

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

### **100 TITLE**

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

### **101 PURPOSE**

These regulations are intended to serve the following purposes:

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

### **102 AUTHORITY**

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

**103 ZONING JURISDICTION**

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

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

**200 RULES OF INTERPRETATION**

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

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

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

D. Unlawful Uses. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure remains unlawful hereunder.

E. Not a Licensing Regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

F. Effect on Existing Permits. For all purposes except single-family residential developments platted and recorded after January 1, 1992, nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any land or structure in the event that:

1. A zoning permit for such use of land or structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendment thereof; and
2. Such permit had not by its own terms expired prior to such effective date; and
3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
4. There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permit other than purchase of land or preparation of design plans; and

5. Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
6. Construction pursuant to such permit is completed prior to the expiration of such permit; and
7. When the use of land or a structure is completed under a permit to which this section applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the zoning permit was issued.

G. Vesting of Development Rights. For single-family residential development, if construction of a principal structure does not begin on the land within 10 years after the date the final plat is recorded, the development rights in the land expire, and all revisions to Zoning or Subdivision Regulations that became effective during the vested period apply to the platted land. (See K.S.A. 12-764, as amended.)

## **201 RULES OF CONSTRUCTION**

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

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

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

the spirit and intent of this chapter as a guide.

## 202 DEFINITIONS

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

Accessory apartment. An accessory use dwelling unit that may be wholly within, or may be detached from, a principal single-family dwelling unit.

Accessory use or structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to in purpose or size to a principal use or structure. Accessory structure including below grade substructure, must not be located in easements and may not block drainage.

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

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

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

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

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

Alley. A public right-of-way along the side of or in the rear of a lot intended to provide a

secondary means of access to and from the street and such lot. An alley is not intended for general traffic circulation. Any such access designated as a fire lane shall meet the fire code requirements for such. No lot shall front upon an alley.

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

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

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

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

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

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

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

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

Auditorium or Stadium. Means an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other

public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Automated Teller Machine. Means a mechanized consumer banking device operated by a Financial Institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a Building shall be considered accessory to the Principal Use unless the ATM is likely to be an independent traffic generator.

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

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

Bed and Breakfast Inn. The use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than 15 guests on a paying basis.

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

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

Board. Shall mean the board of zoning appeals.

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

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

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

Building, auxiliary. A building on the same lot as the main building or principal use which may be on a substandard permanent foundation and of a nature customarily incidental and subordinate to the main building or principal use and does not exceed 99 square feet. For example, a portable metal storage shed on a concrete slab with modified footings is an

auxiliary building.

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

Building, height. The vertical distance measured from the adjoining curb grade to the highest point of the roof, provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building line. A line that is the distance that is required by the city of Haysville Zoning Regulations between a principal structure or accessory structure and the property line of the lot on which the structure is located. This term refers specifically to the exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

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

Cemetery. Means land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum or columbarium. A Funeral Home may be included as an Accessory Use to a cemetery.

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

Class "A" Club. A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them. No memberships required.

Class "B" Club. A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. Memberships only.

Commission. The city of Haysville Planning Commission.

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

Construction Burn Site, General. A location where clean tree waste that is created as a result of

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

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

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

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

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

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

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

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

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



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

Day Care. Means an establishment that provides care, protection, and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term does not include the following: (1) kindergartens or nursery schools or other daytime programs operated by public or private Elementary, Middle and High Schools or institutions of higher learning; (2) facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available; (3) special activity programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations; or (4) a "preschool" operated by a Church or Place of Worship as an accessory use and that is not leased to another group to operate and that meets the Kansas Department of Health and Environment regulations as a "preschool."

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

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

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

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

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

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

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

Family. An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding household employees) not related by blood or marriage, living together in a single dwelling unit.

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

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

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

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

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

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

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

Garage.

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

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

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

Golf Course. Means a tract of land developed for the purpose of providing private golf recreation services and support facilities. Included within this definition shall be regulation Golf Courses, executive Golf Courses, par-three Golf Courses, and any combination thereof on a common tract of land. Specifically excluded shall be pitch and putt courses, independent driving ranges and miniature golf courses.

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

Government Service. Means Buildings or facilities owned or operated by a government entity

and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

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

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

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

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

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

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

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

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

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

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

Hospital. Means an institution that: (1) offers services more intensive than those required for

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

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

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

Kennel, Boarding/Breeding/Training. Means premises housing five or more adult dogs, three or more of which are owned by someone other than the property resident, and premises housing over ten adult dogs.

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

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

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

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

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

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

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

Interior lot. A lot other than a corner lot.

Through lot. A lot not a corner lot with frontage on more than one street.

**TABLE: LOT TYPES**

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

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

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

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

Lot of record. A lot or portions of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds in Sedgwick County or a plot described by metes and bounds, the 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.

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

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

Manufactured home park. A parcel of land that has been planned and improved in some manner and used or intended to be used by occupied Manufactured Homes not placed on permanent foundations. The term Manufactured Home Park does not include sales lots on which unoccupied Manufactured Homes, whether new or used, are parked for the purposes of

storage, inspection, or sale; nor does it include a tract of land on which a Manufactured Home as a second Dwelling Unit has been permitted on a temporary basis as a Conditional Use in accordance with these regulations.

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

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

Manufactured home subdivision. Means a subdivision that is platted for Development as individual home sites for Manufactured Homes, modular homes, Residential-Design Manufactured Homes, and site-built Single-Family Dwelling Units, all of which are required to be placed on permanent foundations.

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

Manufacturing, Limited. Means an establishment primarily engaged in the on-site production of goods by hand manufacturing that generally involves only the use of hand tools or other equipment not exceeding two horsepower or a kiln not exceeding eight kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site. Typical uses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, ice cream manufacturing, millwork and cabinetry, monument and grave marker manufacturing, precision machining of tools, dies and jigs, production of instruments and lenses for medical, dental, optical, scientific, and other professional purposes, and upholstery shops.

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

Master plan. Any plan or map adopted by the city for guidance of growth and improvement of the city and its environs including modifications or refinements that may be made from time to time.

Medical Service. Means an establishment providing therapeutic, preventive, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and

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

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

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

Mining or Quarrying. Means the extraction of metallic and nonmetallic minerals, excluding Oil or Natural Gas. Typical uses include sand, soil and gravel pit operations, quarries, and mines.

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

Mobile Home. means a movable detached Single-Family Dwelling Unit that was manufactured according to standards prior to 1976 or that does not conform to the Manufactured Home Construction and Safety Standards Act (HUD Code). Such units shall provide all of the accommodations necessary to be a Dwelling Unit and be connected to utilities in conformance with all applicable regulations. The term Mobile Home does not include a Recreational Vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parking area and/or accessory drive, ancillary. Means an area other than a Private or Commercial Parking Area, Street or Alley that is located in any district from the most restrictive through NO inclusive, and that is used for the Parking of passenger vehicles as accessory parking to a Principal Use that requires the same or a more intensive District than the district in which the Ancillary Parking Area is located. Parking areas--public or customer improved in accordance with the parking appendix.

Parking Area, Commercial. Means an area or structure used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal nonresidential use.



Parking area, private. An area, other than a Street or Alley, used or intended to be used for the Parking of the Motor Vehicles, boats, Trailers that are exempt from Motor Vehicle registration by the state or are registered or are required by law to be registered with a 2M+ Kansas license plate in the city or 8M in the County, and unoccupied Recreational Vehicles, any of which shall be owned, leased, borrowed, etc. by the occupants of a Dwelling Unit that is located on the same Zoning Lot, and wherein not more than one Commercial Vehicle per Dwelling Unit is parked and the permitted Commercial Vehicle does not exceed 26,000 pounds gross vehicle weight rating.

Parking space. (Automobile) A hard surface, (except may be “all weather” in areas identified as flood plains by the Zoning Administrator), surfaced area on privately owned property within or without a building or on a private or public parking area and sufficient in size for the parking of one automobile. The area shall conform to design criteria set forth in Section 500.

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

Pawnshop. Means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property. Temporary outdoor display of merchandise for sale is permitted. No other outdoor storage is permitted.

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

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

Personal Improvement Service. Means an establishment primarily engaged in the provision 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.

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

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

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

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

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

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

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

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

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

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

Recycling Collection Station, Private. Means outdoor freestanding containers that are designed to receive, and store pre-sorted recyclable materials not intended for disposal and that are available only to those members or employees of the church, school, office building, or other principal use located on the same property as the station. Containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind. This definition shall not include containers used for curbside recycling or containers used by a commercial or industrial enterprise for collection and/or compression of materials that are a byproduct or integral part of such enterprise.

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

being scattered by wind.

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

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

Research Services. Means an establishment engaged in conducting basic and applied research, including production of prototype products when 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.

Residential-Design Manufactured Home. means a Manufactured Home on a permanent foundation that has minimum dimensions of 22 body feet in width, a pitched roof, siding and roofing materials that are customarily used on site-built homes, and that complies with the architectural and aesthetic standards specified in (see Section 504). A Residential-Design Manufactured Home shall be considered a Single-Family Dwelling Unit. (K.S.A. 12-742)

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

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

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

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

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

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

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

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

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

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

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

Service Station. Means an establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, the minor adjustment or repair of motor vehicles and may specifically include a car wash.

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

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

Short-term Residential Rental. Means any non-owner-occupied dwelling which (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and (3) rental is less than 28 days.

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

Sight/Vision Triangle. A triangular area on a lot that is located adjacent to the area where two streets intersect. The triangle has two sides measured from the center of right-of-way, and a third side across the lot which connects the ends of the two sides. In all residential districts, the two lot lines establishing the sight triangle shall be a minimum distance of 60 feet. However, such standards may be increased to reflect unusual topography, sight distance, angle of street

or roadway, vegetation or intensity of traffic volumes or speed. (Code 2023)



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

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

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

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

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

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

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

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

Structure or building. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards and poster panels. For the purpose of this chapter, fences will not be considered structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

uses, telecommunication carrier with transmission equipment for long-distance call and high-speed Internet connections with one or more telecommunication carrier located within a building, or other uses defined in this section.

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

Variance. To authorize in specific cases a deviation from the specific terms of the zoning ordinance, which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will, in an individual case, result in unnecessary hardship, and provided the spirit of the zoning ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district.

Vehicle and Equipment Sales, Outdoors. Means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motor vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, trailers and/or moving trailer rental.

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

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

Vehicle, 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.

Vehicle, Passenger. means a Motor Vehicle that is designed primarily to carry ten or fewer passengers, and that is not used as a Commercial Vehicle.

Vehicle, Recreational. means a unit designed as temporary living quarters for recreational,

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

Vehicle Repair, General. Means an establishment primarily engaged in painting of or body work to Motor Vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle Repair, Limited. Means a use providing repair of Motor Vehicles or maintenance services within completely enclosed Buildings, but not including paint and body shops or other general Vehicle Repair services. Typical uses include businesses engaged in the following activities:(1) electronic tune-ups; (2) brake repairs (including drum turning); (3) air conditioning repairs; (4) transmission and engine repairs; (5) generator and starter repairs; (6) tire repairs; (7) front-end alignments; (8) battery recharging; (9) lubrication; and/or (10) sales, repair and installation of minor parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc.

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

Vocational School. A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a University or College or Elementary, Middle, and High School.

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

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

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

Wholesale or Business Services. Means an establishment primarily engaged in the display, storage and sale of goods or services to other firms.

Wireless Communication Facility. Means a Lot containing equipment at a fixed location that enables wireless communications between user equipment and a communications network, including, but not limited to: (A) a wireless support structure consisting of a freestanding support structure, such as a monopole, guyed, or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities; (B) a base station that supports or houses an antenna, transceiver, coaxial cables, power cables



or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics; (C) equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and/or (D) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

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

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

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

Rear yard. A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines. In case of through lots and corner lots there will be no rear yards, but only front and side yards.

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

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

## **ARTICLE 3. GENERAL REGULATIONS**

### **300 BASE DISTRICTS**

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

Districts will be divided as follows:

- A. Residential - SF15, SF, SFZ, TH, TF, MF4, MFA, MH;
- B. Commercial - HMC, OC, LC, HC;
- C. Industrial - LI, HI;

### **301 DISTRICT MAP ADOPTED**

A. Boundaries of the zoning districts set out in Section 300 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 this chapter 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, all charges, amendments or additions thereto, and duplicate copies thereof shall be kept on file in the zoning office.

B. When definite distances in feet are not shown on the zoning district 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 zoning district map.

C. When the streets or alleys on the ground differ from the streets or alleys as shown on the zoning district 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 the zoning regulations.

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.

E. All land hereafter annexed shall be classified as SF15, SF or SFZ, as designated by the annexation ordinance. The property owner, Planning Commission or governing body may file an application initiating a request for a change in zoning classification to any other district and/or for a conditional use. Such changes may be considered during the process of annexation. While the Planning Commission may hold the required public hearing on a rezoning change or conditional use application prior to annexation, the effectuating ordinance for the zone change or conditional use 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.

**302 BOUNDARIES OF DISTRICTS**

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

**303 REGULATIONS; ALL DISTRICTS**

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

A. Except as specifically noted in this article, the type of construction permitted will be governed by the building codes duly adopted and in use in the city.

B. No yard, court or other open space provided about any building for the purpose of complying with the provisions of this 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.

C. Except as hereinafter provided:

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 to not comply with all of the district regulations established by this chapter for the district in which the building, structure or land is located, except as noted in Article 6.
2. The yard regulations and the lot area provisions required by this chapter shall be considered minimum regulations for each and every building or structure existing at the time of the effective date of this chapter for any building or structure hereafter erected or structurally altered. 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.
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 this chapter for the district in which the building or structure is located.
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 this chapter for the district in which the building, structure or land is located.

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).

F. It shall be unlawful to use a manufactured home for habitation except in “MH” Manufactured Home Parks or Subdivisions and in compliance with all of the regulations and requirements contained in the current ordinance regulating manufactured homes, adopted by the city and on file in the offices of the Planning Commission, Public Works, , and city clerk which code of rules and regulations is hereby adopted in its entirety and incorporated in Section 409.

G. The required front and side yard areas shall be landscaped and maintained in good condition.

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.

# Article 4. Zoning Districts.

## 400 USE CHART; PERMITTED AND CONDITIONAL USES

P = Permitted Use C = Conditional Use

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

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

Use Type	Zoning Districts												Conditions			
	S 1 5	F 5	S Z	T H	T F	M 4	M F	M A	H M	H C	O C	L C		H C	L I	H I
<b>Commercial</b>																
Airport or Airstrip															C	C
Animal Care, Limited												P	P	P	P	
Animal Care, General												C	P	P	P	
Automated Teller Machine											P	P	P	P	P	
Bank or Financial Institution											P	P	P	P	P	
Bed and Breakfast Inn	C	C			C	C	C				P	P	P			
Broadcast/Recording Studio											P	P	P	P	P	
Car Wash												P	P	P	P	
Construction Sales and Service												P	P	P	P	
Convenience Store												P	P	P	P	
Entertainment Establishment												P	P	P	P	
Event Center												P	P	P	P	
Farmer's Market												P	P	P	P	
Funeral Home												P	P	P	P	
Heliport							C			C	C	C	C	C	C	
Hotel or Motel										P		P	P	P	P	
Kennel, Hobby															P	P
Kennel, Boarding/Breeding/Training															P	P
Marine Facility, Recreational								P				P	P	P	P	
Medical Service								P		P		P	P	P	P	
Microbrewery															P	P
Mobile Food Unit												C	P	P	P	
Monument Sales												C	P	P	P	
Nightclub										P		P	P	P	P	
Nurseries and Garden Centers												P	P	P	P	
Office, General											P	P	P	P	P	
Parking Area and/or Accessory Drive, Ancillary	C	C			C	C	C	C								
Parking Area, Commercial											C	C	C	C	C	
Pawnshop												P	P	P	P	
Personal Care Service											P	P	P	P	P	
Personal Improvement Service											P	P	P	P	P	
Post Office Substation											P	P	P	P	P	
Printing and Copying, Limited											P	P	P	P	P	
Printing and Publishing, General											C	C	P	P	P	
Recreation and Entertainment, Indoor												P	P	P	P	
Recreation & Entertainment, Outdoor												C	P	P	P	
Recreational Vehicle Campground												C	P			
Restaurant										P	P	P	P	P	P	
Retail, General											P	P	P	P	P	
Riding Academy or Stable	C														P	P
Rodeo															P	P
Secondhand Store												P	P	P	P	
Service Station												P	P	P	P	
Sexually Oriented Business																
Short-term Residential Rental	P	P	P													Provided permit required.
Tattooing and Body Piercing Facility															P	P
Tavern and Drinking Establishment										P		P	P	P	P	
Teen Club										P		P	P	P	P	
Vehicle and Equipment Sales, Outdoor												C	P	P	P	Provided all vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on a properly drained hard or all-weather surface; and loading/unloading of vehicles takes place off of public streets.
Vehicle Repair, Limited												P	P	P	P	
Vehicle Repair, General												P	P	P	P	Provided no inoperable vehicle storage for more than 45 days.
Vocational School											P	P	P	P	P	
Warehouse, Self-Service Storage												C	P	P	P	
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Use Type	Zoning Districts													Conditions	
	S F 1 5	S F Z	S F H	T T F 4	M F A	M F M H	H M C	O C	L C	H C	L C	L I	H I		
<b>Industrial, Manufacturing and Extractive</b>															
Asphalt or Concrete Plant, Limited	C			P	P	P	P	P	P	P	P	P	P		
Asphalt or Concrete Plant, General									C	C	P	P			
Basic Industry													P		
Construction Burn Site, Limited													P		
Construction Burn Site, General													C		
Freight Terminal													P		
Gas and/or Fuel Storage and Sales										C	P	P			
Hazardous Operations													C		
Landfill													C		
Manufacturing, Limited	C									C	P	P	P	Provided all manufacturing is conducted wholly within a completely enclosed building.	
Manufacturing, General	C										P	P	P	Provided all manufacturing is conducted wholly within a completely enclosed building.	
Mining or Quarrying	C	C		C	C	C		C	C	C	C	C	C		
Oil and Gas Drilling	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		
Solid Waste Incinerator	C	C		C	C	C		C	C	C	C	C	C		
Storage, Outdoor, as a Principal Use													P	P	
Transfer Station													C		
Vehicle Storage Yard													P	P	Provided any area for the purpose of providing space for outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway, and no inoperable vehicle storage for more than 45 days.
Warehousing													P	P	
Welding or Machine Shop													P	P	Provided if this use abuts residential, the area is screened by a minimum six-foot-tall opaque screen.
Wholesale or Business Services													P	P	
Wrecking/Salvage Yard															
<b>Agricultural</b>															
Agriculture	P	P		P	P	P	P	P	P	P	P	P	P		
Agriculture Processing													P	P	
Agriculture Research	C												P	P	
Agriculture Sales and Service	C												P	P	
Grain Storage													C	C	

**401 RESIDENTIAL; “SF15” SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT REGULATIONS**

The purpose of this section is to accommodate large lot, single-family residential development and complementary land uses. The “SF15” district is intended for application in areas where some public services are available and where soils are capable of accommodating septic tanks. The regulations relating to the Residential “SF15” District shall be as follows:

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Detached accessory structures must be located in the side and/or rear yard of a lot and are in accordance with all setback requirements.
- C. Property development standards. Each site in the “SF15” district shall be subject to the following minimum property development standards.
  - 1. Minimum lot size: 15,000 square feet
  - 2. Minimum lot width: 75 feet
  - 3. Minimum lot depth: 100 Feet
  - 4. Minimum front setback: 25 feet
  - 5. Minimum rear setback: 25 feet
  - 6. Minimum interior side setback: 10 feet
  - 7. Minimum street side setback: 20 feet
  - 8. Maximum height: 35 feet; 45 feet if located at least 25 feet from all lot lines; no maximum height limit for barns, silos and other similar farm buildings; heights for conditional uses to be determined as part of the conditional use permit.
- D. Special “SF15” district regulations. The following special regulations shall apply to property in the “SF15” district.
  - 1. Lot size requirements for nonresidential uses and uses served by private water supply. The minimum lot size requirement for residential uses served by private water supply shall be 40,000 square feet. 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.
  - 3. Permitted Animals. The following animals are permitted.



- a. Dogs and Cats in accordance to 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.

**402 RESIDENTIAL; “SF” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

The regulations relating to the Residential “SF” District shall be as follows:

- A. Use Regulations. In the “SF” Single Family Dwelling District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted, or altered unless otherwise provided in this article, except for one or more of the following uses:
- B. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- C. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Detached accessory structures must be located in the rear yard of a lot and are in accordance with all setback requirements.
- D. Height Regulations.
  - 1. No building shall exceed three stories or 45 feet in height.
- E. Area Regulations.
  - 1. Minimum area of dwelling – 600 square feet for each family.
  - 2. Lot area – the lot area for “SF” single-family dwellings and accessory buildings shall be not less than 6,000 square feet.
  - 3. Eave overhangs, cornices, chimneys, awnings, basement escape window wells and similar architectural appendages may extend into required yards by a maximum of 30 inches provided they shall not encroach on any platted or recorded easement.
  - 4. Front yard.
    - a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.

Provided further, with regard to single family dwellings only, an open, unenclosed porch may project into a required yard by a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.
    - b. In the “SF” Single Family Dwelling District, the minimum front yard setback shall be 25 feet; provided, that the minimum front yard setback on all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question: Provided further, that the application of this rule shall not reduce the minimum front yard setback to less

than 20 feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:  $(25' + X)/2$  where X equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- c. The application of these regulations shall not increase the front yard setback to more than 35 feet: Provided further, that existing buildings located wholly or partly on the front half of lots having setbacks in excess of 35 feet shall be considered as having setbacks of 35 feet and this figure of 35 feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.
- d. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirements the greater setbacks shall be used.

5. Side yard.

- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
- b. On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard of not less than six feet width or height divided by four whichever is greater.
- c. A side yard width of not less than 25 feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches, community houses and other public and semi-public buildings used, constructed or enlarged in the "SF" Single Family Residential district.
- d. An accessory structure shall not be located closer than three feet from the side yard or the primary structure and shall not encroach on any easement. In addition, if there is a legally built structure set three feet from the side yard it can be added on to.
- e. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirements the greater setbacks shall be used.

- f. If an accessory building has been lawfully constructed with a side yard setback of three feet, additions to such lawfully constructed accessory buildings may be constructed with a three-foot side yard setback.

6. Rear yard.

- a. There shall be rear yard having a depth of not less than 20 feet.

Provided further, that chimneys may project into the required rear yard but shall not encroach upon any platted or recorded easement.

- b. Accessory building shall be not less than 10 feet from the centerline of any platted alley. Where there is no platted alley, they shall be located not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

F. Parking Regulations. (See Appendix)

**403 RESIDENTIAL; "SFZ" SINGLE-FAMILY/ZERO LOT LINE RESIDENTIAL DISTRICT REGULATIONS**

The regulations relating to the Residential "SFZ" District shall be as follows:

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.

- B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.

- C. General Conditions.

- 1. Land used for an "SFZ" District:

- a. Shall be located as a self-contained unit of development such as created by (1) a cul-de-sac; (2) zero lot line (ZLL) lots which face similar types of lots across a street and are not located on a street carrying substantial volumes of traffic such as arterial or collector streets; or (3) lots which face land use other than single or two-family dwellings either existing or potentially to be developed.

- b. Shall, as a condition of zoning, be platted according to city Subdivision Regulations with specific attention given to any problems of drainage or utility easements which may be created by the particular design concept.

- 2. A fencing and/or screening design plan for all ZLL lots shall be submitted showing how privacy for each lot and its relationship to other lots will be achieved.

- 3. To ensure privacy, no windows, doors or other openings shall be permitted on the wall with the most minimum setback. Such wall shall be constructed of the

same material as the other exterior walls of the dwelling unit.

4. Each dwelling shall have adequate space for at least two automobiles on the driveway area.
5. Proposed restrictive covenants shall be submitted guaranteeing the maintenance of the fencing and/or screening plan, access for maintenance of structures in close proximity to one another, and other restrictions necessary to carry out the intent of the overall design concept.

D. Height Regulations.

1. No building shall exceed two stories or 35 feet in height.

E. Area Regulations.

1. Minimum area of dwelling - 600 square feet for each family.
2. Lot area - the lot area for "SFZ" District and accessory buildings shall be not less than 5,000 square feet.
3. Lot width - the lot width shall be not less than 50 feet.
4. Lot depth - the minimum lot depth shall be not less than 90 feet.
5. Front yard.

In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.

  - a. In the "SFZ" District, the minimum front yard setback shall be 15 feet on interior lots. On corner lots, 25 feet on all sides abutting a street, except that 15 feet is permitted where such frontage is adjacent to an interior zero lot line lot.
6. Side yard.
  - a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
  - b. A minimum of 10 feet shall be maintained between the adjacent residential structure. Overhanging eaves and gutters are permitted, provided that provisions for their extension and maintenance over adjacent property is contained in the restrictive covenants.

7. Rear yard.
  - a. There shall be rear yard having a depth of not less than 15 feet.
 

Provided further, that chimneys and egress windows may project into the required rear yard but shall not encroach upon any platted or recorded easement.
  - b. Accessory building shall be not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

F. Parking Regulations. (See Appendix)

**404 RESIDENTIAL; “TH” TINY HOME DISTRICT REGULATIONS.**

The regulations relating to the Residential “TH” District shall be as follows:

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- B. Accessory Uses and Structures. Accessory Uses are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. One detached Accessory Structure is permitted provided it is less in square feet than the primary structure, located within the rear yard of a lot and meets the setback requirements of the primary structure, and shall not be less than five feet from the rear lot line, nor encroach on any platted or recorded easement.
- C. Homeowners Association. 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.
- D. General Conditions.
  1. Land used for a “TH” District:
    - a) 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. 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. 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'.
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.

E. Height Regulations.

1. No building shall exceed two stories or 25 feet in height.

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

1. All structures are to be constructed with a foundation to include anchoring that meets the requirements of the current International Residential Code as adopted.
2. Primary structures shall be designed with current plumbing standards that meet plumbing code requirements including, connection to the City of Haysville's potable water system.
3. The primary structure shall include a minimum four (4) inch sewer pipe connected to the City of Haysville wastewater system, in accordance with current city code.
4. The primary structure is to include bathing facilities with a toilet and handwashing sink as well as an approved method to remove moisture in accordance with the adopted mechanical code, and a GFCI outlet within three (3) feet of any source of water.
5. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.
6. The primary structure must have a side hinged front door and an approved egress window located in the rear of the structure. Egress roof access windows in lofts used as sleeping rooms shall be installed where the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the currently adopted International Residential Code.
7. Primary electricity shall be required from the approved franchised electrical

provider. Structures may utilize solar panels as a secondary source.

8. Heating & cooling may be obtained through standard means and practices and shall meet the ability to reach 70° Fahrenheit three (3) feet above the finished floor. Liquefied Petroleum Gas (LPG) used as a means to heat any structure is not permitted.
9. No Heating or cooling units are to be placed in such a way that they encroach upon any setback requirements.
10. Loft – is a floor level located more than 30 inches above the main floor and open to the area below on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.
  - A. The minimum area for lofts shall not be less than 35 square feet and the minimum dimensions shall not be less than 5 feet in any horizontal dimension.
  - B. Loft access – The access to and primary egress from lofts shall be any type described in Sections D.10.L. -
  - C. Stairways accessing lofts shall comply with this code or with Sections D.10.D.
  - D. Width – Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall not be less than 20 inches.
  - E. Headroom – The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
  - F. Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height.
  - G. Landing platforms – The top tread and riser of stairways accessing lofts shall be constructed as a landing platform. The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, 16 to 18 inches in height measured from the landing platform to the loft floor.
  - H. Handrails shall comply with Section R311.7.8 of the currently adopted International Residential Code.
  - I. Stairway guards – Guards at open sides of stairways shall comply with Section R312.1. of the currently adopted International Residential Code.
  - J. Ladders accessing lofts shall comply with Sections D.10.C. and D.10.J.
    - i. 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.
    - ii. Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
  - K. Alternating tread devices accessing lofts shall comply with Section R311.7.11.1 of the currently adopted International Residential Code.



- L. 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.
- M. 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.

G. Area Regulations.

- 1. Maximum area of dwelling - 599 square feet for each primary structure.
  - A. Lot area - the lot area for "TH" Tiny Home family dwellings and accessory buildings shall be not less than 2,100 square feet.
- 2. Lot width - the lot width shall be not be less than 30 feet.
- 3. Lot depth - the minimum lot depth shall be not be less than 70 feet
- 4. Front yard.
  - A. In all locations where building lines, setback lines, or front yard lines are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the furthest projection from the primary structure or setback line shown on the plat.
  - B. In the "TH" Tiny Home District the minimum front yard setback shall be 10 feet on interior lots. On corner lots, 10 feet on all sides abutting a street.
- 5. Side yard.
  - A. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
  - B. No building shall be less than five (5) feet from the property line or encroach on any recorded or platted easement. Overhanging eaves, gutters, and chimneys are not permitted in the side yard setback.
- 6. Rear yard.
  - A. There shall be a rear yard having a depth of not less than 15 feet. Provided further, that chimneys may project into the required rear yard but shall not encroach upon any platted or recorded easement.
  - B. Accessory building shall be not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

F. Parking Regulations. (See Appendix)\_A parking lot(s) may be established within the subdivision and include two stalls per residential lot in the Tiny Home Subdivision and measure 8½'X 19' per stall to provide additional parking.

- G. Street Regulations. (See Section 5. of the Subdivision Regulations for Haysville, Kansas)
  - a) Streets, as a condition of zoning, shall be platted according to the City's Subdivision Regulations, shall be considered private and maintained by the homeowner's association, shall be constructed of asphalt or concrete, be a minimum of 21 feet face to face curb, and 50 feet for street right-of way.

**405 RESIDENTIAL; "TF" TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

The regulations relating to the Residential "TF" District shall be as follows:

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Detached accessory structures must be located in the rear yard of a lot and are in accordance with all setback requirements.
- C. Height Regulations.
  - 1. No building shall exceed three stories or 45 feet in height.
- D. Area Regulations.
  - 1. Minimum lot area: That lot area for "TF" District shall not be less than 6,000 square feet.
  - 2. Minimum area of dwelling shall be 600 square feet for each family.
  - 3. Eave overhangs, cornices, chimneys, awnings, basement escape window wells and similar architectural appendages may extend into required yards by a maximum of 30 inches provided they shall not encroach on any platted or recorded easement.
  - 4. Front yard.
    - a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.  
  
Provided, with regard to single family and two-family dwellings only, an open, unenclosed porch may project into a required front yard for a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.
    - b. In all other locations in the "TF" District, the minimum front yard setback shall be 25 feet; provided, that the minimum front yard setback on all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question: Provided further, that the

application of this rule shall not reduce the minimum front yard setback to less than 20 feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:  $(25' + X)/2$  where X equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- c. The application of these regulations shall not increase the front yard setback to more than 35 feet: Provided further, that existing buildings located wholly or partly on the front half of lots having setbacks in excess of 35 feet, shall be considered as having setbacks of 35 feet and this figure of 35 feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.
- d. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirement the greater setback shall be used.

5. Side Yard.

- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
- b. On all lots which are hereafter improved with major building, such construction shall not reduce the side yard to less than six feet or height divided by four whichever is greater, nor shall they encroach upon any platted or recorded easements.
- c. A side yard width of not less than 25 feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches, community houses and other public and semi-public buildings used, constructed or enlarged in the "TF" District.
- d. Accessory building shall be not less than three feet from side lot lines or building height divided by four whichever is greater, nor shall they encroach on any platted or recorded easement.
- e. Corner lots shall have at least minimum front yard setbacks on both sides abutting a street. Where setbacks are shown in excess of the minimum on recorded plats, the greater setbacks shall be used.

6. Rear yards.

- a. There shall be rear yard having a depth of not less than 20 feet except, if more than one building is constructed on a corner lot, there shall not be less than 20 feet between the front and rear building and the depth of the rear yard of the rear building shall not be less than 10 feet.
- b. Accessory building shall be not less than 10 feet from the centerline of any platted alley. Where there is no platted alley, they shall be located not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

E. Parking Regulations. (See Appendix)

**406 RESIDENTIAL; “MF4” MULTI-FAMILY FOUR RESIDENTIAL DISTRICT REGULATIONS**

The regulations relating to the Residential “MF4” District shall be as follows:

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Detached accessory structures must be located in the rear yard of a lot and are in accordance with all setback requirements.
- C. Height regulations. No building shall exceed 55 feet in height.
- D. Area regulations.
  - 1. Minimum area of dwelling unit is 600 square feet per family.
  - 2. Minimum lot area is 6,000 square feet.
  - 3. Eave overhangs, cornices, chimneys, awnings, basement escape window wells and similar architectural appendages may extend into required yards by a maximum of 30 inches provided they shall not encroach on any platted or recorded easement.
  - 4. Front yard.
    - a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front lot line and the building line or the setback line shown on the plat.

Provided, with regard to two family dwellings only, an open, unenclosed porch may project into a required front yard for a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.

- b. In all other locations in the “MF4” District, the minimum front yard setback of all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question: Provided further, that the application of this rule shall not reduce the minimum front yard setback to less than 20 feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard shall be determined by the following formula:  $(25 + X)/2$   
(X = the minimum front yard setback of the existing building).

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- c. The application of these regulations shall not increase the front yard setback to more than 35 feet: Provided further, that existing buildings located wholly or partly on the front half of the lots, having setbacks of 35 feet, and this figure of 35 feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.
- d. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks are shown in excess of the minimum setback requirements on recorded plats, the greater setback shall be used.

5. Side yard.

- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard setback shall be the same as the distance between the side lot line and the building shown on the plat.
- b. On all lots which are hereafter improved with major buildings or additions to major buildings, such construction shall not reduce the side yard to less than six feet or height divided by four whichever is greater nor shall they encroach upon any platted or recorded easement.
- c. A side yard width of not less than 25 feet on the side of a lot adjoining another building site shall be provided for all schools, libraries, churches, community buildings and other public or semi-public buildings used, constructed or enlarged in the “MF4 District.
- d. Accessory buildings shall not be less than three feet from side lot lines or building height divided by four whichever is greater, nor shall they encroach on any platted or recorded easement.

e. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks are shown in excess of the minimum setback requirements on recorded plats, the greater setback shall be used.

6. Rear yards.

a. There shall be a rear yard having a depth of not less than 20 feet between the front and rear building and the depth of the rear yard of the rear building shall not be less than 10 feet.

b. Accessory buildings shall not be less than 10 feet from the center line of any platted alley; they shall be located not less than five feet from the rear lot line nor shall they encroach upon any platted or recorded easement.

E. Parking regulations. (See Appendix)

**407 RESIDENTIAL; “MFA” MULTIPLE-FAMILY APARTMENT RESIDENTIAL DISTRICT**

The regulations relating to the Residential “MFA” district shall be as follows:

A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.

B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.

C. Height regulations.

1. None.

D. Area Regulations.

1. Minimum areas of each dwelling unit.

a. For those uses set out in the “TF” District the area required shall be the same as cited in the “TF” District.

b. Boarding and lodging houses shall be at least 150 square feet of each dwelling unit.

c. Apartments shall have the following area:

i. Studio apartments-minimum livable area of 300 sq. feet.

ii. One bedroom apartments-minimum livable area of 400 square feet.

iii. Two bedroom apartments-minimum livable area of 500 sq. feet.

iv. Three bedroom apartments-minimum livable area of 600

square feet.

E. Lot area regulations.

1. Lot area shall not be less than 6,000 square feet.
2. Maximum building coverage of lot shall not exceed 50 percent of area within 12 feet of the ground.
3. Maximum lot coverage including parking shall not exceed 75 percent.
4. See Landscaping Regulations (Appendix).

F. Front yard.

1. In all locations where building lines or setback lines are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard shall be the same as the distance between the front lot line and the building or the setback line shown on the plat.

Provided, with regard to single-family and two-family dwellings only, an open, unenclosed porch may project into a required front yard for a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.

2. In all other locations the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of any arterial street with another arterial street, the measurement shall be 75 feet or three feet from the platted lot line whichever is greater.

G. Side yard.

1. When zero lot line development is allowed or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided on rear yard of at least two sides of the building.
2. In all other cases side yard shall be six feet or height divided by four whichever is greater.

In no case shall any building be constructed so as to obstruct any platted or recorded easement.

H. Rear yard.

1. There shall be a rear yard having a depth of not less than 20 feet, except if more than one building is constructed on a corner lot, there shall be not less than 20 feet between the front and rear building and the depth of the rear yard of the rear buildings shall be not less than 10 feet.
2. Accessory buildings shall not be less than 10 feet from the centerline of any platted alley. Where there is no platted alley, they shall be located not less than five feet from the rear lot line, nor shall they encroach on any platted or

recorded easement.

**408 RESIDENTIAL; “MH” MANUFACTURED HOME PARKS OR MANUFACTURED HOME DISTRICT**

The following conditions shall be attached to the recorded deed of the land and shall be complied with by the present and future owners until such time as this use is discontinued. Such homes will not be allowed on individually owned zoning lots. Parks may be further governed by a Manufactured Home Park Ordinance of the city.

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.
- C. Height Regulations.
  - 1. No building or structure shall exceed 35 feet in height.
- D. Area Regulations.
  - 1. Site Area:
    - a. The minimum site area for manufactured home parks or manufactured home subdivisions shall be 5 acres.
  - 2. Lot Area:
    - a. The manufactured home park must provide clearly defined and delineated spaces for each home.
    - b. The minimum lot area in manufactured home parks shall be 3,200 square feet for each manufactured home or mobile home.
    - c. The minimum lot area in manufactured home subdivisions shall be 5,000 square feet, with no more than 50% lot coverage.
  - 3. Lot Width:
    - a. The minimum lot widths in manufactured home parks or manufactured home subdivisions shall be 40 feet.
  - 4. Lot Depth
    - a. The minimum lot depth in manufactured home parks or manufactured home subdivisions shall be 80 feet.
- E. Setbacks.
  - 1. In all locations where building lines or setback lines are shown on plats that have been approved by the Planning Commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as shown on the plat.
  - 2. In all other locations the setbacks shall be:
    - a. **Manufactured Home Parks.** All structures within the Manufactured Home Parks,



whether permanent or temporary, except as allowed by Street and Parking Regulations, shall be setback at least 25 feet from any public street rights-of-way, at least 10 feet from any private roadway or private street, and must maintain a setback no less than 10 feet from any side or rear manufactured home/mobile home space boundary. Each such space must be clearly defined and delineated.

All manufactured homes/mobile homes shall be located as to maintain a clearance of not less than 20 feet from another manufactured home/mobile home or appurtenance thereto within the same manufactured home park.

**b. Manufactured Home Subdivisions.** All structures within Manufactured Home Subdivisions shall be setback at least 25 feet from street rights-of-way or front lot lines, at least 20 feet from the rear lot line, and at least 6 feet from the side lot lines. Each such space must be clearly defined and delineated. Garages and carports shall be located in the side or rear yard. Any structure established for any main use, other than for dwelling purposes, shall comply with the same yard requirements for that use to be located in "SF" Single Family residential district.

F. Street and Parking Regulations.

1. 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. Widths. All manufactured home spaces shall abut a private street or park roadway which maintains a street easement width of 50 feet and a paved width of 30 feet.
  - b. Curbs and Gutters. All private streets and park roadways shall have curbs and gutters on each side.
  - c. 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.
  - d. 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.
2. 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.

3. 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.

G. Recreations, Landscape, and Screening

1. Each manufactured home park shall devote an area of land not to exceed 10 percent (10%) of the tract for developed recreational area - 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.
2. 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.

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 policed and maintained by the owner.

**409 COMMERCIAL; "HMC" HOTEL AND MOTEL COMMERCIAL DISTRICT REGULATIONS**

The regulations relating to the Commercial "HMC" District shall be as follows:

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.
- C. Height Regulations.
  1. None.
- D. Area Regulations.
  1. Lot area regulations:

- a. Lot area shall not be less than 10,000 square feet.
  - b. Maximum of 90% lot coverage including parking; however, off-street area must be provided for guests to load and unload private and public vehicles (cars, vans, buses, etc...).
  - c. See Landscaping Regulations Appendix \_\_
2. Dwelling unit area regulations.
- a. Each dwelling unit shall contain a primary room containing a minimum of 150 square feet of floor area.
  - b. Other habitable rooms in each dwelling unit shall contain not less than 70 square feet each.
  - c. Each dwelling unit shall contain a separate bathroom containing a water closet, lavatory and tub or shower.
  - d. When housekeeping units are included:
    - i. The primary room shall contain a minimum of 220 square feet of floor area.
    - ii. As a minimum, the kitchen area will be of sufficient size to accommodate a cupboard, countertop and provide a sink, cooking appliance, refrigerator and clear working area of 30 inches in front of them.
  - e. No habitable room shall have less than a seven foot length or width dimension.
3. Setback Regulations.
- a. In all locations where building setback lines are shown on plats which have been approved by the Planning Commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum setbacks shall be the same as those shown on the plat.
  - b. In all other locations in the "HMC" District, the minimum building setback from adjacent street(s) shall be either 50 feet from the centerline of the street except that within 350 feet of the corner, the setback shall be 75 feet from the centerline of the street or three feet inside the property line, whichever is greater.
  - c. If zero lot line development is allowed, or any portion of the building is more than 150 feet from a public street, dedicated fire lanes shall be provided on at least two sides of the building.

4. Parking Regulations. (See Appendix)
5. Screening Regulations.
  - a. An approved screening plan will be required before final approval of a change to "HMC" zoning. Such plan shall contain:
    - i. A detailed plan to screen the site from adjacent lesser zoned property.
    - ii. Type and kind of screening material. If living screen (trees and/or shrubs) is to be used, not only the type and location of planting, but also the anticipated growth time to maturity is to be included. A maintenance plan for the screening will be required.
    - iii. The effectiveness of such planned visual and/or sound barriers.
    - iv. The schedule for completion of the screening plan.

**410 COMMERCIAL; "OC" OFFICE COMMERCIAL DISTRICT REGULATIONS**

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are smaller, less intense uses or are of such size and use to be low traffic generators. This district shall be established only when the property is contiguous to an Arterial Street as designated by the maps of the Transportation Plan Element Phase II, dated February 1988 or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

- A. In the "OC" Office Commercial District, no buildings or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.
- B. All uses listed as permitted uses below shall be permitted in the "OC" Office Commercial District provided they comply with the following limitations:
  1. No individual business shall occupy more than 5,000 square feet of floor area; provided, however, an exception to this limitation may be granted by the Haysville governing body subject to the following conditions:
    - a. A basement area, not exceeding the area used for office or sales use, which is used only for storage, records, mechanical equipment or other non-person uses.
    - b. Such area shall be determined to be non-traffic generating and deemed to be exempt from all off-street parking requirements.

- c. Required off-street parking shall be determined to be not less than that required by the floor area used for office and sales purposes.
    - d. Any exception to the floor area granted by the governing body shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of these regulations.
  - 2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
  - 3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sale that do not require the use of vehicles and heavy equipment in the operation of the business other than for the delivery of goods or services to the home; e.g. florist truck, etc. Vehicles stored or retained on the site overnight shall be stored within the main structure, or an enclosed detached garage as approved by the Planning Commission.
  - 4. No business shall display or store goods or equipment outside of an enclosed building.
  - 5. No business establishments shall offer goods or services by way of drive-up windows or directly to customers' parked motor vehicles.
  - 6. Motor vehicles or heavy equipment parts, service or fuels shall not be displayed in this district.
  - 7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
  - 8. The use is limited to offices and limited retail and service uses which are considered to be compatible with and not unduly burdensome upon adjacent residential properties or residential areas located nearby.
  - 9. The use is compatible to other businesses located nearby within the district itself.
  - 10. The nature of any use located within the district shall be smaller, less intense uses.
  - 11. Any business within the zone shall not generate more traffic per day upon its abutting streets than may be accommodated within its permitted parking areas.
- C. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- D. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.

- E. Area regulations.
  - 1. Lot area: There shall be a minimum lot width of 80 feet and a maximum area of 12,500 square feet.
  - 2. Front yard: Minimum 20 feet or the setback line of the recorded plat.
  - 3. Side yard: The side yard shall not be less than six feet or the side yard requirement of the adjacent lot, whichever is the lesser.
  - 4. Rear yard: There shall be a rear yard of not less than 10 feet.
- F. Height limit.
  - 1. No building shall be erected or enlarged to exceed a height of thirty-five feet.
- G. Lot coverage.
  - 1. There shall be a maximum of 40 percent coverage of the lot by a total of all structures.
- H. Automobile parking.
  - 1. Parking space and loading space to be provided equal to two spaces per each employee.
- I. Hours.
  - 1. Monday-Saturday. 7 A.M. to 10 P.M.

**411 COMMERCIAL; "LC" LIGHT COMMERCIAL DISTRICT REGULATIONS**

- A. Uses listed as permitted in the "LC" Light Commercial District shall be permitted provided that they comply with the following regulations:
  - 1. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises; and
  - 2. Such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes; and
  - 3. All articles for sale, rent, display, storage or hire, must be kept within an enclosed building except:
    - a. Items specifically allowed by a permitted use;
    - b. Vending machines and newspaper stands may be displayed outside permanently; and
    - c. Merchandise that is for sale may be displayed in areas immediately adjacent to the building provided that:
      - i. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such

use from the governing body;

- ii. No portion of the display shall obstruct handicapped accessibility or impede pedestrian movement;
- iii. No required off-street parking space or loading area will be utilized for display, storage or dispensing;
- iv. No food or drink may be displayed outside the building except in accordance with the standards of the Wichita-Sedgwick County department of public health;
- v. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

B. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.

C. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.

D. Height regulations.

1. None.

E. Area regulations.

1. Lot area regulations:
  - a. Lot area to not be less than 6,000 square feet.
  - b. Minimum of 10 percent of lot to be maintained landscaped area.

F. Front yard.

1. In all locations where building lines or setback lines are shown on plats that have been approved by the Planning Commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building or setback line shown on the plat.
2. In all other locations, the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline or three feet from the platted lot line whichever is greater.
3. Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

4. Corner lots shall have at least minimum front yard setbacks on both sides.

G. Side yard.

1. When zero lot line development is allowed or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided on rear yard of at least two sides of the building.
2. In all other cases, side yard shall be six feet or height divided by four whichever is greater.
3. Corner lots shall have at least minimum front yard setbacks on both sides abutting a street. When setback areas are shown in excess of the minimum setback requirements on recorded plats the greater setbacks shall be used.
4. The required side yard areas shall be landscaped with grass, shrubs, trees, and/or ground cover, and shall be maintained in good condition.

H. Rear yard.

- I. Accessory building shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of the rear lot line. When such structures or uses are permitted to be located on or project over such easements, the property owner assumes the risk and liability for any reconstruction or replacement necessary including fences if any maintenance or other improvements are required by the city or a utility provider. Neither the city of Haysville nor any utility company entitled to use this easement is liable for damage to or destruction of this structure as a result of maintenance, repair or replacement activities, or installation of new facilities, within this easement.

J. Parking and loading regulations. (See Appendix)

K. Landscaping regulations. (See Appendix)

**412 COMMERCIAL; "HC" HEAVY COMMERCIAL DISTRICT REGULATIONS**

- A. All uses listed as permitted in the "HC" Heavy Commercial District shall be permitted provided that they comply with the following regulations:

1. There shall be no manufacture, compounding, processing, or treatment of products other than that which is clearly incidental and essential to the uses permitted, except as specifically allowed in conjunction with conditional uses.
2. Such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
3. Any illumination shall be so arranged as to reflect the light away from adjoining premises.

- B. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.



- C. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.
- D. Height regulations.
1. None.
- E. Area regulations.
1. Lot area regulation.
    - a Lot area to not be less than 6,000 square feet.
    - b Maximum lot coverage including parking to be 100 percent.
- F. Front yard.
1. In all locations where building lines or setback lines are shown on plats that have been approved by the Planning Commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building or setback line shown on the plat.
  2. In all other locations the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
  3. On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection the setback shall be measured as 75 feet from the centerline of the street.
- G. Side yard.
1. When zero lot line development is allowed or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided on rear yard of at least two sides of the building.
  2. In all other cases, side yard shall be six feet or height divided by four whichever is greater.
  3. Corner lots shall have at least minimum front yard setbacks on both sides abutting a street. When setback areas are shown in excess of the minimum setback requirements on recorded plats the greater setbacks shall be used.
- H. Rear yard.
1. Accessory building shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of the rear lot line.

- I. Parking and loading regulations. (See Appendix)

**413 “LI” LIGHT INDUSTRIAL DISTRICT**

- A. This district is intended for light industrial businesses which are consistent with the capacity and availability of public and private utility services, and which do not require large amounts of land, generate large amounts of traffic, or create environmental problems in the way of odor, smoke, dust, glare, vibration or sound. Permitted uses.
- B. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- C. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.
- D. Height regulations.
  - 1. None.
- E. Area regulations.
  - 1. Lot area regulation:
    - a Lot area to not be less than 6,000 square feet.
    - b Maximum lot coverage including parking may be 100 percent.
- F. Front yard.
  - 1. In all locations where building lines or setback lines are shown on plats that have been approved by the Planning Commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building or setback line shown on the plat.
  - 2. In all other location the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
  - 3. On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
- G. Side yard.
  - 1. In all locations where building lines or setback lines are shown on plats that have been approved by the Planning Commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the side lot line and the building or setback line shown on the plat.

2. On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
  3. If zero lot line development is allowed or any portion of the building is more than 150 feet from a public street, the dedicated fire lanes will be provided on at least two sides of the building.
- H. Rear yard.
1. Accessory building shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of the rear lot line.
- I. Parking and loading regulations. (See Appendix)

**414 "HI" HEAVY INDUSTRIAL DISTRICT**

In the "HI" Heavy Industrial District, buildings and premises may be used for any lawful purpose subject to the following restrictions and to the following area and height regulations:

- A. Principal Uses. As allowed by-right and permitted by conditional use per Section 400.
- B. Accessory Uses and Structures. Accessory Uses and Structures are permitted by-right in connection with any lawfully established Principal Use, except as otherwise expressly provided in these Zoning Regulations. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use.
- C. Height Regulations.
1. None.
- D. Area Regulations.
1. Lot area regulations:
    - a Lot area not to be less than 6,000 square feet.
    - b Maximum lot coverage including parking can be 100 percent.
  2. Front yard.
    - a In all locations where building lines or setback lines are shown on plats that have been approved by the Planning Commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building setback line shown on the plat.
    - b In all other locations the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
    - c On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street

except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.

3. Side yard.
  - a In all locations where building lines or setback lines are shown on plats that have been approved by the Planning Commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum side yard shall be the same as the distance between the side lot line and the building setback line shown on the plat.
  - b On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
  - c If zero lot line development is allowed or any portion of the building is more than 150 feet from a public street, dedicated fire lanes will be provided on at least two sides of the building.
4. Rear Yard.
  - a Buildings shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of rear lot line.

E. Parking and Loading Regulations. (See Appendix)

**415 PLANNED UNIT DEVELOPMENTS**

- A. PURPOSE. The purpose of the Planned Unit Development (PUD) Districts is to encourage innovation in residential, commercial, and industrial development; to gain a more efficient use of land; to utilize new technologies in urban land development; and to provide for a greater variety and flexibility in type, design, and layout of buildings.
- B. GENERAL PROVISIONS.
  1. Application for a PUD may be made for land located in any of the established Haysville zoning districts.
  2. A PUD shall be in general conformity with the provisions of the adopted comprehensive plan.
  3. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this Ordinance or the Subdivision Regulations, the provisions of this article shall prevail for the development of land for PUDs. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this ordinance.
- C. TYPE OF PLANNED UNIT DEVELOPMENTS. The following types of planned unit developments may be established.

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

PUDs may combine two or more types of uses into a single plan.

D. STANDARDS AND CONDITIONS. The following provisions apply to all PUD districts:

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

E. PRE-APPLICATION CONFERENCE. A pre-application conference shall be held with the PUD subcommittee of the Planning Commission in order for the applicant to become acquainted with the planned unit procedures and related city requirements.

F. PLANNED UNIT DEVELOPMENT APPLICATION PROCEDURE. An application for a PUD shall constitute the filing of an application for a PUD District and shall be processed in the same manner prescribed for amending these zoning regulations. The same requirements for notice to property owners, advertisement of public hearing, protest petitions, and adoption by the governing body shall be required as in conventional zoning.

G. SUBMISSION AND REVIEW OF THE APPLICATION.

1. An applicant shall make application for the approval of the PUD to the Planning Commission. The applicant shall include, as part of the application, a preliminary development plan for the PUD.
2. The preliminary development plan shall include both, a development plan map and written statement, 9 copies of each.
3. The PUD map shall contain the following information:
  - a Existing topography with contours at two-foot intervals.
  - b Areas subject to one-hundred-year flooding.
  - c Proposed location of buildings and other structures, parking area,

drives, walks, screening, drainage patterns and plan, public streets, and any existing/proposed easements.

- d Internal traffic circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
- e Proposed screening and landscaping features.
- f Areas that are to be conveyed, dedicated, or reserved as common open space.
- g Relationship of abutting land uses and zoning districts.

4. The PUD statement to accompany the map shall contain the following information:

- a An explanation of the character of the PUD.
- b A statement of the present ownership and legal description of all the land included within the PUD.
- c Copies of any special agreements, conveyances, restrictions, or covenants that will govern the use, maintenance, and continued protection of the PUD and any of its common open space areas.
- d A statement of the anticipated residential density, the proposed total gross floor area, and the percentage of the development that is to be occupied by structures.
- e As appropriate, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.
- f Maximum height of all buildings.
- g A statement of the objectives showing the relationship of the PUD to the Comprehensive Plan with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit or both.
- h A time schedule for completion of the project or each phase thereof and improvements to be requested of the city and improvements to be made by the developer.

5. The applicant may submit any other information or exhibits the applicant deems pertinent in evaluation of the proposed PUD.

6. Permit fees shall be as established in Chapter 17 of the Municipal Code of

Haysville, Kansas and shall be paid at the time of the application. (Code 2023)

H. ACTION ON PRELIMINARY PUD PLAN.

1. Within sixty days after receiving the application, the Planning Commission shall review the application and hold a public hearing in accordance with state statute.
2. Within thirty days after the public hearing the Planning Commission shall prepare findings of fact with respect to the extent to which the preliminary PUD plan complies with the standards and conditions established, together with its recommendations to the governing body with respect to the action to be taken on the PUD plan. The Planning Commission may recommend approval, approval with contingencies, or disapproval.
3. The governing body, after a 14-day protest period, shall consider the Planning Commission's recommendation on the preliminary PUD plan.
  - a If the preliminary PUD is approved, the governing body shall adopt an ordinance approving the preliminary PUD plan and establish a PUD District for the parcel or tract of land included in the preliminary PUD plan.
  - b If the preliminary PUD is disapproved, after following the necessary procedures as established by state statute, the applicant shall be furnished with a written statement of the reasons for disapproval of the plan.
4. In the case of approval, the applicant, within 15 days after receiving notification of the approval of the preliminary PUD plan, shall file with the County Register of Deeds a statement that such plan has been filed with the approving authority and has been approved and that such PUD is applicable to certain specifically legally-described land and that copies of said are on file with the city.

I. FINAL PUD PLAN CONTENTS AND APPROVAL.

1. Within six (6) months after approval of the preliminary plan, the applicant shall have the final plan prepared in conformance with the preliminary development plan. The final plan shall include:
  - a Construction drawings of all buildings to include elevations, grading, and floor plans.
  - b Site plan.
  - c Drainage Plan.
  - d Landscape and screening plan showing--species and size of all plant material, areas to be seeded, etc.
  - e Copies of any dedications for easements or rights-of-way and restrictive

covenants.

- f Evidence that no lots, parcel or tract or dwelling unit in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such PUD.
  - g Such bonds or guarantees and other documents that may have been required by the preliminary PUD plan pursuant to the provisions and procedures of the Subdivision Regulations.
  - h The final plan shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification by the landowner of the plan as tentatively approved does not:
    - i Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, nor
    - j Increase by more than 10 percent the floor area proposed for non-residential use, nor
    - k Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings, nor
    - l Substantially change the design of the plan so as to significantly alter, as determined by the Planning Commission:
      - i. Pedestrian or vehicular traffic flow.
      - ii. The juxtaposition of different land uses.
      - iii. The relation of open space to residential development.
      - iv. The proposed phasing of construction.
2. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilitates for water, storm water, sanitary sewers or other public facilities.
- In the event a public hearing is not required for final approval and the application of final approval has been filed, together with all drawings, specifications and other documents in support thereof, the Planning Commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the governing body for its final approval.
3. In the event the final plan submitted contains substantial changes from the approved preliminary plan, the applicant shall resubmit the original plan. This



preliminary development plan shall be modified in the same manner prescribed in this article for original approval.

4. In the event that a plan or section hereof is given final approval and thereafter the landowner shall abandon said plan or section, he shall so notify the city thereof in writing. In the event the landowner shall fail to commence the PUD within 18 months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner.

J. **ENFORCEMENT AND MODIFICATION.** To ensure the mutual interest of the resident and owners of the PUD and of the public, the enforcement and modification of the provisions of the Plan, as finally approved—whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions.

1. **Enforcement:**
  - a Enforcement by the city covers the provisions of the plan relating to:
    - i. The use of land and the use, bulk and location of buildings and structures.
    - ii. The quality and location of common space.
    - iii. The intensity of use or the density of residential units.
2. Enforcement by the Residents and Owners cover any additional items not listed in item (a) above.
3. **Modification:**
  - a A PUD District ordinance or an approved preliminary or final PUD plan may be amended by the governing body after public hearing as outlined in Section 416.
  - b No changes in the development plan that are approved under this ordinance are to be considered as a waiver of the covenants limiting the use of the land, buildings, structures, and improvements within the area of the PUD, and all rights to enforce these covenants against any changes permitted are expressly reserved.

All enforcement and modification proceedings shall be subject to the provisions provided for by state statute.

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

final approval.

**416 "P-O" PROTECTIVE OVERLAY DISTRICT**

- A. **PURPOSE.** The protective overlay district may be applied in combination with any base zoning district. By tailoring use or property development standards to individual projects or specific properties, the protective overlay district is intended to:
  - 1. ensure compatibility among incompatible or potentially incompatible land uses;
  - 2. ease the transition from one zoning district to another;
  - 3. address sites or land uses with special requirements; and
  - 4. guide development in unusual situations or unique circumstances.
  
- B. **USE AND PROPERTY DEVELOPMENT STANDARDS.** The protective overlay district, can be used to modify and restrict the use and property development standards of an underlying base zoning district. All requirements of a protective overlay district are in addition to and supplement all other applicable standards and requirements of this Code. Restrictions and conditions imposed by a protective overlay district shall be limited to the following:
  - 1. prohibiting otherwise permitted or conditional uses and accessory uses; or making an otherwise permitted use a conditional use;
  - 2. decreasing the number or average density of dwelling units that may be constructed on the site;
  - 3. increasing minimum lot size or lot width;
  - 4. increasing minimum setback requirements;
  - 5. restrictions on access to abutting properties and nearby roads, including specific design features; and
  - 6. any other specific development standards required or authorized by this Code.
  
- C. **METHOD OF ADOPTION.** Restrictions imposed through a protective overlay district are considered part of this zoning code text and accompanying map. All property included in a protective overlay district shall be identified on the Zoning Map by adding the letters "P-O" and a number to the base zoning district symbol. The number shall be assigned when the application is filed and numbers shall run consecutively beginning with number 1. This ordinance zoning or rezoning property to the protective overlay district shall specifically state the modifications imposed pursuant to Section 417B of this Code. The restrictions imposed shall be considered part of the text of this Code, and a violation of the restrictions shall be a violation of this Code.
  
- D. **EFFECT OF PROTECTIVE OVERLAY DESIGNATION.** When the Protective overlay zoning designation is applied in combination with a base zoning district it shall always be

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

**417 “HD-O” ORIGINAL TOWN HISTORIC OVERLAY DISTRICT**

- A. PURPOSE. The Original Town Historic Overlay District (HD-O) is intended to accommodate development and redevelopment within the area recognized as the Original Town of Haysville, while recreating the historical significance and unique qualities of the area. The design review provisions applicable within the HD-O are intended to preserve and recreate the area’s special historic character. The HD-O district is an overlay district; property within the district shall comply with the overlay district regulations of this section and the standards of the underlying zoning district. In the case of conflict between the regulations in this section and those of the underlying zoning district, the regulations in this section shall prevail.
  
- B. APPLICATION AREA. The officially recognized Original Town Historic Overlay District shall be classified as “District – HD-O – Historic District,” and shall be used henceforth for purposes of recognizing all structures and real estate within the “Original Town” as part of a zoning overlay district. The official zoning map of the city of Haysville, Kansas shall be amended by this ordinance to clearly show the overlay area. Such overlay district shall consist of the following parcels of property:
  - 1. Haysville Town Site (Original Town Plat);
  - 2. Hays’ 1<sup>st</sup> Addition;
  - 3. W.E. Blaine 2<sup>nd</sup> Addition;
  - 4. Solar Addition;
  - 5. Metes and Bounds parcel facing Grand immediately to the northeast of the Haysville Town Site and generally having the dimensions of 140 feet by 220 feet; and
  - 6. Metes and Bounds parcel facing Main Street immediately south of the Solar Addition continuing to the Southern city Limits.
  
- C. USE REGULATIONS. The use regulations of this overlay district shall supplement and be in addition to the use regulations of the underlying districts. However, whenever an actual conflict arises between the language of the use regulations governing the underlying district and the language of this historic overlay district, the use regulations of this overlay district shall prevail over the underlying districts.
  - 1. Permitted Uses. The following uses shall be allowed in the HD-O district. These additional uses are intended to supplement those uses permitted by the regulations of the underlying district(s) that are not otherwise specifically included in subsections (2) or (3) as set forth below:
    - a Bed and Breakfast.
    - b Blacksmith Shop.

- c Churches.
- d Farm and Art Market
- e Museum.
- f Public Park, playgrounds and community buildings.

2. Conditional Uses. The following uses shall be allowed only as a conditional use in the HD-O district, regardless if said uses are stated as permitted uses in the underlying districts:

- a Printing press operations including newspaper presses, catalogs and bindery.
- b Restaurant, including catering as an incidental use.

C. HEIGHT REGULATIONS. No building shall exceed two stories or 35 feet; except a church steeple may extend beyond this height.

D. AREA REGULATIONS.

1. Lot Area Regulations:

- a The minimum lot size requirements shall be waived.
- b The minimum lot width requirement shall be waived.

2. Setbacks:

- a The minimum front setback shall be 35 feet from the centerline of the street.

E. SPECIAL PARKING REGULATIONS. The requirements of Appendix shall be waived.

F. DESIGN REVIEW PROCEDURES.

1. Applicability. No permits involving alterations to building exteriors, or permits for signs, fences, sidewalks, driveways or demolition shall be issued by the Public Works Department for any structure or site located wholly or partially within the HD-O district until an application for such permit has been reviewed for compliance with the design standards of this article and approved by the Planning and Zoning Administrator, or his or her designee.

2. Application. An application for a permit with the HD-O district shall be submitted in a form required by the Zoning Administrator. A complete application should include, as necessary, to-scale drawings, elevations, sections, relevant plans of site and/or immediate environs if appropriate, and shall indicate materials and colors to be used, as to conduct an adequate review of the application.

3. Action. After reviewing the completed application, the Planning and Zoning Administrator or his or her designee, shall approve with conditions or modifications, or deny the request, in accordance with the design standards of

this article. A property owner in the HD-O may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

4. Time limit on Action. If within fourteen days from the date of receipt of a complete application by the Planning and Zoning Administrator, no action has been taken on the application, the Public Works Department may issue the necessary permits and the project may proceed. This time limit may be waived by mutual consent of the applicant and staff. It shall not apply if Historic Committee review is required pursuant to section 418.f.5.

#### H. DESIGN STANDARDS

1. General.
  - a New Buildings, Reproductions and Alterations should be respectful of the character of the original town of Haysville. All building designs should be compatible with the major elements of the 1890-1910 eras of the prairie plains.
  - b Metal windows and doors should be anodized or properly primed and enameled.
  - c Permanent fences should avoid wire materials whenever possible.
2. Standards for Rehabilitation and Remodeling.
  - a All construction, remodeling or rehabilitation of exteriors should ensure the visual integrity of the building and be compatible with the overall architectural character of the district.
  - b Additions to buildings should be compatible in appearance by coordinating style, materials, scale and detail with the existing buildings in the district.
  - c Accessory buildings should generally be compatible with the other structures on the street and be subject to these guidelines.
  - d Existing doors and windows may be replaced with new products of design and/or materials similar to those which existed at the time of passage of this Code.
2. Standards for New Construction, Reconstruction and Reproduction.
  - a All buildings should be set back from the street uniformly to present a continuous façade line along the street, except that minor recesses or projections for entries and similar elements may be acceptable.
  - b Mechanical or electrical equipment and trash receptacles should be hidden or screened from street level view.
3. Signs. Signage within the HD-O district shall be subject to the provisions of Appendix Article 2 of the Code of the City of Haysville, as well as the following

requirements as reviewed and approved by staff.

- a All signs, including interior and exterior window signs, must be approved as to design, colors, materials, placement, method of attachment, and method of illumination (if applicable).
  - b Signs shall be designed and placed so as to appear as an integral part of the building design, in proportion to the structure and environment, and to respect neighboring properties within the HD-O district.
  - c Signs should be designed with appropriateness relative to the services of the establishments served.
- I. EXCEPTIONS AND MODIFICATIONS. The design standards in this article may be modified or waived by the Zoning Administrator to allow for alterations that are required in order to maintain the continued functional viability of existing uses, or in extraordinary situations of development characteristics, economic hardship, or other circumstances, provided that the purposes and intent of these Standards are maintained through such interpretation.
- J. EMERGENCY REPAIRS. The Director of Public Works may waive the standards and review procedures of this article in instances in which emergency repairs are required, provided that subsequent repairs comply with this article.
- K. CONFLICTS WITH OTHER CODE PROVISIONS. No section of this article shall be construed to compel alterations that will conflict with any health or safety codes or prohibit any alterations that are required to bring buildings into compliance with the Building Code.

## Article 6. Nonconforming Lots & Structures

### 600 PURPOSE, POLICY AND APPLICABILITY

- A. Purpose. The purpose of this section is to establish regulations that govern uses, structures, lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Code, in compliance with K.S.A. 12-771.
- B. Policy. It is the general policy of the city to allow uses, structures or lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Code to continue to exist and be used productively, while working to bring as many aspects of such use into conformance with the current Zoning Code as is reasonably practicable, and to terminate the right to carry out any nonconforming use as soon as such nonconforming use actually ceases, all subject to the limitations of this section. The limitations of this section are intended to recognize the interests of the property owner in continuing to use the property in a manner that no longer conforms to the requirements of this code but to control the expansion of the nonconformity and to control re-establishment of abandoned uses and limit re-establishment of buildings and structures that have been substantially destroyed.
- C. No nonconformities created by adoption of the March 15, 1999 Zoning Regulations. No use of a building, structure or property that was in existence on March 14, 1999, and complied with the zoning ordinance or zoning resolution in effect prior to March 15, 1999, shall become or be deemed to have become nonconforming or noncomplying due to adoption of this Code. Any use of a building, structure or property and any building, structure or property that complied with the zoning ordinance or zoning resolution in effect prior to March 15, 1999 may be rebuilt, repaired or otherwise re-established to the extent that it existed on March 14, 1999. The burden of proof to establish that any contested use was in existence on March 14, 1999, and the scope of such use upon that date, is upon the property owner claiming the applicability of this section.

### 601 NONCONFORMING USES

- A. Maintenance and repair. Any structure which is part of a nonconforming use may be repaired or altered on the same terms set forth, under Article 6.602.
- B. Enlargement and expansion within a building and enlargement and expansion of a building. A nonconforming use may be expanded within the floor area of an existing, conforming structure or within an expanded structure, subject to the limitations listed herein. In any residential district, such expansion shall be permitted into an area equal to the original floor area of the nonconforming use, when the expansion:
  - 1. Does not increase the number of dwelling units;
  - 2. Includes plans for all off-street parking and loading required to serve the expansion area;
  - 3. If greater than 50 percent of the original floor area, is found by the Board of

Zoning Appeals to be compatible with the neighborhood and not detrimental to the community, as determined by the effect of the expansion on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services.

- C. Expansion of outdoor nonconforming uses. A nonconforming use of premises for which the principal use is not enclosed within a building, such as a salvage yard or a motor vehicle sales lot, may not be expanded except if such use may be expanded in a manner that conforms to the requirements of this Code. The Board of Zoning Appeals shall review a plan to enlarge a nonconforming use with a conforming use to determine whether the nonconforming use may be brought into conformity with the zoning code as part of the development of such expansion.
- D. Change in use. A nonconforming use may be changed to a new nonconforming use, provided that the new use shall be of a character less intensive (and thus more closely conforming) than the existing, nonconforming use. The initial determination of whether a proposed new use is a conforming use or is a less intense nonconforming use shall be made by the Planning and Zoning Administrator, or his/her designee, with an appeal to the Board of Zoning Appeals. In either case, the determination shall be based on the use hierarchy established by the Zoning Regulations. A nonconforming use, if changed to a conforming use or less intensive nonconforming use, may not thereafter be changed back to the less conforming use from which it was changed.

## **602 NONCONFORMING STRUCTURES**

- A. Maintenance and repair. Remodeling of a nonconforming structure within the existing building footprint shall be permitted without a zoning variance, all in conformance with current building codes. Any nonconforming structure damaged to the extent of 50 percent or less of its fair market value by fire, wind, tornado, earthquake, or other natural disaster, may be rebuilt in conformance with current building codes, provided such rebuilding does not increase the intensity of use as determined by the number of dwelling units (for residences) or floor areas or ground coverage (for nonresidential uses). The structure shall not be rebuilt closer to the property line than the original structure or the applicable setback lines, whichever is closer. Nonconforming structures damaged 50% or less of their fair market value by flooding may be rebuilt as set forth in this section, provided such reconstruction shall conform to all requirements of the adopted building code related to construction in flood hazard areas. Any building so damaged more than 50 percent of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for buildings in the district in which it is located, provided that such restoration as may be made is to the fullest extent possible in conformance with development standards.
- B. Enlargement and expansion. Any expansion of the nonconforming structure that increases the degree of nonconformance is prohibited. Expansions of the structure that do not increase the degree of nonconformance shall be permitted and shall not require a variance. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Planning and Zoning Administrator or his/her designee, with an appeal to the Board of Zoning Appeals.



- C. Relocation. If a nonconforming structure is relocated within the area to which this Code is applicable, it shall be placed only in a location in which it fully conforms to the requirements of this Code.
- D. Unsafe structures. Nothing in this section shall be construed to permit the continuing use of a building found to be in violation of basic life, safety or health codes of the city. The right to continue to use a noncomplying structure shall be subject to all applicable housing, building, health and other life safety and health codes of the city.

### **603 NONCONFORMING LOTS**

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

- A. Vacant lot. If the lot or parcel was vacant on the date on which this Code became applicable to it, then the owner may use the property as permitted by the applicable zoning district, provided that the use shall comply with applicable dimensional requirements of this Code to the maximum extent practicable. If the applicable zoning district permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements shall be permitted. Otherwise the owner may seek a variance from such requirements from the Board of Zoning Appeals.
- B. Lot with building or structure. If the lot or parcel contains a building or structure on the date on which this code becomes applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in any way that does not increase the degree of nonconformity. An increase in building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required setback. Remodeling of a structure within the existing building footprint or expansion in compliance with this section shall not require a variance but shall be reviewed by the Planning and Zoning Administrator, City Inspector or his/her designee as though the lot were conforming.
- C. Lot merger. If the lot or parcel is smaller than would otherwise be required by this Code and such lot or parcel is at any time on or after the date on which this Code became applicable to such lot or parcel under common control with an adjacent lot or parcel, then the two shall be considered merged for purposes of this Code and shall in the future be considered together for purposes of determining compliance. If the merged lots or parcels contain sufficient area for the actual or proposed use, then they shall be deemed fully conforming. If the merged lots or parcels together do not contain sufficient area for the actual or proposed use, they shall nonetheless be considered together for purposes of reducing the degree of nonconformity. When a nonconforming lot or parcel shall not again be used as a separate lot or parcel, unless it is subdivided from the lot or parcel with which it has been merged; subdivision shall require full compliance with the requirement of this Code and the applicable subdivision regulations.

**604 OTHER NONCONFORMITIES**

- A. Examples of other nonconformities. The types of other nonconformities to which this section applies include but are not limited to: fence height or location; lack of buffers or screening; lack of, or inadequate, landscaping; lack of, or inadequate, off-street parking; and other nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use. However, a nonconformity other than those enumerated in Sections 601, 602 and 603 shall be brought into conformance upon the occurrence of any one of the following:
  - 1. Any increase on the premises of more than 30 percent floor area or 50 percent value;
  - 2. For a property in a commercial or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is required.
- B. The requirement that nonconformities be brought into conformance shall be subject to variance by the Board of Zoning Appeals where it finds that such conformance would involve an unreasonable hardship.
- C. Policy. Because other nonconformities involve less investment and are more easily corrected than those involving lots, buildings and uses, it is generally the policy of the city to eliminate such other nonconformities as quickly as practicable.
- D. Increase prohibited. The extent of such other nonconformities shall not be increased, with or without a variance.

**605 NONCONFORMITIES CREATED BY PUBLIC ACTION**

Nonconformities created by public action. When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Code without resort to the Board of Zoning Appeals.

**606 DISCONTINUANCE**

- A. Nonconforming use. When a nonconforming use has been abandoned, such nonconforming use shall not be renewed. When a building containing a nonconforming use has been destroyed or damaged to an extent exceeding 50 percent of its fair market value, such nonconforming use shall terminate and shall not be renewed, and the building shall not be restored in a way that is designed primarily for a nonconforming use.
- B. When abandoned. A nonconforming use shall be presumed abandoned when any of the following has occurred:
  - 1. The owner has in writing or by public statement indicated intent to abandon the use;
  - 2. A less intensive use has replaced the original nonconforming use;

3. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures;
  4. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use; or
  5. The property, if a land use conducted primarily outside of a building, has been vacant or completely inactive for 12 months;
  6. The property, if a land use conducted primarily inside of a building, has been vacant or completely inactive for 24 months.
- C. Overcoming presumption of abandonment. A presumption of abandonment based solely on the length of time a land use has remained vacant or inactive may be rebutted within 90 days of such use being deemed abandoned upon a showing, to the satisfaction of the Board of Zoning Appeals, that during such period of vacancy or inactivity the owner of the land or structure:
1. has been maintaining the land and structure in accordance with the all applicable building codes;; and
    - a. has been actively and continuously marketing the land or structure for sale or lease based upon the existence of the nonconforming use; or
  2. has been engaged in other activities that would affirmatively prove that there was not an intent to abandon.

**607 DETERMINATION OF NONCONFORMITY STATUS**

In all cases, the property owner shall have the burden of establishing that a nonconforming use or nonconforming structure lawfully exists under these regulations.

**608 REGISTRATION ON NONCONFORMITIES**

- A. Rights conditional. The rights given to those using or owning property involving nonconformity are specifically conditioned on the registration of the nonconformity with the Planning and Zoning Administrator , or his/her designee.
- B. Registration process. The Planning and Zoning Administrator, or his/her designee, shall establish a process for the registration of nonconformities and shall establish a system for keeping records of such nonconformities. The Zoning Administrator, or his/her designee, shall provide registration forms for this purpose.
- C. Registration deadlines. Property owners shall have one year from the date on which the nonconformity first became nonconforming to register it. Subject to the verification procedures established by the Planning and Zoning Administrator, or his/her designee, nonconformities so registered shall be deemed to be lawful nonconformities, to the extent documented on the registration form. All rights to continuance, maintenance, repair and other continuation of the nonconformity shall apply.

- D. Effect of not registering appeal. The Planning and Zoning Administrator or his/her designee shall refuse to permit the expansion, continuance, repair, maintenance or other continuation of nonconforming status for nonconformity not registered in accordance with this section. An aggrieved party may appeal such denial to the Board of Zoning Appeals, which may grant a late registration status to the nonconformity if it finds that:
  - 1. The failure to register the nonconformity occurred because the owner was unaware that the situation was nonconforming or from excusable neglect; and
  - 2. The nonconformity was established lawfully in conformance with the then applicable Zoning Code, or is otherwise entitled to protection under a specific section of this Article.
  
- E. If the Board of Zoning Appeals grants late registration status to the nonconformity, the owner shall then be entitled to all of the rights accorded to the nonconformity as though it were registered in accordance with the requirements of this section.

## **Article 7. Administration & Enforcement**

### **700 AMENDMENTS**

- A. The governing body may, from time to time, on its own motion or on petition, as provided herein, amend, supplement, change, modify, or repeal the regulations and restrictions as established herein and may change, restrict, or extend the boundaries of the various districts established herein.
  
- B. Relevant matters considered when approving or disapproving zoning requests, may not necessarily be given the same weight in relation to any proposed amendment, including but not limited to, the following:
  - 1. the character of the neighborhood;
  - 2. the zoning and uses of properties nearby;
  - 3. the suitability of the subject property for the uses to which it has been restricted;
  - 4. the extent to which removal of the restrictions will detrimentally affect nearby property;
  - 5. the length of time the subject property has remained vacant as zoned;
  - 6. the relative gain to the public health, safety and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the individual landowners;
  - 7. recommendations of permanent staff; and

8. conformance of the requested change to the adopted or recognized master plan being utilized by the city.
- C. All such proposed amendments first shall be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing thereon.
1. If such amendment, modification, change, restriction, or repeal is a general revision of existing ordinance, notice of such public hearing shall be published at least once in the official city newspaper at least 20 days prior to the date of the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms.
  2. If such amendment, modification, change, restriction, or repeal is not a general revision of existing ordinance and will affect only specific property, it shall be designated by legal description and general location, and in addition to public notice as described in 700(C)(1) above, written notice of such proposed action shall be mailed to all owners of real property located within 200 feet of the nearest property line of the area proposed to be altered, and opportunity shall be granted to all interested parties to be heard at the public hearing. If the proposed property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet into any unincorporated area. Lists of affected properties and property owners shall be established through a certified document provided by a title company.
  3. Whenever the city initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice by publication and hearing in like manner as that required by subsect (C)(2). In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition, in accordance with K.S.A. 12-757(c)(2).
  4. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.
  5. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the governing body.
  6. Any notice in compliance with the provisions set forth above is sufficient to permit the Planning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, remailing, unless the Planning Commission has previously established a table or publication available to the

public which designates what zoning classifications are lesser changes authorized within the published zoning classifications. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard in accordance with the procedural rules of the Planning Commission.

- D. An accurate written summary of the Public Hearing held by the Planning Commission shall be made. The Public Hearing may be adjourned from time to time. Within 60 days following the public hearing, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Planning Commission adopt the same in the form of the proposed change, either general or property specific, and shall submit the same, together with the written summary of the hearing thereon, to the governing body. If the Planning Commission fails to make a recommendation within 60 days following a public hearing, the Planning Commission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing, shall be submitted to the governing body for further action.
- E. Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified of the proposed rezoning of a specific property, excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a three-fourths vote of all the members of the governing body. For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning, or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the total real property within the area required to be notified.
- F. Upon receipt of the recommendation from the planning commission, the governing body either may: (1) Approve such recommendations by the adoption of the same by ordinance; (2) override the Planning Commission's recommendations by a 2/3 majority vote of the membership of the governing body, and approve an action deemed appropriate by such majority of such body; or (3) may return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.
- G. If the governing body returns the Planning Commission's recommendation for further consideration, the Planning Commission, shall at its next regularly scheduled meeting consider the same, and after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Except as otherwise required by 700(E) above, upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt, or may revise or amend and adopt, such recommendation by ordinance, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the governing body

following the Planning Commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

- H. If such amendment affects the boundaries of any zone or district, the respective ordinance shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment, shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.
- I. Any approved rezoning or zoning code amendment shall become effective upon publication of the adopting ordinance.

#### **701 CHANGES BY INDIVIDUALS OR GROUPS**

A. Application in writing for any changes in district boundaries or reclassification of any lot, tract, or parcel of land located in the city shall be filed with the Planning Commission and accompanied by such data and information as may be prescribed by the Commission so as to assure fullest possible presentation of facts for the permanent record.

B. As such applications for changes or reclassification will affect specific property, it shall be designated by legal description and general street location, and shall be accompanied by a certified list, prepared by an abstract company, of all owners of real property within 200 feet of the area proposed to be changed or reclassified, excepting public streets and ways, located within or without the corporate city limits of the city. If the proposed amendment to property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.

C. For process for such amendment, refer to Section 700.

D. Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023). The permit fee shall be paid to the city clerk upon filing each such application for each lot, tract, or parcel included in the application to change district boundaries or reclassify an area for the purpose of defraying costs of the proceedings prescribed herein. A written receipt shall be issued to the persons making such payment and records thereof shall be kept in such a manner as prescribed by law.

E. Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, notice and protest petition requirements shall be in accordance with the provisions of K.S.A. 12-757 (c)(1).

#### **702 CONDITIONAL USES**

The governing body may, from time to time, on its own motion or on petition, in the manner provided for herein, authorize in specific cases such conditional uses as are expressly allowed in the various districts.

- A. Application. An application in writing for such conditional use shall be filed with the Planning Commission, accompanied by such data and information as may be prescribed by the Commission so as to assure the fullest possible presentation of facts for the permanent record.
1. On the application, the property for which the conditional use is sought shall be designated by legal description and general street location.
  2. Accompanying the application, a certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be obtained from an abstract company and is to be provided by the petitioner. If the proposed designated property is located in the "SF15" Residential District, or adjacent to the "SF15" Residential District, the area of notification of the action shall be extended to at least 1,000 feet in the "SF15" Residential District. If the proposed designated property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.
  3. Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023). The permit fee shall be paid to the city clerk upon the filing of each application for each lot, tract, or parcel included in the application for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the person making such payment and the records thereof shall be kept in such a manner prescribed by law.
- B. Public Hearing. The Planning Commission shall establish the time and place of the public hearing.
1. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the city of Haysville.
  2. In addition to such public notice, written notice of such conditional use shall be mailed to all property owners and applicable addresses within 200 feet of the property (excepting public streets and ways) and an opportunity granted to interested parties to be heard at the public hearing. If the proposed designated property is located in the "SF15" Single-Family Suburban Residential District, or adjacent to the "SF15" , the area of notification of the action shall be extended to at least 1,000 feet in the "SF15" . If the proposed designated property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.
- C. Consideration. The objective of permitting specific conditional uses within a district is to provide adequate consideration of the conditions in terms of this Code to assure:
1. That proposed uses will not be contrary to the public interest.
  2. That the spirit of the Code is observed.
  3. That public safety and welfare is secured.



4. That substantially equal treatment under the law is preserved.
- D. Criteria. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a conditional use may be developed by the Planning Commission and incorporated into any recommendation in support of the requested conditional use.
1. Access and traffic load and/or flow.
  2. Noise, light and odor.
  3. Screening.
  4. Parking, refer to parking section.
  5. Services (public utilities).
  6. Public health and safety.
  7. Adequacy of facility and lot size.
  8. Signs.
  9. Review by fire marshal for designation.
  10. Time limitations for implementing/beginning the use upon the property may be incorporated within the conditions of the conditional use when appropriate to ensure that when the use is begun the criteria upon which the conditional use was approved remains essentially the same.
  11. Sunset provisions may be incorporated within the terms of the conditional use in accordance with the same standards set forth in Article 6 regarding abandonment of use.
  12. Other considerations as appropriate.
- E. Action. An accurate written summary of the Public Hearing held by the planning commission shall be made. The Public Hearing may be adjourned from time to time. Within 60 days following the conclusion of the public hearing, the planning commission shall prepare its recommendations, and by an affirmative vote of a majority of the entire membership of the Commission either 1) adopt the recommendation including any conditions to be met in allowing the conditional use, or 2) deny the application including a statement of the reason(s) for such denial, and the recommendation, together with the written summary of the public hearing thereon, shall be submitted to the governing body. If the Planning Commission fails to make a recommendation on a conditional use request within the allotted timeframe, the Planning Commission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing, shall be submitted to the governing body for further action.

- F. Upon receipt of the recommendation from the Planning Commission, the governing body either may: (1) Approve such recommendation by the adoption of an Order; (2) override the Planning Commission's recommendations by a 2/3 majority vote of the membership of the governing body, and adopt an Order setting forth the action determined appropriate by such majority of that body; or (3) may return the recommendation to the Planning Commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.
- G. If the governing body returns the Planning Commission's recommendation for further consideration, the Planning Commission, shall at its next regularly scheduled meeting consider the same, and after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Except as otherwise required by 700(E) above, upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt, or may revise or amend and adopt, such recommendation by order, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the governing body following the Planning Commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.
- H. Protest. The same protest provisions set forth in Section 701 above shall apply to this conditional use process.
- I. Existing Conditions. Uses which were legal at the time of the adoption of this zoning ordinance that would be conditional uses under the zoning ordinance shall be considered nonconforming uses and shall be continued and maintained in conformance with the provisions of Section 600.

**703 ENFORCEMENT OF THESE REGULATIONS**

- A. It shall be the duty of the Planning and Zoning Administrator , or designee, to enforce the provisions of this Code and to refuse to issue any permit for any building or structure, or for the use of any premises that would violate any of the provisions hereof, and to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or be in violation of any provision of this Code.
- B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Code, the Planning and Zoning Administrator , or designee, is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation and to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, or use in or about such premises.

**704 PERMITS**

- A. The existing character of structures and the use and occupancy of premises shall not be changed, nor shall any building, the use of which is proposed to be altered or changed, be hereafter erected or altered until a permit shall have been approved by the Planning and Zoning Administrator , or designee, and issued by the city clerk stating that the proposed uses of such building or premises complies with all the provisions of this Code.
- B. Application for permits shall be on forms approved by the Planning and Zoning Administrator, or designee, and shall be filed with the city clerk. A record of all applications and permits shall be kept on file in the office of the city Clerk. If an application for a permit is made after the work for which the permit is sought has begun, then the cost of the permit shall be double the cost of a permit that is obtained prior to the time work has begun.
- C. No permit shall be issued unless the application shows that the proposed structure and use will conform to the provisions of this Code.
- D. Permits must meet the requirements of the city Subdivision Regulations and, thus, shall not be issued on land which is not shown on a recorded plat or replat, or a lot split, except for a continuation of an existing use or occupancy, accessory structures or uses, or additions to existing structures or uses. If platting is not required, all of the public improvements necessary to carry out the requested permit nevertheless may be required at the applicants' expense, including, but not limited to, dedications in lieu of platting such as for easements and additional rights-of-way.
- E. An appeal may be taken to the governing body from the action of the Director of Public Works, or designee, denying any permit by filing a notice of appeal, specifying the grounds therefore, with the city Clerk. The city Clerk shall schedule a hearing for the applicant before the governing body within thirty (30) days of receipt of such notice of appeal. If the Planning and Zoning Administrator , or such designee's, action is determined to be justified because of noncompliance to this Code, the applicant shall be directed to the Planning Commission, as appropriate, to comply prior to issuance of any permit.

**705 PENALTY**

Any violation of the provisions of these regulations shall be a misdemeanor and shall be punishable by a fine or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense. Fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023).

**706 VALIDITY**

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

**ARTICLE 9. PLANNING COMMISSION**

**901 JURISDICTION**

Jurisdictional boundaries of Planning Commission are hereby established as shown on the map designated as the "Zoning Jurisdiction Map," which such map shall include:

- J. Total jurisdiction within city limits;
- K. Primary recommendation within zone of influence, three-mile ring, where overlap occurs within the city's zone of influence.
- L. Secondary recommendation within zone influence, three-mile ring, where overlap occurs within the city's zone of influence.

Such map and all notations, references and the information shown thereon are hereby made a part of this chapter as if the same were set forth in full herein. It shall be the duty of the planning commission Secretary to keep on file in his or her office an authentic copy of the map, all changes, amendments or additions thereto and duplicate copies thereof shall be kept on file in the office of the Planning Commission and building inspector.

## **ARTICLE 10. BOARD OF ZONING APPEALS**

### **1001 APPEALS**

Appeals to the board may be taken by any person aggrieved by any officer, department, board or bureau of the municipality during the enforcement of the Zoning Regulations or affected by any decision of the administrative officer regarding the applicability of such restrictions and/or requirements imposed by the Zoning Regulations. Such grievance shall be taken within a reasonable amount of time to the board for consideration and/or action, by filing an appeal within 14 days of the decision specifying the grounds thereof and paying the fee required. The officer from whom the appeal is taken shall forthwith transmit to the board, all papers constituting the record upon which the action appealed was taken. The board shall have the power to hear appeals (of, where, or when) it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the Zoning Regulations.

- A. Appeal: An appeal in writing shall be filed with the board accompanied by such data and information as may be prescribed by the board as to assure the fullest possible presentation of facts for the permanent record.
- B. On the appeal, the property for which review and consideration is sought shall be designated by legal description and general street location.
- C. Accompanying the appeal, a certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be provided by the petitioner. If a proposed appeal to property for which review and consideration is sought is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.
- D. Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023). The fee shall be paid to the city clerk upon the filing of each

appeal, for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the persons making such payment and records thereof shall be kept in such a manner as prescribed by law.

**1002 STAY PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application or notice to the officer from the appeal of which is taken and on due cause shown.

**1003 HEARING**

The board shall fix a reasonable time for the hearing of any appeal, variance or exception, give public notice thereof as well as due notice to the parties of interest, and decide same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

- A. Hearing: The board shall establish the time and place of the public hearing.
- B. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the city of Haysville.
- C. In addition to such public notice, written notice of such appeal shall be mailed to all property owners and applicable addresses, within 200 feet of the property (excepting public streets and ways), each party to the appeal and the appropriate Planning Commission and an opportunity granted to interested parties to be heard at the public hearing. If the proposed property for which appeal, variance, or exception is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.

**1004 VARIANCES**

The board is empowered to authorize in specific cases a variance from the specific terms of the zoning ordinance which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will in an individual case result in unnecessary hardship (total deprivation of use), and provided that the spirit of the zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. A request for variance may be granted in such case upon finding by the board that all of the following conditions have been met:

- A. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and that it is not created by an action or actions of the property owner represented in the application;
- B. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owner represented in the application;

- E. That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- F. Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas. (Code 2023). The fee shall be paid to the city clerk upon the filing of the variance, for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the persons making such payment and records thereof shall be kept in such a manner as prescribed by law.
- D. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
- E. That granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinances.

**1005 EXCEPTIONS**

The board is authorized to grant exceptions to the provisions of the zoning ordinance in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the board have the power to grant exceptions when conditions of this exception, as established in the zoning ordinance, are not found to be present.

**1006 SPECIAL EXCEPTIONS**

The board is authorized:

- A. To grant a permit for a temporary building for commerce or industry in a dwelling district which is incidental to the dwelling development, which temporary building shall be located in the platted development area. No such permit shall be issued for more than 24 months or beyond completion of the project, whichever is shorter.
- B. To grant a permit for the extension of a use or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership at the time of the adoption of the zoning ordinance, or at the time of annexation, whichever is later.
- C. To determine in cases of uncertainty, the classification of any use not specifically enumerated in the zoning regulations.

**1007 FURTHER POWERS OF THE BOARD**

In exercising the powers set out in this article, such board may reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and that end shall have all powers of the officer from whom the appeal is taken.

**1008 VOTE REQUIRED**

The concurring vote of a majority of the members appointed to the board shall be required to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required, or to affect any variation of the zoning regulations.

**1009 ADMINISTRATIVE ADJUSTMENTS.**

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

**Authority.** The Planning and Zoning Administrator, with the concurrence of the Deputy Administrative Officer shall have the authority to approve applications for administrative adjustments.

**Authorized Administrative Adjustments.** Administrative adjustments shall be limited to the following:

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

**Standards.** The Planning and Zoning Administrator may grant an administrative adjustment based upon specific written findings of fact made after consideration of the request and any comments and/or evidence presented in light of relevant factors, including but not limited to the standards in Section 1009 of these regulations.

**Conditions.** In granting an administrative adjustment, the Planning and Zoning Administrator may attach such conditions upon the property and/or the applicant benefited by the administrative adjustment deemed necessary to address issues raised during the application process. The administrative adjustment is subject to ongoing compliance with these conditions and shall lapse and become ineffective if such conditions are not continually complied with. Such conditions may include, but not be limited to, length and time of operation and ownership limitations; screening, landscaping and fencing; provision of utilities, drainage, sidewalks and other public improvements; additional access or access control; off-street parking and loading requirements; and platting, dedications and/or guarantees. In addition to the guarantees referred to below for parking and/or screening, covenants which run with the land or the property to guarantee that conditions will be carried out at a future date may be required to be filed with the Sedgwick County Register of Deeds.

**Decisions and Records.** The Planning and Zoning Administrator shall render and issue a written decision to the applicant in the form of an administrative adjustment to be filed with the Sedgwick County Register of Deeds Office or a written denial of the requested administrative adjustment containing specific findings of fact to be filed with the application.

**Period of Validity.** An administrative adjustment issued pursuant to these regulations shall lapse and become ineffective if the administrative adjustment is not commenced upon the property within 180 days and/or continuously maintained on the property thereafter; provided, that the Planning and Zoning Administrator may grant additional extensions not exceeding 180 days each, upon written application.