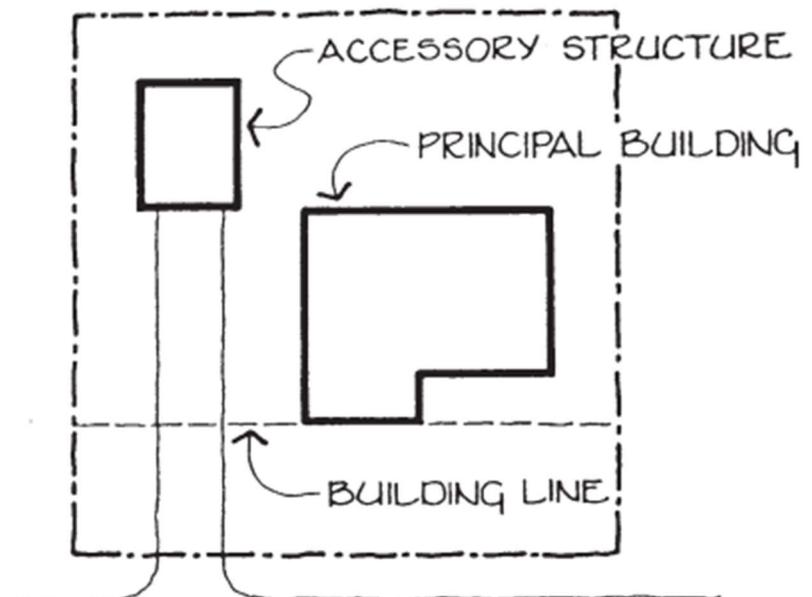
Departure sight triangle. Means a *sight triangle* used for controlled intersections requiring drivers to stop or yield at intersections, check for approaching *motor vehicles* in the intersection, and then depart.

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

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. Means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, *mobile homes*, walls, billboards and poster panels.

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



accessory structure

the comfort, convenience or necessity of occupants of the principal structure served; and is located on the same zoning lot as the principal structure. A pool, or a below grade substructure, shall be considered an *accessory structure*. For the purpose of these regulations, the terms *accessory building* and *accessory structure* shall be synonymous.

Principal structure. Means a building or structure in which the *principal use* of the site is conducted. For the purpose of these regulations, the terms *principal building* and *principal structure* shall be synonymous.

302.T.

Transient guest. Means a person who occupies a short-term residential rental 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.

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*.

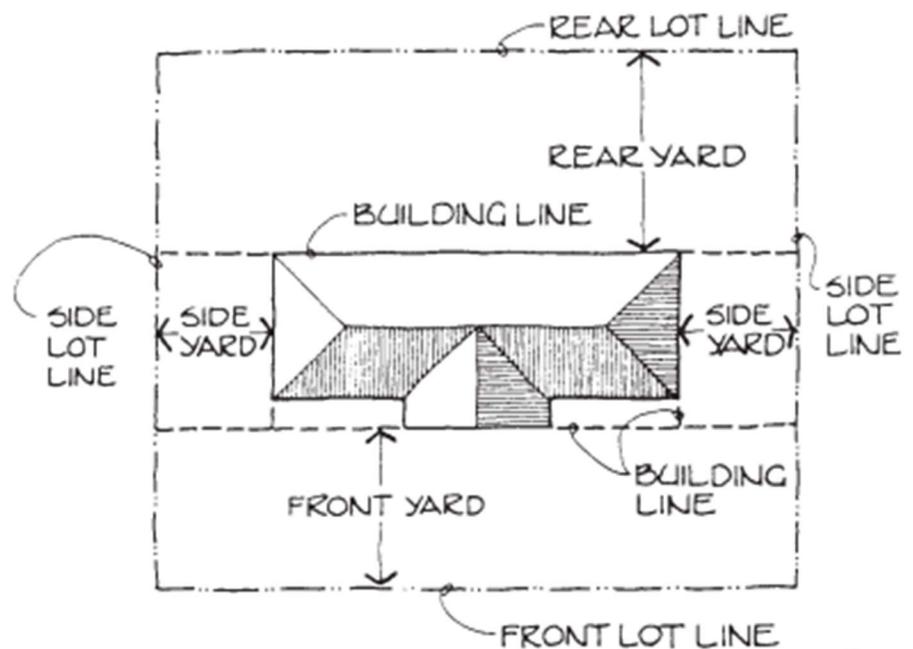
Recreational vehicle. Means a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a *motor vehicle*. Recreational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

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



yard

ground upward, except as provided in these regulations.

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

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

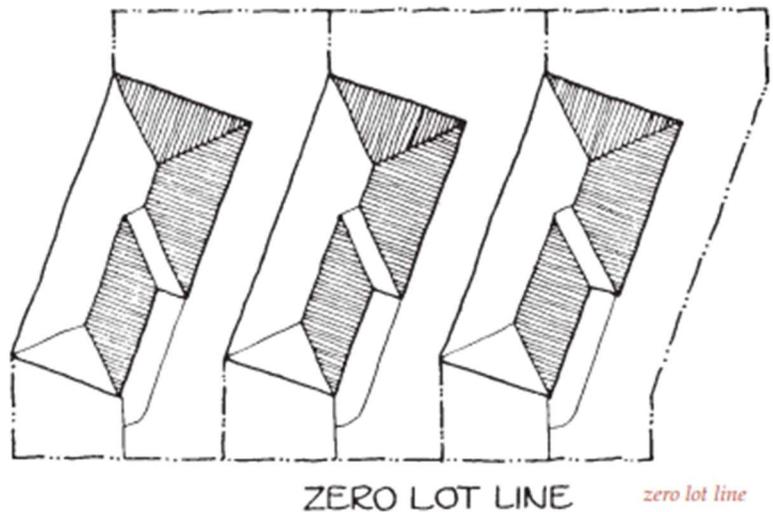
Side yard. Means a *yard* extending from the *front yard* to the point of intersection of the *rear yard* or *lot line* when no rear yard exists.

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

302.Z.

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

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



SECTION

302. GENERAL DEFINITIONS

302.A. THE FOLLOWING DEFINITIONS SHALL BE USED IN THE INTERPRETATION AND CONSTRUCTION OF THESE REGULATIONS.

~~Accessory structure and accessory use. Means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and is located on the same zoning lot as the principal use. Accessory structure including below grade substructure, must not be located in easements and may not block drainage.~~

Commented [KH1]: Remove any references to words removed from the definitions. E.g. Family

Commented [KH2R1]: Double check the list is alphabetized

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

Commented [KH3]: Separate into two definitions and alphabetized.

~~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, Haysville Municipal Code.~~

~~Alley. A public right-of-way along the side of or in the rear of a lot intended to provide a secondary means of access to and from the street and such lot. An alley is not intended for general traffic circulation. Any such access designated as a fire lane shall meet the fire code requirements for such. No lot shall front upon an alley.~~

Commented [KH4]: Defined in the subdivision regulations.

~~All-weather surface. Includes: Means a surface of either:~~

- ~~1) 1) Asphalt, a, minimum of 2" inches depthdeep, shall andbe placed over base material a minimum of 4" inches depthdeep;~~
- ~~2) C, 2) concrete, a, minimum of 4" inches depthdeep;~~

3) ~~C-3~~ compacted rock ~~or~~ crushed concrete, ~~a~~ minimum of 4" inches ~~depth~~~~deep~~, utilizing a minimum of 1" inch diameter rock with not more than 10% fines for a binder. ~~Utilization of the compacted rock or crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage. The compacted rock or crushed concrete can be filled to below, the same, or higher than the height of such borders;~~

4) ~~4~~ ~~B~~ brick paver stone, minimum 2 3/8" inches thick shall be placed over base material of a minimum 5" inches ~~depth~~~~deep~~.

Base material shall consist of a minimum 4" inches ~~depth~~~~deep~~ crushed stone or gravel, ~~and~~ topped with sand a minimum of 1" inch ~~depth~~~~deep~~. ~~Utilization of the compacted rock/crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage.~~ Every all-weather surface must be properly maintained and kept free of potholes, weeds, grass, dust, trash, and miscellaneous scattered objects (debris) to qualify as an "all-weather" surface. A surface that is not maintained free of weeds and debris is not an "all-weather" surface as an improperly developed or maintained surface does not meet the goals or the intent of this definition.

~~Alteration, structural. Means a~~ Any change, addition or modification in the construction of a structure in the supporting members of a building such as bearing walls, partitions, columns, beams or girders, or any substantial change in roof or exterior walls.

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

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

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

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

~~Billboard. Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from the display.~~

Commented [KH7]: Defined in the sign regulations.

302.B.

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

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

Commented [KH8]: Defined in the Subdivision regulations.

~~Board of zoning appeals. M~~ Shall mean ~~s~~ the ~~B~~ board of ~~Z~~ zoning ~~A~~ appeals.

~~Building. Means any structure used or intended for supporting or sheltering any use or occupancy. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.~~

Accessory building. Means a building or structure that is subordinate to and serves a *principal structure*; is subordinate in purpose, floor area, and height to the principal structure served; contributes to the comfort, convenience or necessity of occupants of the principal structure served; and is located on the same zoning lot as the principal structure. For the purpose of these regulations, the terms *accessory building* and *accessory structure* shall be synonymous.

Commented [KH9]: Clarified meaning of "subordinate in size"

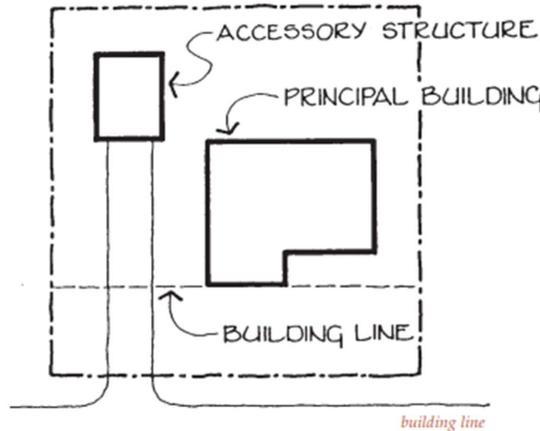
Auxiliary building. Means an *accessory building-structure* that does not exceed 99 square feet in size. Such structures on the same lot as the main building or principal use which may be built on a substandard permanent foundation and of a nature customarily incidental and subordinate to the main building or principal use and does not exceed 99 square feet. For example, a portable metal storage shed on a concrete slab with modified footings is an *auxiliary building*.

Principal building. Means a building or structure in which the *principal use* of the site is conducted. For the purpose of these regulations, the terms *principal building* and *principal structure* shall be synonymous.

Temporary building. Means a building, office, shed, warehouse 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.

Commented [KH10]: Match description in Article 4. General Regulations

Building, height. Means the vertical distance measured above the average existing grade from the adjoining curb grade to the highest point of the roofbuilding. The height of a stepped or terraced building shall be the maximum height of any segment of the building, provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.



Building line. Means the perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of a building or structure. A line that is the distance that is required by the city of Haysville Zoning Regulations between a *principal structure* or *accessory structure* and the property line of the lot on which the structure is located. This term refers specifically to the exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built but shall

~~not include the face of one-story unoccupied gable roofed areas over open porches, entrances or like appendages.~~

302.C.

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

Cargo container. ~~(shipping container).~~ Means aAny portable, weather-resistant receptacle, container or other ~~structure~~structure that is designed or used for the storage or shipment of household goods, commodities, building materials, furniture, or merchandise. ~~Not to be used as a base, platform, or location for business identification signs or temporary signs.~~

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

Class "B" club. Means aA premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. ~~Memberships is not required.~~

Commission. Means ~~t~~The City of Haysville Planning Commission.

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

Inner cCourt, inner. Means aA 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 cCourt, outer. Means aA 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 aAny section of the City for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

Dwelling unit. One or more rooms in a dwelling, apartment, condominium, or hotel designed for occupancy by one family for living purposes. Means a building, or a portion of a building, that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

302.E.

~~EASEMENT, A GRANT OF SPECIFIC PROPERTY RIGHTS TO LAND FOR THE USE OF THE PUBLIC, A CORPORATION OR ANOTHER PERSON OR ENTITY.~~

Commented [KH11]: Defined in the Subdivision regs.

~~FAMILY, AN INDIVIDUAL OR TWO OR MORE PERSONS RELATED BY BLOOD OR MARRIAGE, OR A GROUP OF NOT MORE THAN FIVE PERSONS (EXCLUDING HOUSEHOLD EMPLOYEES) NOT RELATED BY BLOOD OR MARRIAGE, LIVING TOGETHER IN A SINGLE DWELLING UNIT.~~

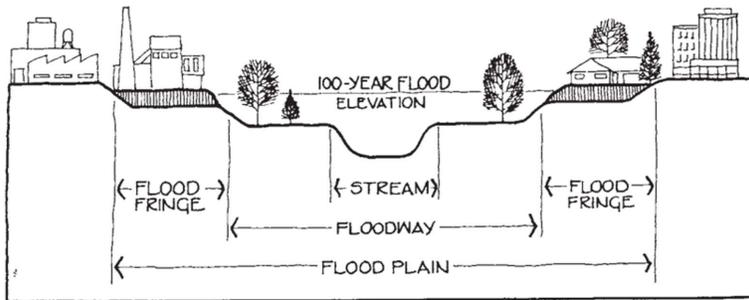
Commented [KH12]: Unnecessary definition, term not used in zoning regulations

302.F.

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

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

Commented [KH13]: Adding these definitions so a riparian setback can be established later. A riparian setback is a setback from aquatic sensitive areas (rivers, streams, floodways, etc.) that is intended to protect the sensitive areas from pollution and the buildings from flooding.



floodplain

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

Frontage. Means The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead end street; the lot line(s) abutting a public right-of-way.

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

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

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

302.G.

Garage.

Private garage. Means aAn accessory ~~structure~~structure or portion of a ~~main-principal building~~structure for the parking and temporary storage of automobiles of the occupants of the premises, and wherein:

- (a) ~~(a)~~Not more than one space is rented for parking to persons not occupants of the premises;
- (b) ~~(b)~~Not more than one commercial vehicle per dwelling unit is parked or stored; and
- (c) ~~(c)~~the commercial vehicles permitted do not exceed 26,000 pounds gross vehicle weight rating.

Public garage. Means a building other than a private garage used for housing, care or repair of automobiles, or where such vehicles are equipped for operation, repaired, parked or stored for remuneration, hire, or sale.

Commented [KH14]: This could be a public parking garage or it could be a sales lot or it could be a repair lot. Is that what we want a public garage to be?

Commented [KH15R14]: Why is this defined?

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.

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

Commented [KH16]: Unnecessary definition, term not used in Zoning Regulations

302.H.

Hard surface. Means a concrete or other similar surface impervious to water and strong enough for the intended use. A "Hard Surface" differs from an "All-Weather Surface" in that a "Hard Surface" does not include gravel or rock.

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.

Commented [KH17]: Defined in the subdivision regulations. Should only be defined here. Should relate to the nonconforming code and the jurisdiction and application section for these regulations.

302.J.

302.K.

302.L.

Landscaping. Means the improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Commented [KH18]: Defined in the landscaping regulations.

Line of sight. Means a visual path emanating from an average eye level adjudged to be between three and eight feet above ground level.

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

Commented [KH19]: Unnecessary definition, term not used in the zoning regulations.

Loading space. Space logically and conveniently located for bulk pickups and deliveries, scaled to such vehicles when required off-street parking space is filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. (See also Section 500.)

Commented [KH20]: Defined in the parking regulations.

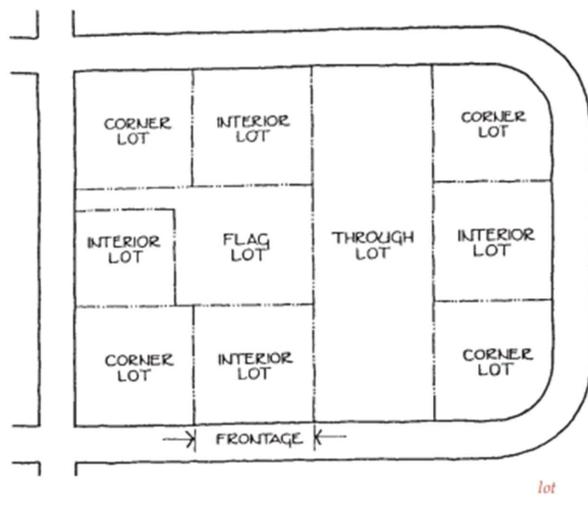
Lot. Means a portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings/structures, and including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

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

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

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

Through lot. Means a lot, other than a corner lot, with frontage



on two parallel or approximately parallel streets.

Lot 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.

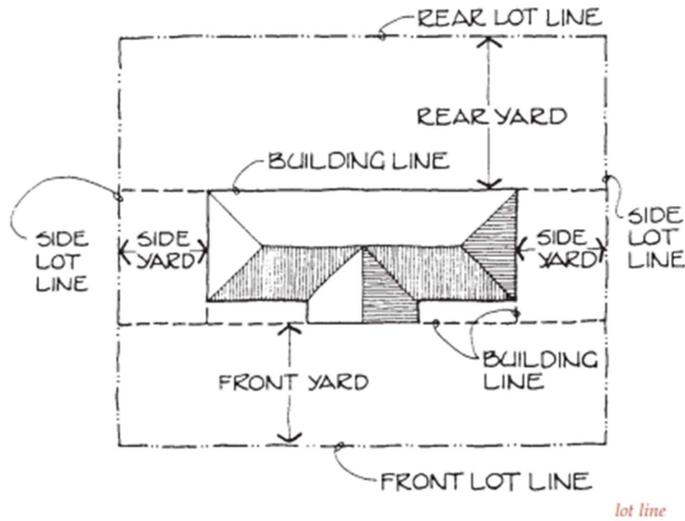
Front lot line. Means a lot line which abuts an existing or dedicated public street. In the case of a corner lot, it shall be the lot line designated as the primary frontage.

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.

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

TABLE: LOT TYPES



CORNER	INTERIOR		INTERIOR	KEY
		THROUGH		INTERIOR

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

~~Lot split. The dividing or redividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts that meet the criteria established within the subdivision regulations.~~

Commented [KH21]: Defined in the subdivision regulations.

Lot width. Means ~~t~~he 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 hHome. Means a movable detached ~~s~~Single-~~f~~Family ~~d~~Dwelling ~~u~~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 ~~d~~Dwelling ~~u~~Unit and be connected to utilities in conformance with all applicable regulations. The term ~~m~~Mobile ~~h~~Home does not include a ~~r~~Recreational ~~v~~ehicle.

302.N.

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

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

Nonconforming use. Means the ~~u~~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.

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.*

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

Commented [KH22]: Defined in the subdivision regulations.

Owner. Means ~~a~~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 ~~a~~An area, other than a ~~s~~Street or ~~a~~Alley, used or intended to be used for the ~~p~~Parking of ~~operable the m~~Motor ~~v~~ehicles, boats, ~~t~~Trailers that are exempt from ~~m~~Motor ~~v~~ehicle registration by the state or are registered or are required by law to be registered with a 2M+ Kansas

license plate in the city or 8M in the County, and unoccupied ~~r~~Recreational ~~v~~Vehicles, any of which shall be owned, leased, borrowed, etc. by the occupants of a ~~d~~Dwelling ~~u~~Unit that is located on the same ~~Zoning~~Lot, and wherein not more than one ~~c~~Commercial ~~v~~Vehicle per ~~d~~Dwelling ~~u~~Unit is parked and the permitted ~~c~~Commercial ~~v~~Vehicle does not exceed 26,000 pounds gross vehicle weight rating.

Parking space. ~~Means an (Automobile) A hard surface, (except may be "all weather" in areas identified as flood plains by the Zoning Administrator), surfaced~~ area on privately owned property within or without a building or on a private or public parking area and sufficient in size for the parking of one automobile.

~~The area shall conform to design criteria set forth in Section 500.~~

~~Parts Car. An inoperable motor vehicle, including any vehicle without current registration, which is owned by a collector to furnish parts which will enable the collector to restore, preserve and maintain a special interest vehicle, street rod vehicle or antique.~~

Commented [KH23]: Unnecessary definition, not used in the Zoning Regulations and synonymous with inoperable vehicle

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

Commented [KH24]: Defined in the subdivision regulations.

Planned Unit Development. ~~Means a development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use 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.~~

~~Plat. A drawing/map by a professional surveyor of a tract of land that has been lawfully subdivided meeting the criteria established in the subdivision regulations and duly recorded in the office of the register of deeds of Sedgwick County.~~

Commented [KH25]: Defined in the subdivision regulations.

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

~~Public way. Any parcel of land unobstructed from the ground to the sky, more than 10 feet in width, appropriated to the free passage of the general public.~~

302.Q.

302.R.

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

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

Commented [KH26]: Defined in the subdivision regulations

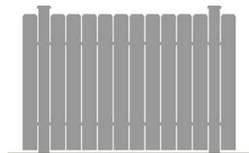
302.S.

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

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

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

Example of 90% Opacity of Screening



Setback. ~~Means t~~The minimum distance that is required by ~~these regulations is Code~~ between a structure~~Principal Structure or Accessory Structure~~ and the property lot line of the ~~!~~Lot on which the ~~s~~Structure is located. ~~(Note: The term Setback refers to a required minimum area, while the term Yard refers to the actual open area.)~~

Front yard setback. ~~front.~~ Means a ~~s~~Setback that is to extend across the full width of the ~~!~~Lot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the ~~!~~Lot.

Setback, interior side. Means a Setback that is to extend from the street right-of-way line to the ~~rear Lot line along the side of a Lot that is contiguous or abutting another Lot, the required~~

~~depth of which is measured as the minimum horizontal distance between the side Lot line and a line parallel thereto on the Lot.~~

~~Rear yard setback, rear.~~ Means a ~~Setback~~~~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 street right-of-way line to the ~~rear lot line~~ along the side of a lot that is contiguous or abutting another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

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

~~Sexually oriented business. See adult entertainment.~~

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

Commented [KH27]: Defined in the sign regulations.

~~Sight/Vision Triangle.~~ Means the unobstructed, triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; two sides of which are measured from their corner intersection for a distance specified based on roadway speed as identified in the AASHTO *Green Book*. The third side is a line across the corner of the lot adjoining the ends of the two sides. A triangular area on a lot that is located adjacent to the area where two streets intersect. The triangle has two sides measured from the center of right-of-way, and a third side across the lot which connects the ends of the two sides. In all districts, the two lot lines establishing the sight triangle shall be a minimum distance of 60 feet. However, such standards may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation or intensity of traffic volumes or speed. At street intersections, which are provided automatic traffic signalization, the Administrative Committee may modify or waive the sight triangle restrictions. The Zoning Administrator or City Inspector shall determine, upon request, the location of any sight triangle. (Code 2023)

~~Example of left-turn and right-turn sight triangles at the intersection of two streets.~~



Approach sight triangle. Means a *sight triangle* used for intersection with no control requiring adequate distance for an approaching *motor vehicle* to identify any conflicts in or approaching the intersection before entering.

Departure sight triangle. Means a *sight triangle* used for controlled intersections requiring drivers to stop or yield at intersections, check for approaching *motor vehicles* in the intersection, and then depart.

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

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

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

Commented [KH28]: Added for clarification when it comes to the MFA district and the location of commercial uses.

Street. A thoroughfare, whether public or private, 25 feet or more in width. For the purpose of this chapter, the word "street" shall include the words "road," "highway," "boulevard," "avenue," etc.

Residential street. Any street designed primarily to provide access to *abutting* property to include lanes, drives, circles, boulevards, or any other designation that might be given to such streets.

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

Sub collector. Any street designed to provide passage to residential streets and convey traffic to collector streets or through traffic to lower order streets.

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

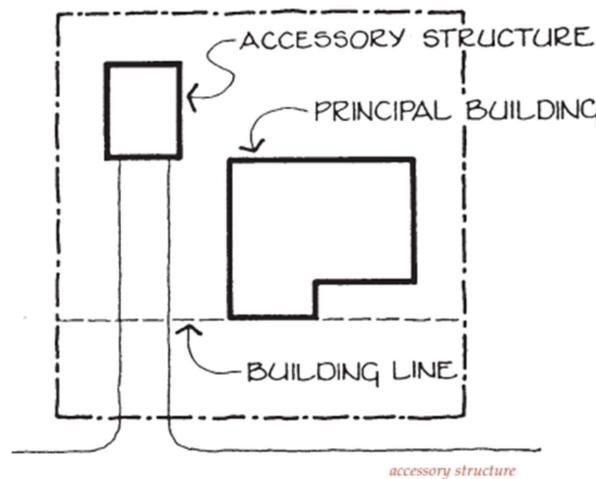
Structure or building. Means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards and poster panels.

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

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

Principal structure. Means a building or structure in which the principal use of the site is conducted. For the purpose of these regulations, the terms principal building and principal structure shall be synonymous.

Subdivider. The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of the subdivision regulations for the purpose of subdividing land.



Commented [KH29]: Defined in the subdivision regulations.

Commented [KH30]: Unnecessary definition, term not used in Zoning Regulations

~~Subdivision. Any division or redivision of land by means of mapping, platting, conveying, changing, or rearranging of boundaries, or otherwise, and shall also relate to the process of subdividing or other land subdivided, where appropriate to the context.~~

Commented [KH31]: Defined in the subdivision regulations.

~~Tattooing and Body Piercing Facility. Means any room or space, or part thereof, where the act of tattooing, body piercing, or permanent color technology is conducted.~~

Commented [KH32]: This is considered a personal improvement service and does not need its own definition

302.T.

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

302.U.

~~Use, principal. Means t~~The main and primary purpose for which land or a ~~building or structure~~structure is designed, arranged or intended, or for which ~~either land or a building or structure~~ it may be occupied or maintained under ~~these regulations~~is ordinance.

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

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

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

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

302.V.

~~Variance. Means To~~ authorization by the Board of Zoning Appeals, ~~e~~ in specific cases, a deviation from the specific terms of the ~~se regulations~~ zoning ordinance, which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the ~~ese regulations e~~ zoning ordinance will, in an individual case, result in unnecessary hardship, and provided the spirit of

these ~~regulations-zoning ordinance~~ shall be observed, public safety and welfare secured and substantial justice done.

Vehicle.

~~Commercial vVehicle, Commercial.~~ Means any truck, van, panel truck, delivery van, ~~tTrailer,~~ semitrailer or pole trailer drawn or designed to be drawn by a ~~mMotor vVehicle,~~ 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 vVehicle, Inoperable.~~ Means any vehicle that is unable to operate or move under its own power. It shall also mean any ~~mMotor vVehicle~~ 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 ~~iInoperable vVehicle~~ shall not include vehicles needing only the inflation of tires, the installation of a battery or the addition of fuel in order to operate. ~~An In the City, an iInoperable vVehicle~~ shall also include any ~~vVehicle~~ with uninflated tires, or otherwise meeting the definition of ~~nuisance automobile Inoperable Vehicle~~ in ~~Chapter CHAPTER 8~~ of the Code of the City of Haysville.

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

~~Passenger vVehicle, Passenger.~~ Means a ~~mMotor vVehicle~~ that is designed primarily to carry ten or fewer passengers, and that is not used as a ~~cCommercial vVehicle.~~

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

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 chapter.

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 property lot line and the building line. On corner lots, the street address shall determine the primary front yard requirement which shall have the required front yard depth. The subordinate front yard shall have no less than fifteen (15) feet.

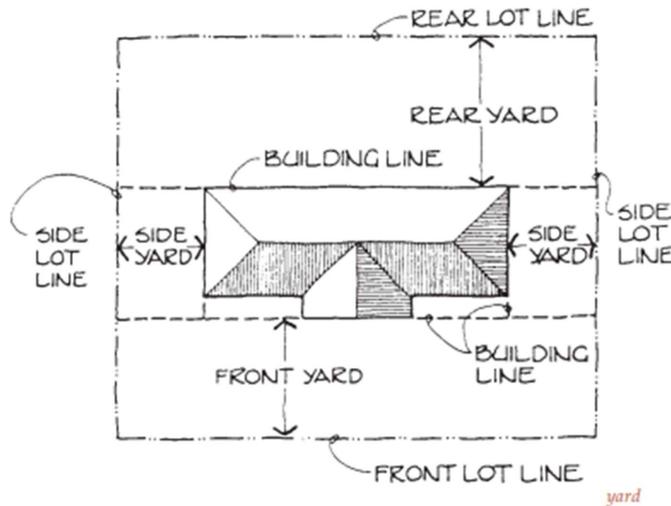
Commented [KH33]: This was added to Article 4. General Regulations

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

Commented [KH34]: This was added to Article 4. General Regulations

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

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

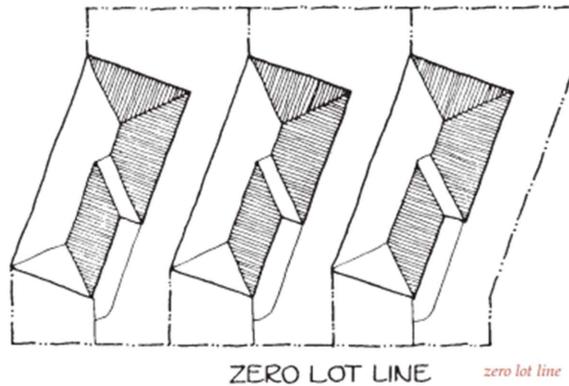


the points of the wall closest to the side property lines shall be used to define the limits of the street yard.

302.Z.

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

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



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	Single-Family Residential
SFZ	Single-Family Zero Lot Line Residential
TH	Tiny Home Residential
TF	Two-Family Residential
MF4	Multi-Family Four Residential
MH	Manufactured Home Residential
Commercial and Mixed Use Base Districts	
MFA	Multi-Family Apartment Residential
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 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 SF15, SF or SFZ 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 therefore 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 regulations have been modified or waived by the Board of Zoning Appeals, pursuant to the Variance procedures contained in [SECTION 1005](#) or the Special Exception procedures in [SECTION 1006](#), or the Planning Commission, pursuant to the Zone Change procedures in [SECTION 1001](#) or the Conditional Use Permit procedures in [SECTION 1002](#).

1. Residential uses.

- a. **Group home.** In accordance with K.S.A. 12-736, group homes shall be permitted by right in every zoning district where single-family dwellings are permitted by right or conditionally.
- b. **Manufactured home.** In accordance with K.S.A. 12-763, manufactured homes shall not be excluded from the all zoning districts.

Residential-design manufactured home. In accordance with K.S.A. 12-763, residential-design manufactured homes shall be permitted by right in the SF15, SF, and SFZ zoning districts.

2. Public and civic uses.

- a. **Recycling processing center.** Recycling processing centers shall be permitted by right provided that:
 - i. Any operation that is not conducted entirely within an enclosed building shall be solidly screened from view of arterial streets and any lesser zoning districts

adjacent to the property, pursuant to the maximum fence height permitted in [CHAPTER 4, ARTICLE 11](#) of the City Code; and

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

3. Commercial uses.

- a. **Automated teller machine (ATM).** Automate teller machines shall only be permitted as an accessory use to a lawfully permitted use. ATMs shall not be permitted as stand-alone, principal structures.
- b. **Construction sales and service.** Construction sales and service shall be permitted by right provided that all material and equipment stored outdoors shall be located on a hard or all-weather surface and be arranged to permit reasonable inspection and access to all parts of the premises by fire, police, and city authorities. Rock, decorative pavers or statues, and any live plant material shall not require an all-weather surface, but shall be kept in an orderly manner.
- c. **Microbrewery.** Microbreweries shall be permitted by right, in accordance with K.S.A. 41-710, provided that the following conditions are met.
 - i. No microbrewery shall be located within 200 feet of any public or parochial school or college or church, except that if any such school, college, or church is established within 200 feet of any microbrewery after the premises have been established; and
 - ii. No microbrewery shall be permitted in any district zoned for any purpose except agricultural, commercial, or business purposes.
- d. **Recreational vehicle campground.** Recreational vehicle campgrounds shall be permitted by right provided that solid screening, in addition to the landscape buffer required in accordance with [APPENDIX E, SECTION 501.E.1](#), shall be provided along any common property line with a residential district.
- e. **Service station.** Service stations shall be permitted by right provided that the following conditions are met for the outdoor storage of materials.
 - i. Liquids, not to exceed one 300 gallon drum;
 - ii. Tires, to be stored in a container not to exceed 100 square feet located at least 18 inches off the ground; and
 - iii. Scrap metal, to be in a container not to exceed 100 square feet.
- f. **Short-term residential rental.** Short-term residential rentals shall be permitted by right provided that a permit is submitted and approved by the Zoning Administrator.
- g. **Vehicle and equipment sales, outdoor.** Outdoor vehicle and equipment sales shall be permitted by right provided that:
 - i. All merchandise displayed is in operable condition;
 - ii. 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;
 - iii. No part or piece storage is displayed outdoors;

- iv. All maintenance (excluding washing and waxing) is conducted indoors; and
 - v. Loading and unloading of merchandise takes place off of public streets.
 - h. **Vehicle repair, general.** General vehicle repair shall be permitted by right provided that no inoperable vehicles are stored or located on site for more than 45 days.
- 4. **Industrial, manufacturing and extractive uses.**
 - a. **Manufacturing, light.** Light manufacturing shall be permitted by right provided that all manufacturing is conducted wholly within a completely enclosed building.
 - b. **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.
 - c. **Storage, outdoor.** Outdoor storage shall be permitted by right as a principal use provided that:
 - i. All items are stored on an all-weather or hard surface; and
 - ii. All storage is solidly screened from adjacent properties of a lesser zoning district and from the view of any public right-of-way, pursuant to the maximum fence height permitted in [CHAPTER 4, ARTICLE 11](#) of the City Code.
 - d. **Vehicle storage yard.** Vehicle storage yards shall be permitted by right provided that:
 - i. Outdoor vehicle storage shall occur in an orderly manner with clearly delineated parking stalls;
 - ii. All outdoor vehicle storage areas and drives shall be paved with a hard surface; and
 - iii. A security fence shall be installed that solidly screens the yard from the view of any adjacent residential uses and public right-of-way, pursuant to the maximum fence height permitted in [CHAPTER 4, ARTICLE 11](#) of the City Code.
- 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.

404.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, SFZ, and TH 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.
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 and corner lots shall only have front yards and side yards.

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

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

1. Lots zoned SF-15, SF, SFZ, TF, or TH; or
2. Lots zoned LI or HI where all adjacent lots are zoned the same or less restrictive.

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

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

405.I. TEMPORARY BUILDINGS. 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.

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. On principal residential structures an open, unenclosed porch; chimneys; awnings; basement escape windows wells and similar architectural appendages may extend into a required setback but shall not encroach upon any platted or recorded easement.
4. No portion of any building shall be located in any platted or recorded easement or alley.
5. When recorded plats show setbacks different than the minimum setback requirements prescribed by these regulations, the platted setbacks shall be used.
6. All schools, libraries, churches, community houses and other public and semi-public buildings shall have a minimum 25-foot side yard setback on the side of the lot adjoining another building site.

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

1. Chimneys, flues, stacks, fire escapes, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located.
2. Flagpoles, steeples, bell towers, carillons, monuments, and cupolas.
3. Wireless communication facilities, in accordance with [APPENDIX E, SECTION 505](#).

SECTION 406. ACCESSORY USES AND STRUCTURES; ALL DISTRICTS.

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

406.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 406.B](#).
3. **Corner lot setback.** Accessory structures shall not be located nearer to the primary frontage than the principal structure and must meet the district setback requirements for the secondary frontage.
4. **Location.** Accessory structures may only be located in the side or rear yards, as prescribed in [TABLE 406.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 detached 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 406.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	3	3	✓	✓
SFZ	0	3		✓
TH	3	3	✓	✓
TF	3	3		✓
MF4	3	3		✓
MH	3	3	✓	✓
MFA	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.

406.C. AUXILIARY STRUCTURES. Auxiliary structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these regulations.

406.D. DIMENSIONAL STANDARDS; AUXILIARY STRUCTURES. There shall be no dimensional standards for auxiliary structures unless a building permit is required for construction or installation. If a building permit is required, the dimensional standards for accessory structures shall apply.

DRAFT

**ARTICLE ~~ARTICLE 43.~~
GENERAL REGULATIONS GENERAL REGULATIONS**

SECTION ~~4301.~~ — BASE DISTRICTS BASE DISTRICTS.

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

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

Table 401.B. Base districts.

DISTRICT CODE	DISTRICT NAME
Residential Base Districts	
SF-15	Single-Family Suburban Residential
SF	Single-Family Residential
SFZ	Single-Family Zero Lot Line Residential
TH	Tiny Home Residential
TF	Two-Family Residential
MF4	Multi-Family Four Residential
MH	Manufactured Home Residential
Commercial and Mixed Use Base Districts	
MFA	Multi-Family Apartment Residential
LC	Light Commercial
HMC	Hotel and Motel Commercial
HC	Heavy Commercial
Industrial Base Districts	
LI	Light Industrial
HI	Heavy Industrial
Special Base Districts	
P-O	Protective Overlay
HD-O	Original Town Historic Overlay

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

Amended 1.13.26

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

3. ~~C. Industrial – LI, HI;~~

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

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

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

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

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

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

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

SECTION 403. ANNEXED TERRITORY.

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

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

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

302 — BOUNDARIES OF DISTRICTS

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

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

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

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

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

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

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

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

404.E. SPECIAL USE STANDARDS. No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable special use standards specified in this section, or unless the special use regulations have been modified or waived by the Board of Zoning Appeals, pursuant to the Variance procedures contained in SECTION 1005 or the Special Exception procedures in SECTION 1006, or the Planning Commission, pursuant to the Zone Change procedures in SECTION 1001 or the Conditional Use Permit procedures in SECTION 1002.

1. Residential uses.

- a. **Accessory dwelling unit.** Accessory dwelling units shall be permitted by right in the MFA, MH, HMC, LC, HC, LI and HI districts when used for security purposes only. Any other use of an accessory dwelling unit in the above referenced districts shall require a conditional use permit.
Group home. In accordance with K.S.A. 12-736, group homes shall be permitted by right in every zoning district where single-family dwellings are permitted by right or conditionally.
- b. **Manufactured home.** In accordance with K.S.A. 12-763, manufactured homes shall not be excluded from the all zoning districts.
- a- **Residential-design manufactured home.** In accordance with K.S.A. 12-763, residential-design manufactured homes shall be permitted by right in the SF15, SF, and SFZ zoning districts.

2. Public and civic uses.

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

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

Commented [KH3]: Language added to clarify the meaning behind "adequately" and "solidly" screened in regards to fence height.

3. Commercial uses.

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

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

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

- i. No microbrewery shall be located within 200 feet of any public or parochial school or college or church, except that if any such school, college, or church is established within 200 feet of any microbrewery after the premises have been established; and
- ~~e~~-ii. No microbrewery shall be permitted in any district zoned for any purpose except agricultural, commercial, or business purposes.

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

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

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

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

i-g. Vehicle and equipment sales, outdoor. Outdoor vehicle and equipment sales shall be permitted by right provided that:

- ~~j.i.~~ All merchandise displayed is in operable condition;
- ~~ii.~~ 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;
- ~~k.iii.~~ No part or piece storage is displayed outdoors;
- ~~t.iv.~~ All maintenance (excluding washing and waxing) is conducted indoors; and
- ~~m.v.~~ Loading and unloading of merchandise takes place off of public streets.

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

4. Industrial, manufacturing and extractive uses.

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

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

- ~~o.i.~~ All items are stored on an all-weather or hard surface; and
 - ~~p.~~ All storage is solidly screened from adjacent properties of a lesser zoning district and from the view of any public right-of-way, pursuant to the maximum fence height permitted in CHAPTER 4, ARTICLE 11 of the City Code; and
- ~~q.ii.~~ All storage is solidly screened from the view of any public right of way.

~~r.d.~~ **Vehicle storage yard.** Vehicle storage yards shall be permitted by right provided that:

- ~~i.~~ Outdoor vehicle storage shall occur in an orderly manner with clearly delineated parking stalls;
- ~~ii.~~ All outdoor vehicle storage areas and drives shall be paved with a hard surface; and
- ~~iii.~~ A security fence shall be installed that solidly screens the yard from the view of any adjacent residential uses and public right-of-way, pursuant to the maximum fence height permitted in CHAPTER 4, ARTICLE 11 of the City Code.

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.

404.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, SFZ, and TH 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.
2. Approval of multiple buildings on a lot will not constitute a right to subdivide or separately convey those structures except in accordance with the regulations in effect at the time of the proposed subdivision.

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

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

- ~~1. No yard, court or other open space provided about any building for the purpose of complying with the provisions of ~~these regulations is chapter~~ shall be diminished in any way or ~~again~~ used, in whole or in part, as a yard, court or other open space for another building.~~

1. _____

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

~~C. — Except as hereinafter provided:~~

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

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

Amended 1.13.26

Commented [KH4]: Moved here from 405.J. Setbacks section.

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

1. ~~Lots zoned SF-15, SF, SFZ, TF, or TH; or~~
2. ~~Lots zoned LI or HI where all adjacent lots are zoned the same or less restrictive, unless such lot is zoned "LI" Light Industrial or "HI" Heavy Industrial, and all adjacent lots are zoned the same.~~

Commented [KH5]: Added to match provisions regulations as listed in the Landscaping Regulations.

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

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

405.I. TEMPORARY BUILDINGS. D. —Offices, sheds, warehouses and open-air storages used by building contractors in connection with the building of a principal building or the development of an area, may be erected and used in any district; provided, that they shall be removed from the premises within 10 days after substantial completion of the project or unusual suspension of work, or upon permit expiration, whichever is the earlier date. ~~(See Section 704 for permit procedure.)~~

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

Commented [KH6]: K.S.A. 757a and K.S.A. 74-623 restrict the city's ability to regulate mining activities.

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

Commented [KH7]: K.S.A. 12-763 restricts the city's ability to regulate manufactured homes.

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

Commented [KH8]: Moved to Article 1. Section 102. Rules of Interpretation

405.J. I-SETBACKS.

1. ~~1.~~ —Where there are through lots, ~~front yard requirements~~front setbacks shall apply to both streets.
2. ~~Where there are corner lots, front setbacks shall apply to the primary frontage, as determined by street address or building orientation. An additional street yard setback shall apply to the secondary frontage.~~

Amended 1.13.26

~~3.~~ 3. On principal residential structures an open, unenclosed porch; chimneys; awnings; basement escape windows wells and similar architectural appendages may extend into a required setback but shall not encroach upon any platted or recorded easement.

~~4.~~

~~2.4.~~ 2. No portion of any buildings shall ~~not~~ be located in any platted or recorded easement or alley.

~~3.~~ 3. When recorded plats show setbacks ~~greater-different~~ than the minimum setback requirements ~~prescribed by these regulations,~~ ~~the greater-platted~~ setbacks shall be used.

~~5.~~

~~4.~~ 4. A side yard setback of 25 feet shall be provided for all schools, libraries, churches, community houses and other public and semi-public buildings shall have a minimum 25-foot side yard setback on the side of the lot adjoining another building site.

~~5.6.~~

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

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

~~Wireless Communications.~~

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

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

406.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 406.B.
- 3. Corner lot setback.** Accessory structures shall not be located nearer to the primary frontage than the principal structure and must meet the district setback requirements for the secondary frontage.
- 4. Location.** Accessory structures may only be located in the side or rear yards, as prescribed in TABLE 406.B.
- 5. Building separation.** Unless attached to the principal structure, accessory structures shall not be located closer at least than three feet from the primary structure.
- 6. Additional construction.** If an existing detached accessory structure exists, conforms to current code, and meets setback requirements, a permit may be approved for the additional construction of an additional accessory structure.
- 7. Easements.** Accessory structures shall not encroach on any easement and may not block drainage.

Table 406.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	3	3	✓	✓
SFZ	0	3		✓
TH	3	3	✓	✓
TF	3	3		✓
MF4	3	3		✓
MH	3	3	✓	✓
MFA	3	3		✓
LC	3	3	✓	✓
HMC	3	3		✓
HC	3 ¹	3 ¹	✓	✓

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

1. Setbacks shall be 6 feet for combustible structures.

B. Allowed Accessory Structure Location by District.

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

406.C. AUXILIARY STRUCTURES. Auxiliary structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these regulations.

406.D. DIMENSIONAL STANDARDS; AUXILIARY STRUCTURES. There shall be no dimensional standards for auxiliary structures unless a building permit is required for construction or installation. If a building permit is required, the dimensional standards for accessory structures shall apply.

Commented [KH9]: Auxiliary structures are defined as structures no more than 99 sq ft. Building permits are only required for structures that are 100 sq ft or more. Since no permit is required, no site plans are submitted, and it is nearly impossible to regulate their location. If the sq ft regulation for building permits were ever to change, I have added in that the accessory structure standards shall apply to regulate the construction.

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

Vocational School	C	C	C	C	C	C	C	C	C	C		C	C	C	
Warehouse, Self-Service Storage												C	C	C	
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C		C	C	C	
Industrial, Manufacturing and Extractive															
Asphalt or Concrete Plant, Limited	P	P	P	P	P	P	P	P	P	P		P	P	P	
Asphalt or Concrete Plant, General													P	P	
Basic Industry													P	P	
Construction Burn Site, Limited	P	P	P	P	P	P	P	P	P	P		P	P	P	
Construction Burn Site, General	C	C	C	C	C	C	C	C	C	C		C	C	P	
Freight and/or Truck Terminal													P	P	
Gas and/or Fuel Storage and Sales													P	P	
Hazardous Operations															C
Landfill															C
Manufacturing, Light							P			P	P	P	P	P	See 404.E.4.a
Manufacturing, Medium													P	P	P
Manufacturing, General														P	P
Mining or Quarrying	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.4.b
Oil and Gas Drilling	C	C	C	C	C	C	C	C	C	C		C	C	C	
Research Services													P	P	P
Rock Crushing	C	C	C	C	C	C	C	C	C	C		C	C	C	
Solid Waste Incinerator														P	P
Storage, Outdoor														C	P
Transfer Station														P	P
Vehicle Storage Yard														C	P
Warehousing													P	P	P
Welding or Machine Shop													P	P	P
Wholesale or Business Services													P	P	P
Wrecking/Salvage Yard															
Agricultural															
Agriculture	P	P	P	P	P	P	P	P	P	P		P	P	P	See 404.E.5.a
Agriculture Processing													P	P	P
Agriculture Research	C												P	P	C
Agriculture Sales and Service													P	P	P
Grain Storage	P												P	P	P

Table 404.D. Use Chart.

Use Type	Zoning Districts													Special Use Standards	
	SF15	SF	SFZ	TH	TF	MF4	MFA	MH	LC	HMC	OG	HC	LI		HI
Residential															
Accessory <u>Dwelling Unit (ADU)</u> Apartment	C	C	C	C	C	C	C	C	C	C	€	€	€	€	
Assisted Living	€	C	C	C	C	C	P	P	P	P	P				
Group Home	P	P	P	P	P	P	P	P	P		P				See 404.E.1.a
Group Residence, Limited	€	€			C	P	P	P	P	P	P	P			
Group Residence, General						P	P	P	P	P		P			
<u>Live-Work</u>							P		P	P					
Manufactured Home, <u>Residential-Design</u>	P	P	P	P				P							See 404.E.1.c
<u>Manufactured Home</u>								P							See 404.E.1.b
Multi-Family					€	C	P		P						
Single-Family	P	P	P	P	P	P	C	P	C						
Two-Family	C	C	C	C	P	P	P		P						
Three and Four-Family					C	P	P		P						
Public and Civic															
Auditorium or Stadium							€		P	P	€	P	P	P	
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	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	
Correctional Facility												C	C	C	
Correctional Placement Residence, Limited									C			C	C	C	
Correction Placement Residence, General												C	C	C	
Day Care, <u>Limited</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<u>Day Care, General</u>					€	€	€	€	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	
Hospital	€					P	P		P	P	P	P	P	P	
Library		P	P	P	P	P	P	P	P	P		P	P	P	
Neighborhood Swimming Pool	P	P	P	P	P	P	P	P	P	P		P	P	P	
Nursing Facility		C	C	C	C	P	P	C	P	P	P	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	P	P	P	P	P	P	
Recycling Collection Station, Public						C	C	C	C			P	P	P	

																		any live plant materials shall not require all weather surface but shall be kept in an orderly manner and must still meet screening requirements-See 404.E.3.b
Convenience Store							C		C	P	P	P	P	P				
Entertainment Establishment						P	P		P	P		P	P	P				
Event Center	C					P	P		P	P	P	P	P	P				
Farmer's Market	P	G							P	P	G	P	P	P				
Funeral Home									P		P							
Heliport	G											G	P	G				
Hotel or Motel							C		C	P		P	P	P				
Kennel, Hobby									P	P	G	P	P	P				
Kennel, Boarding/Breeding/Training							P		P	P	G	P	P	P				
Marine Facility, Recreational	G											P	P	P				
Medical Service							P		P	P	P	P	P	P				
Microbrewery	G								P	P		P	P	P				See 404.E.3.c-
Mobile Food Unit							P		P	P	P	P	P	P				
Monument Sales											G	P	P	P				
Nightclub							P		P	P		P	P	P				
Nurseries and Garden Centers							P		P	P	G	P	P	P				
Office, General							P		G	P	P	P	P	P				
Parking Area and/or Accessory Drive, Ancillary	G	G	G	G	G	C	C	C	C	C		C	C	C				
Parking Area, Commercial							C		C	C	G	C	C	C				
Pawnshop							P		P	P	G	P	P	P				
Personal Care Service							P		P	P	G	P	P	P				
Personal Improvement Service							G		P	P	P	P	P	P				
Post Office Substation							P		P	P	P	P	P	P				
Printing and Copying, Limited									P		P							
Printing and Publishing, General							P		P	P	P	P	P	P				
Recreation and Entertainment, Indoor							P		P	P	G	P	P	P				
Recreation & Entertainment, Outdoor	P						P		P	P		P	P	P				
Recreational Vehicle Campground	C											C	P	P				Solid screening required when

														adjacent to less intensive zoning district. See 404.E.3.d
Restaurant							P E P		P	P			P P P	
Retail, General							P E P		P	P	P		P P P	
Riding Academy or Stable													P P P	
Rodeo													P P P	
Secondhand Store							P		P	P	E		P P P	
Service Station													P E P	Outside storage of recyclable materials: i. Liquids, not to exceed one 300-gallon drum; ii. Tires, to be stored in a container not to exceed 100 cu. ft. located at least 18" off the ground; and iii. Scrap metal, to be in a container not to exceed 100 cu. ft. See 404.E.3.e
Short-term Residential Rental							P		P	P	P			See 404.E.3.f Permit required.
Tavern and Drinking Establishment							P E P		P	P			P E P	
Teen Club							P E P		P	P			P P P	
Vehicle and Equipment Sales, Outdoor													P E P	Provided all vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on an all-weather surface; and loading/unloading of vehicles takes place off of public streets. See 404.E.3.g
Vehicle Repair, Limited									P	P			P E P	
Vehicle Repair, General													P E P	Provided no inoperable vehicle storage for more than 45 days. See 404.E.3.h

Vocational School	C	C	C	C	C	C	C	C	C	C		C	C	C		
Warehouse, Self-Service Storage												C	C	C		
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	€	C	C	C		
Industrial, Manufacturing and Extractive																
Asphalt or Concrete Plant, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Asphalt or Concrete Plant, General													P	P		
Basic Industry													P	P		
Construction Burn Site, Limited	P	P	P	P	P	P	P	P	P	P		P	P	P		
Construction Burn Site, General	C	C	C	C	C	C	C	C	C	C		C	C	P		
Freight <u>and/or Truck</u> Terminal													P	P		
Gas and/or Fuel Storage and Sales													P	P		
Hazardous Operations														C		
Landfill														C		
Manufacturing, <u>LimitedLight</u>													P	P	P	Provided all manufacturing is conducted wholly within a completely enclosed building. See 404.E.4.a
<u>Manufacturing, Medium</u>													P	P	P	
Manufacturing, General													€	P	P	Provided all manufacturing is conducted wholly within a completely enclosed building.
Mining or Quarrying	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See 404.E.4.b
Oil and Gas Drilling	C	C	C	C	C	C	C	C	C	C	€	C	C	C		
Research Services												P	P	P		
Rock Crushing	C	C	C	C	C	C	C	C	C	C	€	C	C	C		
Solid Waste Incinerator	€	€			€	€	€		€		€	€	€	€		
Storage, Outdoor														C	P	Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway. See 404.E.4.c
Transfer Station													P	P		
Vehicle Storage Yard													C	P		Outdoor storage must have an all-weather surface and be

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 406](#) 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	6	15	25	35 ²	N/A

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

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

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

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

1. **Lot size requirements for nonresidential uses and uses served by private water supply.**
 - a. The minimum lot size requirement for residential uses served by private water supply shall be 40,000 square feet.

- b. The minimum lot size for nonresidential uses shall be established by the Zoning Administrator.
2. **Lot size requirements for uses served by sewage lagoons.** The minimum lot size requirement for uses served by sewage lagoons shall be five acres. Residential lots may be reduced to a minimum of two acres if approved by the Public Works Director, and if the lot is included in a platted and recorded addition.
3. **Permitted Animals.** The following animals are permitted in the SF-15 District:
- a. Dogs and Cats in accordance with 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 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*.

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 406](#) for the dimensional standards for accessory structures.

Table 502.C. SF 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	40	80	15	5	10	10	45 ¹	600

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

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

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

SECTION 503. SFZ SINGLE-FAMILY/ZERO LOT LINE RESIDENTIAL DISTRICT

503.A. PURPOSE. The purpose of this district is to accommodate zero-lot line, 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*.

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 406](#) for the dimensional standards for accessory structures.

Table 503.C. SFZ 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	15	0 ¹	10	10	45 ²	600

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

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

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

503.F. SPECIAL SFZ DISTRICT REGULATIONS. The following special regulations shall apply to all property in the SFZ 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-lot, 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*.

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 406](#) for the dimensional standards for accessory structures.

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

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

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

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

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

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

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

arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment in an underground system may be 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.
5. **Building Regulations.** These building regulations are intended to be the minimum requirements.
 - a. All structures are to be constructed with a foundation to include anchoring that meets the requirements of the current International Residential Code as adopted.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.
 - f. 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.
 - g. Primary electricity shall be required from the approved franchised electrical provider. Structures may utilize solar panels as a secondary source.
 - h. 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.
 - i. No Heating or cooling units are to be placed in such a way that they encroach upon any setback requirements.
 - j. 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.

- i. 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.
- ii. Loft access – The access to and primary egress from lofts shall be any type described in Sections D.10.L.
- iii. Stairways accessing lofts shall comply with this code or with Sections D.10.D.
- iv. 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.
- v. 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.
- vi. Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height.
- vii. 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.
- viii. Handrails shall comply with Section R311.7.8 of the currently adopted International Residential Code.
- ix. Stairway guards – Guards at open sides of stairways shall comply with Section R312.1. of the currently adopted International Residential Code.
- x. Ladders accessing lofts shall comply with Sections D.10.C. and D.10.J.
- xi. 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.
- xii. Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
- xiii. Alternating tread devices accessing lofts shall comply with Section R311.7.11.1 of the currently adopted International Residential Code.
- xiv. 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.
- xv. 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.

6. **Street Regulations.** Streets shall be platted according to the City's Subdivision Regulations. As a

condition of zoning they shall be:

- a. Considered private and maintained by the homeowner's association;
- b. Constructed of asphalt or concrete; and
- c. 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 residential and two-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*.

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 406](#) for the dimensional standards for accessory structures.

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

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Single-Family	4,500	45	80	15	5	10	10	45 ¹	600
Stacked Two-Family	4,500	45	80						
Side-by-Side Two-Family	6,050	55	80						
Non-Residential	5,000	45	80						

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

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

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

SECTION 506. MF4 MULTI-FAMILY FOUR RESIDENTIAL DISTRICT

506.A. PURPOSE. The purpose of this district is to accommodate various types of 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*.

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 406](#) for the dimensional standards for accessory structures.

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

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

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

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

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

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 406](#) for the dimensional standards for accessory structures.

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

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

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

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

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

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

507.F. SPECIAL MH DISTRICT REGULATIONS.

1. Street and parking regulations.

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

public street or highway. All roadways and private streets shall have unobstructed 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 21 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. There shall be no on street parking allowed on any private or public street located in the Manufactured Home Park and Manufactured Home Subdivision district. Surfaced off-street parking shall be provided for each manufactured home/mobile home space. Off-street parking should be surfaced with concrete or similar material upon approval by the Planning and Zoning Administrator, City Inspector or their designee. Asphalt is a prohibited material for off-street parking.
 - 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 54

RESIDENTIAL ZONING DISTRICTS

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

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

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

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

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

501.C. DIMENSIONAL STANDARDS. The following standards shall apply to all principal structures in this district as listed in TABLE 501.C, in accordance with SECTION 405. See SECTION 406 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	6	15	25	35 ²	N/A

Commented [KH3]: The minimum density that can support city infrastructure (generally) is 1 dwelling unit per two acres. The maximum lot area caps the lot size at two acres.

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

501.D. -PARKING REGULATIONS. See Appendix APPENDIX E, SECTION 500.

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

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

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

- a. ~~a.~~ The minimum lot size requirement for residential uses served by private water supply shall be 40,000 square feet.
- b. ~~b.~~ The minimum lot size for nonresidential uses shall be established by the Zoning Aadministrator.

~~2.~~ 2. Lot size requirements for uses served by sewage lagoons.

- ~~3-2.~~ a. The minimum lot size requirement for uses served by sewage lagoons shall be five acres. Residential lots may be reduced to a minimum of two acres if approved by the Public Works Director, and if the lot is included in a platted and recorded addition.

~~4-3.~~ 3. Permitted Animals. The following animals are permitted in the SF-15 District:

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

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

SECTION 502. SF 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*.

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 406 for the dimensional standards for accessory structures.

Table 502.C. SF 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		
56,000	450	890	125	56	105	120	45 ¹	600

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

502.D.

PARKING REGULATIONS. See APPENDIX APPENDIX E, SECTION 500.

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

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

Commented [KH5]: The lot sizes were adjusted to consider the City's existing subdivisions. The oldest subdivisions in the City were platted prior to adopting Zoning Regulations, and, as a result, many were nonconforming lots under our current regulations. We are making the regulations on nonconformities stricter with this zoning update, so it's best to eliminate the residential nonconforming lots.

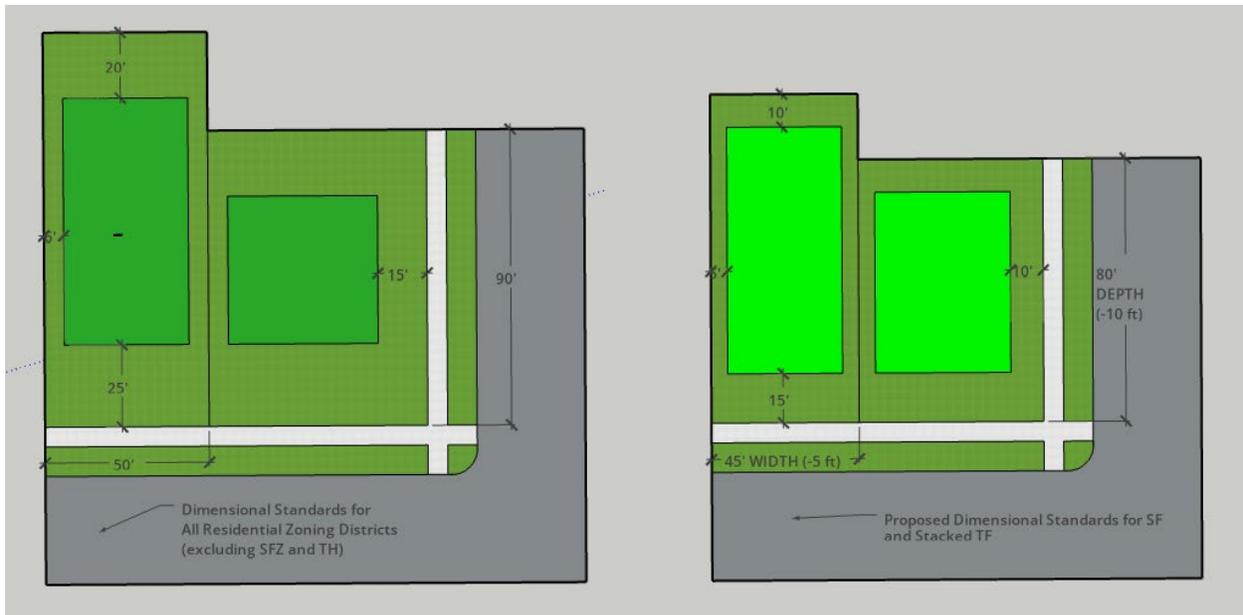
SF Existing vs. SF Proposed Minimum Lot Size Requirement Comparison

Existing SF Code

- 6,000 sq ft minimum lot size
- 25 ft front yard setback
- 20 ft rear yard setback
- 15 ft street yard setback
- 6 ft side yard setback

Proposed SF Code

- 4,500 sq ft minimum lot size (25% reduction)
- 15 ft front yard setback (-10 ft)
- 10ft rear yard setback (-10 ft)
- 10 ft street yard setback (-5 ft)
- 5 ft side yard setback (-1 ft)



SECTION 503. SFZ SINGLE-FAMILY/ZERO LOT LINE RESIDENTIAL DISTRICT

503.A. PURPOSE. The purpose of this district is to accommodate zero-lot line, 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*.

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 406 for the dimensional standards for accessory structures.

Table 503.C. SFZ Dimensional Standards (in feet, unless otherwise noted).

Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
	Width	Depth	Front yard	Side yard	Street yard	Rear yard		
5,000-2,750	50-25	80	15	0 ¹	10-5	10-5	4-3-5 ²	600

1. When a side yard setback is provided, a minimum distance of 5-10 feet shall be required between structures.
- 1-2. Heights for conditional uses shall be determined as part of the conditional use approval.

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

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

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

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

Commented [KH6]: OVERVIEW: The purpose of this section was changed to accommodate townhouse development (identified as a need in the 2023 Housing Study), a type of development not previously feasible in the city. The dimensional standards were changed to reflect this; the lot size, width, and rear setback were reduced.

Commented [KH7]: Matching SF requirement

Commented [KH8]: A minimum distance between structures only works if the buildings are constructed at the same time, or a building is constructed next to an existing building.

SFZ Existing vs. SFZ Proposed

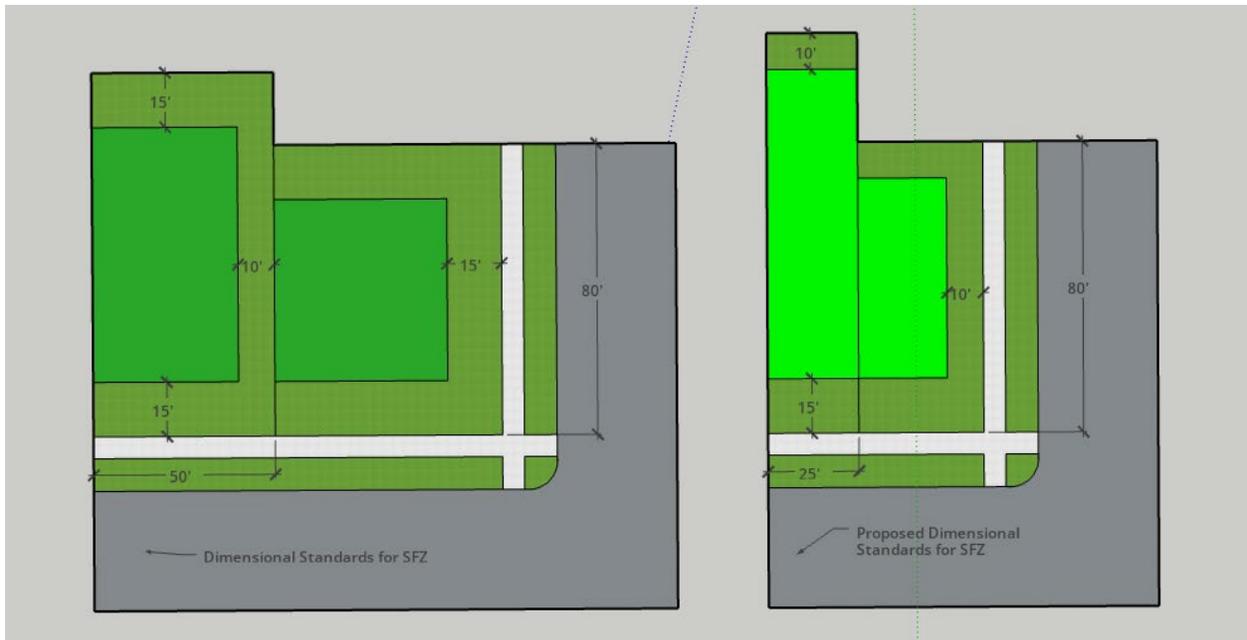
Minimum Lot Size Requirement Comparison

Existing SFZ Code

- 6,000 sq ft minimum lot size
- 15 ft front yard setback
- 15 ft rear yard setback
- 15 ft street yard setback
- 10 ft side yard setback

Proposed SFZ Code

- 2,750 sq ft minimum lot size (55% reduction)
- 15 ft front yard setback (-0 ft)
- 10ft rear yard setback (-5 ft)
- 10 ft street yard setback (-5 ft)
- 5 ft side yard setback (-10 ft)



SECTION 504. TH TINY HOME RESIDENTIAL DISTRICT

Commented [KH9]: No changes were made to this section. Any redline is the cause of reformatting the section, rewording some lines, and moving the parking regulations.

504.A. PURPOSE. The purpose of this district is to accommodate tiny-lot, 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*.

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 406 for the dimensional standards for accessory structures.

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

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

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

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

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

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

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

1.

~~2.—~~Land used for a “TH” District ~~s:~~ 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.

2.

—

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

3.

~~4. Each dwelling shall have adequate space for one automobile in the driveway area. The driveway must be a hard surface of either concrete or asphalt. All measurements shall be within the property line boundaries. All properties shall have an approach per the Standard Drive Entrance requirements with an amended minimum width being 10'.~~

—

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

4.

B.5. Building Regulations. These building regulations are intended to be the minimum requirements.

1-a. 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-b. 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-c. 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-d. 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-e. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.

Amended 1.8.26

~~6.f.~~ The primary structure must have a side hinged front door and an approved egress window located in the rear of the structure. Egress roof access windows in lofts used as sleeping rooms shall be installed where the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the currently adopted International Residential Code.

~~7.~~ Primary electricity shall be required from the approved franchised electrical ~~a.g.~~ provider. Structures may utilize solar panels as a secondary source.

~~8.h.~~ 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.i.~~ 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.

~~i.~~

~~a.i.~~ 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.ii.~~ Loft access – The access to and primary egress from lofts shall be any type described in Sections D.10.L.

~~c.iii.~~ Stairways accessing lofts shall comply with this code or with Sections D.10.D.

~~d.iv.~~ 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.v.~~ 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.vi.~~ 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.vii.~~ 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.viii.~~ Handrails shall comply with Section R311.7.8 of the currently adopted International Residential Code.

~~i.ix.~~ Stairway guards – Guards at open sides of stairways shall comply with

Section R312.1. of the currently adopted International Residential Code.

- ~~j-x.~~ Ladders accessing lofts shall comply with **Sections D.10.C. and D.10.J.**
- ~~a-xi.~~ Size and capacity – Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200-pound load on any rung. Rung spacing shall be uniform within 3/8-inch.
- ~~b-xii.~~ Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
- ~~k-xiii.~~ Alternating tread devices accessing lofts shall comply with Section R311.7.11.1 of the currently adopted International Residential Code.
 - Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2 of the currently adopted International Residential Code. The clear width at and below handrails shall not be less than 20 inches.

~~xiv.~~

~~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.~~

~~xv. Parking Regulations. See Appendix.~~

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

~~6. Streets, as a condition of zoning, shall be platted according to the City's Subdivision Regulations, shall~~

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

SECTION 505. TF TWO FAMILY RESIDENTIAL DISTRICT

505.A. PURPOSE. The purpose of this district is to accommodate single-family residential and two-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*.

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 406 for the dimensional standards for accessory structures.

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

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Max building height	Min area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Single-Family	4,500-6,000	45-50	80-90	125	56	10	120	43.5'	600
Stacked Two-Family	4,500	45	80						
Side-by-Side Two-Family	6,050	55	80						
Non-Residential	5,000	45	80						

Commented [KH10]: OVERVIEW: Dimensional standards were developed to allow for the most diversity in lot sizes and ease infill development. Such dimensional standards are based on use. The standards were developed using the principles of Missing Middle Housing.

Commented [KH11]: Matching SF requirement.

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

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

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

TF Existing vs. TF Proposed

Minimum Lot Size Requirement Comparison

Existing TF Code

6,000 sq ft minimum lot size
 25 ft front yard setback
 20 ft rear yard setback
 15 ft street yard setback
 6 ft side yard setback

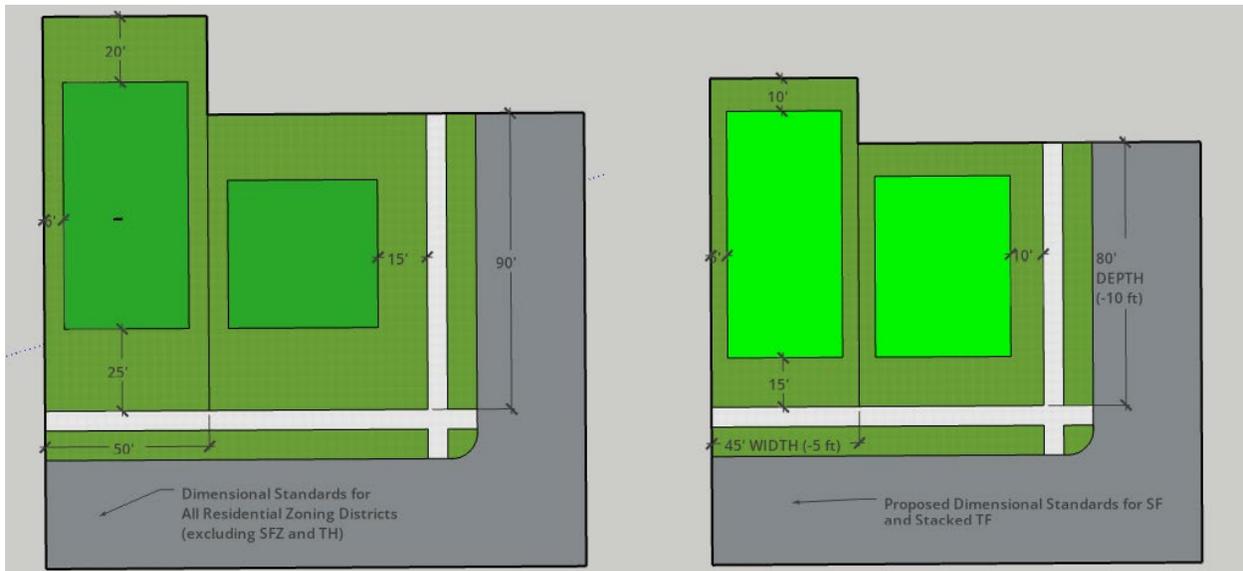
Proposed Stacked TF Code

4,500 sq ft lot size (25% reduction)
 15 ft front yard setback (-10 ft)
 10ft rear yard setback (-10 ft)
 10 ft street yard setback (-5 ft)
 5 ft side yard setback (-1 ft)

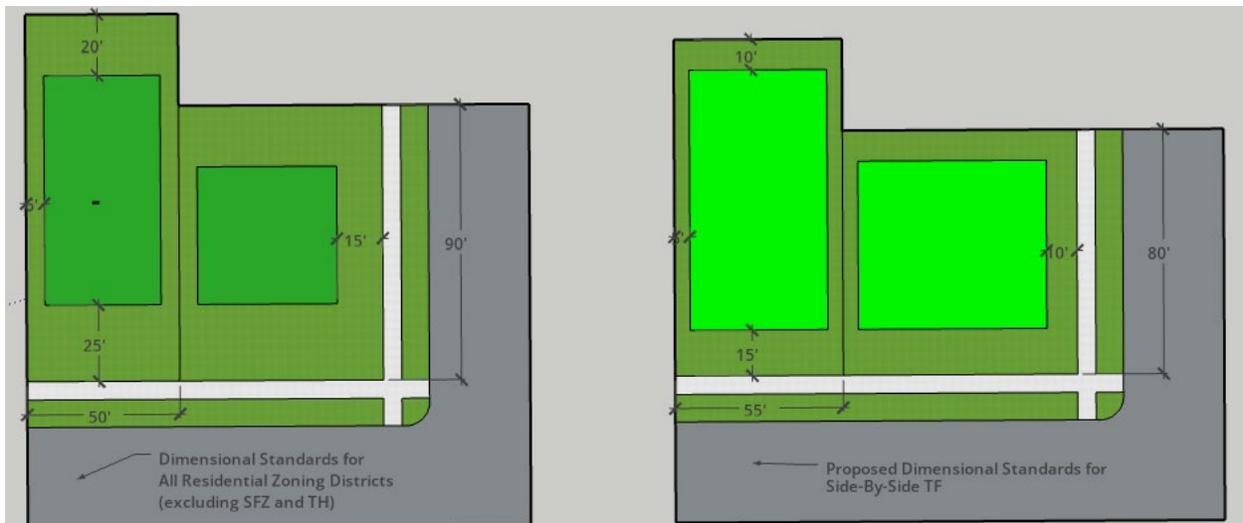
Proposed Side-by-Side TF Code

6,050 sq ft lot size (1% increase)
 15 ft front yard setback (-10 ft)
 10ft rear yard setback (-10 ft)
 10 ft street yard setback (-5 ft)
 5 ft side yard setback (-1 ft)

Stacked Two-Family



Side-by-Side Two-Family



SECTION 506. MF4 MULTI-FAMILY FOUR RESIDENTIAL DISTRICT

506.A. PURPOSE. The purpose of this district is to accommodate various types of 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*.

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 406 for the dimensional standards for accessory structures.

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

Use	Minimum lot area (sq. ft.)	Minimum lot dimensions		Minimum setback requirements				Maximum building height	Minimum area of dwelling (sq. ft.)
		Width	Depth	Front yard	Side yard	Street yard	Rear yard		
Single-Family	4,500-6,000	45-50	80-90	125	56	105	120	43.5 ¹	600
Stacked Two-Family	4,500	45	80						
Side-by-side Two-Family	6,050	55	80						
Triplex	5,175	45	80						
Fourplex	7,800	60	80						
Non-Residential	5,000	NA	NA						

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

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

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

Commented [KH12]: OVERVIEW: Dimensional standards were developed to allow for the most diversity in lot sizes and ease infill development. Such dimensional standards are based on use. The standards were developed using the principles of Missing Middle Housing.

Commented [KH13]: Matching SF requirement

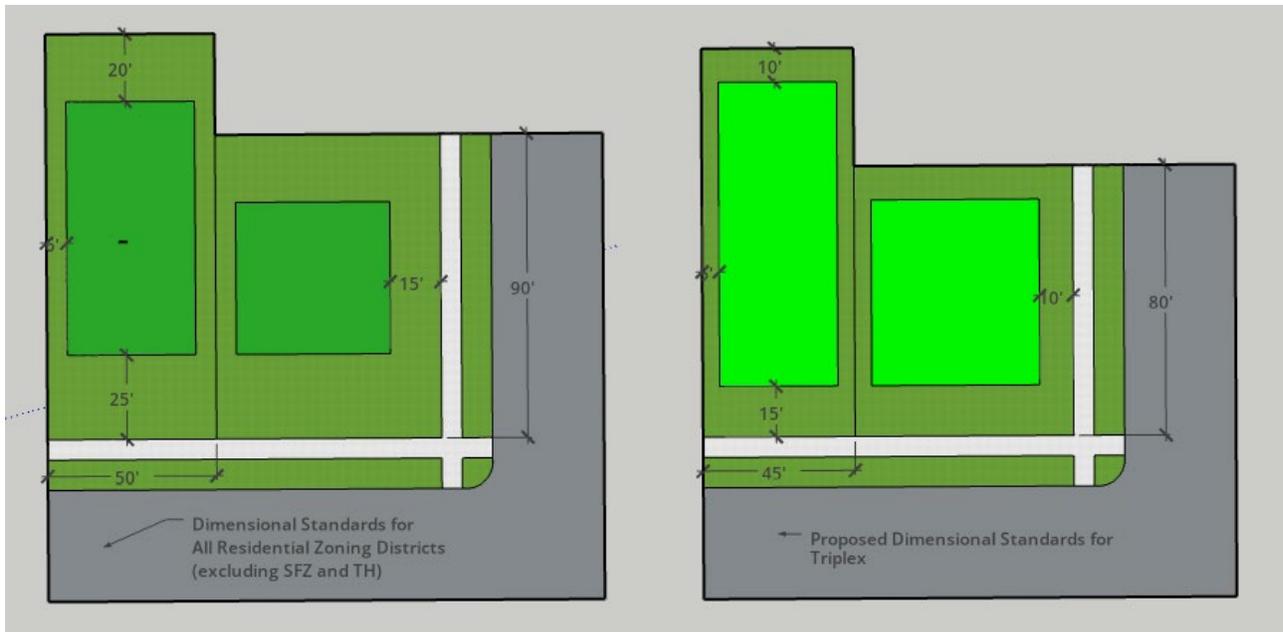
MF4 Existing vs. Triplex Proposed Minimum Lot Size Requirement Comparison

Existing MF4 Code

- 6,000 sq ft minimum lot size
- 25 ft front yard setback
- 20 ft rear yard setback
- 15 ft street yard setback
- 6 ft side yard setback

Proposed Triplex Code

- 5,175 sq ft minimum lot size (14% reduction)
- 15 ft front yard setback (-10 ft)
- 10ft rear yard setback (-10 ft)
- 10 ft street yard setback (-5 ft)
- 5 ft side yard setback (-1 ft)



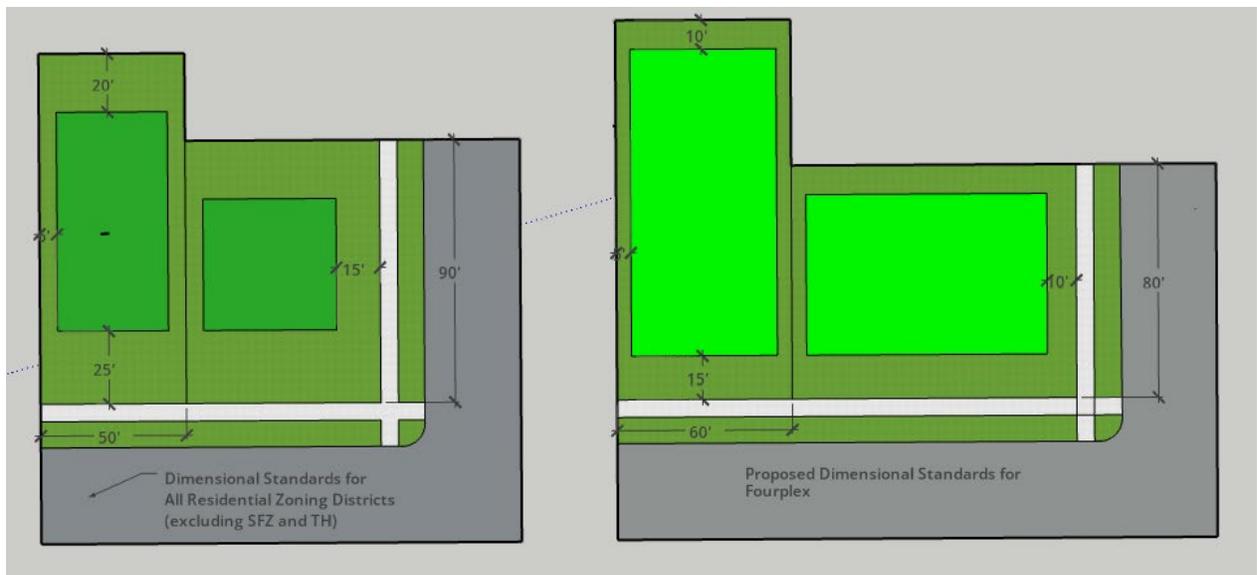
MF4 Existing vs. Fourplex Proposed Minimum Lot Size Requirement Comparison

Existing MF4 Code

- 6,000 sq ft minimum lot size
- 25 ft front yard setback
- 20 ft rear yard setback
- 15 ft street yard setback
- 6 ft side yard setback

Proposed Fourplex Code

- 7,800 sq ft minimum lot size (30% increase)
- 15 ft front yard setback (-10 ft)
- 10ft rear yard setback (-10 ft)
- 10 ft street yard setback (-5 ft)
- 5 ft side yard setback (-1 ft)



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

Commented [KH14]: OVERVIEW: The minimum street width was reduced to 21 feet to match TH district regulation and the requirement that no on-street parking is allowed. 21 feet is the absolute minimum width for a street in Haysville.

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 406 for the dimensional standards for accessory structures.

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

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

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

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

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

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

507.F. SPECIAL MH DISTRICT REGULATIONS.

~~1.~~

1. Street and parking regulations.

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

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

a.

i.

~~—~~**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 2130 feet.

ii.

iii.

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

iv.

v.

~~—~~**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.

vi.

vii.

~~—~~**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.

viii.

ix.

~~b.~~—There shall be no on street parking allowed on any private or public street located in the Manufactured Home Park and Manufactured Home Subdivision district. Surfaced off-street parking shall be provided for each manufactured home/mobile home space. Off-street parking should be surfaced with concrete or similar material upon approval by the Planning and Zoning Administrator, City Inspector or their designee. Asphalt is a prohibited material for off-street parking.

b.

c.

~~d.~~—Each manufactured home/mobile home space shall be allowed one detached carport or similar structure for protected off-street parking coverage, provided that such structure shall not project into the front yard setback more than 5 feet, and provided that no off-street parking accessory structure shall be located in a

Commented [KH15]: No on-street parking is allowed. A narrow street width is appropriate and may ensure policing this requirement is unnecessary.

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

~~e.c.~~

~~1. Recreations, Landscape, and Screening~~

2.

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

~~b.a.~~

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

~~3.~~

~~b.~~

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

~~b.~~

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

QUICKNOTES

Small-Lot Subdivision Design

Many cities in the U.S. have residential neighborhoods where most homes sit on lots that are less than 5,000 square feet in area. In older central cities, these are often neighborhoods near the downtown core, and for suburbs developed before World War II, modest homes on small lots are common. However, in the postwar period, communities across the country adopted zoning codes that set large minimum lot sizes for residential development, facilitating a pattern of detached single-family homes on large lots.

Increasingly, communities are looking to promote infill development, provide alternatives to large-lot single-family homes, and produce more affordable housing stock. Small-lot subdivisions can help promote context-sensitive infill development, increase opportunities for home ownership, and may be a tool for addressing housing affordability issues.

There are two primary reasons why a community may want to treat small-lot subdivisions as a distinct type of development. The first is to permit small-lot development in areas where the predominant development pattern is larger lots. The second is to allow for development (or redevelopment) in areas where the existing development pattern is small lot, but where small-lot development is no longer compatible with existing zoning regulations.

SMALLS LOTS WHERE LARGER LOTS ARE PREVALENT

In communities where detached single-family homes on large lots are the predominant form of residential development, allowing for small-lot development provides an alternative to this form of development that serves several purposes. Small-lot development increases overall housing density and promotes context-sensitive infill development or redevelopment in areas where land is underutilized. This can help increase overall housing production, which is a component of addressing housing affordability concerns. Additionally, small-lot development provides additional diversity in housing stock, which creates options for home buyers and may be particularly attractive to first-time home owners or seniors looking for less space or lower price points.

Los Angeles amended its zoning code in 2005 to provide an alternative to conventional large-lot single-family home development patterns and facilitate infill development on underutilized lots in most residential and commercial zones into fee-simple homes. The code's Small Lot Subdivision standards allow developers to divide existing parcels into lots with one to three homes, with a minimum lot area of 600 square feet (compared to the 5,000-square-foot minimum for conventionally developed single-family homes). The ordinance also reduces setback requirements and removes the street frontage requirements (§12.22.C.27). All small-lot subdivisions must also comply with the city's Small Lot Design Guidelines, which address site planning, building design, and landscaping to ensure that small-lot developments are context sensitive and compatible with existing neighborhood form.

SMALL LOTS TO FIT EXISTING FORM

Many communities have small lots as a component of their existing development pattern, and in some communities, small lots are the predominant form. For older cities, these lots often predate the local zoning code and may fail to meet the minimum lot size or dimension standards of the code. Furthermore, the homes on these lots may fail to meet the required setbacks of the zoning district. In these cases, the small lots are grandfathered nonconformities, meaning owners must typically meet all current zoning standards before they can modify existing homes or build anything new on these lots. This poses both practical and financial challenges for renovation and redevelopment of existing homes, as well as infill development on nonconforming vacant lots. Therefore, communities that either amend zoning district standards to match the existing development pattern or define and



Cottage housing on small lots in
Kirkland, Washington.



American Planning Association

Making Great Communities Happen

permit small-lot subdivisions as a distinct form of development can facilitate infill and redevelopment and create a more predictable environment for project financing.

In 1999, Newark, New Jersey, changed its zoning code to allow small-lot development. At the time, the minimum lot size requirements in Newark's zoning ordinance were incompatible with existing residential development patterns in the urban core, which primarily consisted of 25' x 100' lots. Property owners had to request variances to develop on lots that were under the minimum lot size, which created challenges for home owners attempting to make improvements to their properties and for the redevelopment of previously developed but currently vacant lots. Following this change, the city saw an increase in infill housing development. However, local officials found that many of the new residences did not blend well with neighboring homes and moved to adopt new zoning standards that addressed design considerations for small-lot development in 2008.

CONSIDERATIONS

Regardless of the predominant development pattern, there are several important design considerations for small-lot subdivisions to help new homes blend into existing neighborhoods. These considerations include building setbacks, building design (height, form, and style), and parking requirements.

Building setbacks on small lots are important to creating a uniform street frontage, helping to minimize potential conflicts between small-lot developments and neighboring properties, and facilitating property maintenance. The Los Angeles Small Lot Design Guidelines note that minimal setbacks are often appropriate for small-lot development. They require a five-foot side setback between small-lot developments and any adjacent development. These guidelines also require that the street setback be compatible with the prevailing setback in the area.

Defining design features, including height, form, and architectural style, is important to ensure compatibility with existing form and minimize potential conflicts. Height standards address the height of the new development in relation to existing buildings and may use a measurement such as a block average to make sure that small-lot homes are compatible with existing development. Specific elements of form or style that address context can also be defined. For example, a town home style may work better in the context of an urban environment, while a cottage style may be better suited to a suburban environment. Newark's zoning standards do not specify a style of building; however, they address key design features for single-family development. For example, building setbacks must match those of neighboring properties; windows must cover 30 percent of the front facade; and primary entrances must face the street (§40:5-3). The standards also limit paved areas to 50 percent of the lot to encourage green space.

Another important consideration for small-lot development is parking requirements—both the number of spaces that need to be provided and how they are provided on the site. In 2007, Kirkland, Washington, added development standards to its zoning code for Cottage Housing, a common term for small-lot subdivisions in the Puget Sound region. These standards reduced the number of parking spaces required per home and allowed the parking for all residences to be provided in a single area on the site (§113.25).

CONCLUSION

Small-lot subdivision design can be a tool to help communities achieve goals related to infill development and redevelopment, increasing the diversity of the housing stock and opportunities for home ownership, and creating more affordable housing. While small-lot development can help achieve a range of goals, it can also create conflicts with existing neighbors. As a result, it is important to address design for small lots through design standards or guidelines to ensure that this development respects its context to minimize potential conflicts.

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FURTHER READING

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Nisenson, Lisa. 2012. "Density and the Planning Edge." *Zoning Practice*, August. Available at planning.org/media/document/9006912.

Tomasulo, Katy. 2016. "One Size Does Not Fit All." *Planning*, July. Available at planning.org/planning/2016/jul/onesize.

2. Other Resources

Los Angeles, City of. 2014. *Small Lot Design Guidelines*. Available at tinyurl.com/y7bcs3xa.

U.S. Department of Housing and Urban Development (HUD). 2011. "Kirkland, Washington: Cottage Housing Ordinance." HUD User Case Study. Available at huduser.gov/portal/casestudies/study_102011_2.html.

U.S. Department of Housing and Urban Development (HUD). 2011. "Los Angeles, California: Small Lot Ordinance." HUD User Case Study. Available at huduser.gov/portal/casestudies/study_102011_1.html.

Zoning for Mixed Uses

There was a time when single-use zoning served a vital purpose. Before zoning, industrial and waste-generating land uses were a major nuisance for nearby residential and commercial areas, sometimes even threatening public health. But today, as our economy continues on a path of rapid deindustrialization, we are finding that a system developed early in the last century cannot meet the needs of our changing communities. Strict segregation of land uses continues to stand in the way of developing modern, mixed use neighborhoods and districts that foster both environmental sustainability and a sense of community.

Traditional Zoning and Overlay Districts. More and more communities are finding that their 10- to 20-year-old zoning ordinances are no longer responsive to current development trends. Traditional zoning codes can be an obstacle to elements that make cities vibrant and livable, such as higher density development and easy access to public transport. Also, older codes can lack flexibility in allowing developers to negotiate with the city for mutually beneficial projects. Some areas designate overlay districts or special zones to remedy problems caused by outdated zoning codes. If overused, this strategy can lead to confusion, as the community's zoning map becomes an impossible-to-read hodgepodge of numerous districts, special districts, and overlay districts, each with their accompanying pages of text, lists of uses, and differing design standards. In many cases, a better solution is creating a mixed use zoning ordinance that clearly defines the land regulation standards necessary for implementing the community vision.

Mixed Use Zoning. Mixed use zoning sets standards for the blending of residential, commercial, cultural, institutional, and where appropriate, industrial uses. Mixed use zoning is generally closely linked to increased density, which allows for more compact development. Higher densities increase land-use efficiency and housing variety while reducing energy consumption and transportation costs. The mixed use buildings that result can help strengthen or establish neighborhood character and encourage walking and bicycling.

PAS

QuickNotes

PAS QuickNotes No. 6



American
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Association

MIXED USE ZONING FOR SMART GROWTH

Smart growth seeks to encourage compact design, walkable neighborhoods, housing choice, and the creation of more transportation options through access to transit and greater connectivity between neighborhoods. To further the goals of smart growth, a growing number of communities are including provisions for mixed use development in their zoning ordinance.

Traditional Neighborhood Development and New Urbanism.

Traditional zoning ordinances can result in large-scale, single-use, large-lot residential developments. These subdivisions often require costly and redundant municipal infrastructure to function while furthering dependence on nonrenewable energy sources. Traditional neighborhood developments and new urbanism projects tend to sup-



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Mixed use development encourages compact development through increased density.

(Continued on back.)

port a wider range of uses and higher densities in new projects while encouraging travel to, from, and within neighborhoods by modes other than the automobile. Thanks in part to advocates for traditional neighborhood development, many developers are responding to a growing demand for neighborhoods that offer a range of housing types where services and goods are nearby and accessible to pedestrians.

Traffic Congestion. Mixed use zoning can reduce the peak-hour congestion paralyzing urban areas across the nation. It provides the tools necessary to develop areas where people have the opportunity to work, shop, and socialize near their homes. By increasing opportunities to combine trips, mixed uses can reduce the vehicle miles traveled by residents of a community.

Parking. Parking requirements for mixed use development can be flexible because spaces can be shared among the uses. For example, a bank with regular daytime hours has no need to provide parking during the evening hours. The bank's parking can be used by people coming home from work or by patrons of nearby cafes or entertainment facilities. Shared parking reduces the amount of surface area devoted to parking, resulting in cost savings for developers, environmental benefits in the form of less stormwater runoff, and aesthetic improvements to neighborhood's appearance.

Transit-Oriented Development. TOD establishes a "symbiotic relationship" between land uses in proximity to a transit station. For example, medical and institutional services, retail, and multifamily residential structures can all be integrated around major public transport nodes. Increasing residential density to levels that support public transit makes it possible to carry out day-to-day activities—such as shopping or visiting the doctor—without needing to travel outside of the neighborhood. TODs are not possible without mixed use zoning and a consideration of the appropriate residential density and land-use mix.



Integrating uses—residential, retail, and child care in this case—helps to create vibrant neighborhoods in which residents can accomplish several activities walking instead of driving.

REGULATORY TOOLS

Planned Unit Development. Traditional zoning and development codes tend to prohibit the densities and mix of uses found in traditional neighborhood developments. As a remedy, localities without mixed use zoning can turn to a Planned Unit Development (PUD) designation to incorporate retail and commercial uses within select residential subdivisions. A problem with PUDs is that developers often perceive the process as highly politicized, unpredictable, costly, and time consuming. Clearly worded ordinances that allow mixed uses can circumvent many of the complications arising from more arbitrary or location-specific PUD designations.

Revising the Zoning Ordinance. Many practitioners and scholars recognize that current codes need more flexibility to create places that are diverse, sustainable, and supportive of current trends in business and technology. Revising the zoning ordinance is likely to be politically unpopular in almost any city. Once property owners and developers understand the potential benefits of allowing mixed uses, much of the initial opposition may subside. Educating both developers and the community at large is a critical component for ensuring the successful adoption of mixed use zoning regulations.

Comprehensive Planning. The implementation of the comprehensive plan is dependent on the rules of the zoning ordinance. Linking a revised ordinance to the goals of the comprehensive plan gives municipal land-use controls the structure necessary to withstand legal challenge. This connection helps to guarantee that the goals identified in the comprehensive plan are linked to standards for implementing the community's vision. *Patrick C. Smith* ■

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QUICKNOTES

Planning to Support Small Businesses

Traditionally, economic development practice has focused disproportionately on attracting and retaining large employers. In some communities the potential rewards associated with business attraction make the investment worthwhile. In many others, though, focusing on supporting small businesses is a better bet than competing against neighboring or peer communities for the “big fish.” The following sections explain the economic importance of small businesses, describe the three basic stages of small business development, and highlight three broad strategies for supporting small businesses through local planning efforts.

Background

According to Youreconomy.org, the percentage of workers in the U.S. employed by businesses with less than 100 employees increased from 56 to 62 percent between 1995 and 2013. This means the average business is getting smaller. While much of this trend has been driven by corporate downsizing, there is a distinct silver lining for most cities and counties: small business growth.

Homegrown businesses can have catalytic effects beyond those of traditional large employers. Luring big businesses is often a zero-sum game. The “winning” community gains jobs, but the employer’s former home loses the same number. Meanwhile, local entrepreneurs create new jobs, and those jobs lead to increased local spending and wealth creation. Small businesses are more nimble than large employers. They can respond to market or technology changes more quickly, and if they fail, they have a much smaller proportionate effect on the local economy. Finally, homegrown businesses that make it big are more likely to invest in their communities through civic participation and philanthropic support than large employers that chose their location after shopping for tax incentives.

Virtually all communities have opportunities to nurture local entrepreneurs. Because it’s hard to predict which specific businesses will succeed or fail, it makes sense to approach small business development like gardening. The goal is to create a supportive environment for starting and growing businesses without overestimating local control over individual business success or failure.

When considering strategies to support small business growth, it can be helpful to think about small businesses in three distinct phases: Sole Proprietorships, Stage One Businesses, and Stage Two Businesses. Successful small businesses may remain small, or they may progress through these stages of growth on their way to becoming major employers. In the Sole Proprietorship stage, there is no distinction between the business and the owner. In Stage One, the business has between two and nine employees. Finally, there is Stage Two, where the business has between 10 and 99 employees. While the businesses within a particular stage can vary dramatically in terms of the goods or services they provide, they often have similar business development needs.

Make Space

All businesses need space to operate. For Sole Proprietorships this often means a home office or a live-work space. For Stage One businesses this might mean a small office or storefront, or it could mean a shared office space or production facility. Meanwhile, most Stage Two businesses require traditional office suites or production facilities.

Making space for small businesses starts with identifying appropriate locations for different types of small business activities in the local comprehensive plan. Then it’s important to make sure antiquated zoning is not stifling start-ups and small business growth. This may require updating regulations for home-based

Timothy/Creative Commons 2.0 (flickr.com/photos/13572047@N00/5784742738)



Downtown Greenville, South Carolina, exemplifies a well-designed, amenity-rich environment for growth-oriented Stage Two businesses.



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businesses and other types of live-work spaces, or adding new definitions and use permissions for mobile retail, flex space, small-scale manufacturing facilities, shared offices, and business incubators.

Some cities and counties may also invest in publicly owned incubator spaces, community kitchens, or open workshops for industrial designers and craftspeople (i.e., maker spaces). These facilities can be helpful in nurturing specific small business sectors and helping promising Sole Proprietorships and Stage One businesses make the leap to the next stage of development.

Invest in Place

Talented entrepreneurs and workers are attracted to communities with a strong sense of local identity and a high quality of life. Sole Proprietors often need access to coffee shops or parks for informal meetings. Many Stage One business owners are looking for transit-accessible neighborhood business districts that help them meet, share ideas, and build relationships with customers and competitors alike. Meanwhile, most Stage Two businesses want high-status or high-visibility locations in areas where related businesses cluster. Often these are locally or regionally significant business districts with distinct architecture and well-designed streets and public spaces.

Investing in place starts with identifying a vision for each business district in the local comprehensive plan and supplementary subarea plans as necessary. Then it's important to align the local capital improvements program with these visions. Strategic investments in infrastructure and the public realm can improve quality of life by making it convenient and attractive for small business owners and workers to walk, bike, or take public transportation work and by improving access to parks and other public open spaces. Similarly, investments in streetscape improvements, public art, and special events can help reinforce local character and foster a sense of community.

Lend a Helping Hand

Most small businesses need technical or financial assistance in order to grow. Sole Proprietorships often need help navigating licensing and permitting processes. Growth-oriented Stage One business owners may need training and help in identifying capital investors. Similarly, Stage Two businesses may need specialized market research, peer-to-peer learning opportunities, and information about potential funding in order to expand.

Lending a helping hand starts with identifying target sectors for assistance in the local comprehensive plan. Then it's important to design economic development programs that address correctable market failures. Not all small businesses can or will succeed. The goal is to grow an entire sector without investing too heavily in any one specific business, and not to prop up marginal businesses with little growth potential. As a result, local incentives should only be offered for a limited time; perpetual need for a specific incentive is a sign that the market isn't ripe.

Summary

Rather than simply competing with peer or neighboring communities for large employers, it often makes more sense to redirect economic development efforts toward fostering and nurturing home-grown small businesses. While local governments have relatively little influence over the markets for most specific goods and services, they can play important roles in creating a supportive environment for small business growth. For example, planners, local officials, and others engaged in the local planning system can make space for small businesses to grow, invest in capital projects and special events that improve quality of life, and provide technical or financial assistance to targeted sectors.

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