

(Summary First Published in the Haysville Sun-Times on the 24th day of June, 2021)

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1077

**AN ORDINANCE REZONING REAL PROPERTY LOCATED WITHIN THE CITY OF HAYSVILLE, KANSAS FROM “D” LIGHT COMMERCIAL TO “E” HEAVY COMMERCIAL AND “PO” PROTECTIVE OVERLAY AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE CITY TO REFLECT SUCH AMENDMENT, ALL PURSUANT TO THE ZONING REGULATIONS OF THE CITY.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYSVILLE, KANSAS:

**SECTION 1.** Having received the recommendation of the City Planning Commission following notice and hearing thereon as provided by law and pursuant to the Zoning Regulations of the City of Haysville, Kansas, the zoning of the following described real property is amended from “D” Light Commercial to “E” Heavy Commercial and “PO” Protective Overlay No. 10:

Beg. 266.62’ N SE Corner SE 1/4 Sec. 32, Twp. 28S, Range 1E, W 297’ N 98.5’ E 297’ S to beg. Exc. E 95.7’ for HWY CC 82C1369, Haysville, Sedgwick County, Kansas.

**SECTION 2.** This change in zoning is subject to the following protective overlay restrictions:

- A. USES: All uses permitted in “E” zoning districts except for: Class “A” Club; Class “B” Club; Microwave Tower; Outdoor Storage Yard for which lease space for the temporary storage of operable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable automobiles and trucks; Private Club; Radio Transmission Tower; or Televisions Transmission Tower.
- B. SCREENING: Screening is required for any items stored outside. Opaque screening shall be installed along the west and south property lines.
- C. BUILDING MATERIAL REQUIREMENTS FOR SCREENING: Screening shall be constructed of wood fence boards; plastic or PVC material, provided such materials are designed for use as fencing; and/or masonry materials or concrete poured or placed in such fashion as to meet City fence design requirements.

**SECTION 3.** The transfer of the title on all or any portion of the land included in the real property described herein does not constitute a termination of the protective overlay plan or any portion thereof; but said plan shall run with the land and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Public Works

Director, or his or her designee, may approve minor adjustments to the conditions in this overlay, consistent with the approved plan, without filing a formal amendment.

**SECTION 4.** The Zoning Regulations of the City of Haysville, Kansas, and the official zoning map of the City of Haysville, Kansas are hereby amended in accordance with this Ordinance.

**SECTION 5.** Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of the any remaining provisions herein.

**SECTION 6.** This ordinance shall take effect and be in force from and after its passage and publication once in the City's official newspaper as provided by State law.

Passed and Approved by the Governing Body of the City of Haysville, Kansas, on this 14th day of June, 2021.

Approved by the Mayor this 15<sup>th</sup> day of June, 2021.

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Bruce Armstrong, Mayor

ATTEST:

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Angela Millspaugh, City Clerk

Approved as to form:

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Joshua Pollak, City Attorney