

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

Agenda

July 13, 2023

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

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of June 8, 2023
- IV. New Business
 - A. Election of Officers
 - B. Review of Appendix
 - 1. Historic Preservation Regulations
 - 2. Sign Regulations
 - 3. Site Development Regulations - Parking
- V. Old Business
- VI. Correspondence
- VII. Off Agenda
- VIII. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes
June 8, 2023

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

Those members present were: Jeff Blood, Fred Plummer, Nicole Franken, Tim Aziere, Debbie Coleman, Laura Adkins, and Mark Williams. Also present were Planning and Zoning Administrator Jonathan Tardiff, and Deputy Administrative Officer Georgie Carter.

The first item of business was the Minutes of May 11, 2023.

Motion by Coleman. Second by Adkins.

To approve the minutes as presented

Blood aye, Plummer abstain, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams abstain.

Motion carried.

Under new business was the public hearing for the Zoning Code Amendment: Definitions & Zoning Use Chart to Haysville.

Aziere read the opening statements and opened the public hearing.

Carter stated that in their packet was the new use regulation chart that the commission reviewed at the last meeting. This chart is color coordinated with the zoning map so the colors on the map match up with the allowed uses. This is split up into residential, public and civic, commercial, and industrial as was discussed previously, and coincides with Wichita's use chart. Instead of uses listed under each district, they are now on the chart. Carter asked the commission if they had any changes to the chart. There was none.

Carter stated in the text amendment that was gone over with the commission previously, some uses were taken out or have use descriptions from Wichita. One use we added was short-term rentals. We currently don't have any Air BnB's in Haysville that we are aware of, but this helps address them in the future, we will be adding information to the parking appendix to address this as well. The order of districts was moved in the regulation text and Use Chart to match the Classification Chart from least restrictive to most restrictive.

Carter asked the commission if they had any questions or concerns. Coleman stated she had two issues. One was the possibility for multi-family buildings or mobile home parks to have a safe room. Carter stated that Tardiff had looked at other cities and that no one has this requirement and feel this would not be in the zoning regulations, but could be addressed in the building code or possibly with a protective overlay requirement. Carter asked Aziere if he had any other ideas. Aziere stated that he believed Carter was right that it would be odd to put it with zoning, and that

it would more likely be in the building code and was not sure if the commission had any jurisdiction over that. Carter stated that the Public Works Department handles that.

Coleman asked if other cities had a community safe room. Carter stated that she did not remember seeing any requirements. Coleman stated that the Welcome Home Company this was one of their selling points was having for about every 3 homes an in-ground tornado shelter. Carter stated this would be something to pass on for the building code and not appropriate to have in zoning. Aziere stated that if a mobile home park comes when would they need to come before the commission? Carter stated if would have to come for a zone change. Aziere asked if this would be a conditional use in certain zoning districts and if so could we require a safety shelter in the mobile home park as a conditional use? Carter stated yes, they could make this a requirement as part of a zone change or conditional use. Aziere also asked if they could just put in a mobile home park without first coming before us and if there were there any mobile home parks currently around. Carter stated a new mobile home park would have to go through a zone change and there is currently no other property zoned for a mobile home park. Therefore, the commission could put a protective overlay on it to make that a requirement similar to screening.

Coleman stated that for multiple families, the commission has a duty to protect as many people as we can in our community before it is even thought of for a park or a multifamily dwelling apartment complex. Coleman stated she would feel better having 50 families living somewhere and having somewhere to go. Carter stated that this would be something to keep in mind when a zone change comes before the commission, and currently, we don't have anything. Coleman said individual homes are up to the homeowner and is not concerned with that, but this is a need to consider for multifamily dwellings.

Coleman stated that the other issue she was concerned with was on page 17 concerning the listing of the laundry mat, laundry or dry cleaning, and laundry services are all crossed out, and asked about the consideration of a laundry mat service coming into town. Carter stated that this would be covered under the industrial district and uses are covered under one generalized term, and description.

Aziere asked if there was any property that was currently zoned in the manufactured home district. Tardiff stated just the two that are currently being used as one. Aziere stated that if anything else would have to come before them as a zone change then that could be discussed on a case-by-case basis.

Aziere asked the commission if there were any other questions for staff. There was none. Carter stated that if there were no other questions, under the Historic District Overlay there were some changes that were not discussed before. Carter stated that the Historic Committee had reviewed and approved changes back in February. There are two properties that are included in the overlay by the Historic District but are not owned by the City. Carter stated this was on page 99, and that the Masonic 1st Addition and the Lee Addition are part of the plat and are included in the Historic Overlay, but the city does not own these properties. Since we don't own the properties this did not make sense to include them.

Carter stated that for the Board of Zoning Appeals on page 121, from when a decision is made by the Planning and Zoning Administrator or staff, the applicant has 14 days to file an appeal of a decision. Aziere asked if there were any other questions for the staff. There was none.

Aziere stated that now was the time for any members of the public that wished to speak, they would have 5 minutes, and if they are presenting good, factual information, this time may be extended by a vote. Aziere asked if anyone in the public wished to speak. There was none.

Aziere stated the public hearing for the zoning code text amendment was closed. Aziere stated that public comment is now closed for commission action and the floor is now open to commission members' comments. Aziere asked if there were any comments from the commission. There was none.

Aziere entertained a motion to recommend approval or denial of the zoning code amendment as presented.

Motion by Coleman. Second by Adkins.

To recommend approval of the Zoning Code Amendment: Definitions & Zoning Use Chart to Haysville as presented.

Blood aye, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

There was no old business.

There was no correspondences.

Under off-agenda, Carter stated that tonight was Plummer's last night on the commission and wanted to thank him for his time on the commission. Aziere and Adkins both thanked him for his time. Plummer stated that he has enjoyed being on the commission and that it has been a pleasure to know everyone and that it has been an experience he has enjoyed.

Motion by Coleman. Second by Adkins.

To adjourn tonight's meeting.

Blood aye, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

The meeting adjourned at 6:12 pm.



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-B1

Subject: Review Historic Preservation Regulations 2023-01
Meeting Date: July 13, 2023
Presented By: Jonathan Tardiff, Planning & Zoning Administrator
Public Hearing: Required, to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	7/13/2023	Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
City Council	8/14/2023	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance). Approval, approval with modifications, or denial of final reading of text amendment ordinance if approved.

RELEVANT ZONING CODE SECTIONS

Appendix C	Historic Preservation Regulations
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RECOMMENDED ACTION

Recommend approval of proposed amendments to City Council.

BACKGROUND INFORMATION

On February 21, 2023, the Haysville Historic Committee reviewed the Historic Preservation Regulations.

Proposal & Analysis

Haysville Municipal Code: Building Preservation Code. Article 1. Historic Preservation Regulations.

Summary of Major Changes:

- This was moved from 16B to Appendix C, and recoded.
- Under Procedure for Designation of Historic Landmark & Historic District, the City shall provide for adequate public participation in the process of recommending properties for nomination to the historic registers was added.
- Minor Projects shall be reviewed by the Planning and Zoning Administrator.
- Fees were taken out and moved to Chapter 17.

Attached is a draft of the proposed changes to the Historic Overlay District.

PUBLIC REVIEW

This does not require a public hearing and was reviewed by the Historic Committee.

ATTACHMENTS

Recommended text amendment redlines.

Haysville Municipal Code: Building Preservation Code

ARTICLE 1. HISTORIC PRESERVATION REGULATIONS

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16B-101 DECLARATION OF POLICY. The city council finds and declares as a matter of public policy that the identification, designation, protection, enhancement, preservation and use of historic resources is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the public. Preservation of historic resources will:

- (1) Protect, enhance and perpetuate historic, distinctive and important elements of the city's cultural, social, economic, political, archaeological and architectural history;
- (2) Safeguard the city's historic and cultural heritage as embodied and reflected in such historic resources;
- (3) Stabilize and improve property values in such locations of historic resources and thus strengthen the economy of the city;
- (4) Promote and encourage restoration, rehabilitation, and maintenance of historic properties, neighborhoods and districts and thus combat blight and decay;
- (5) Foster civic pride in the beauty and noble accomplishments of the past;
- (6) Protect and enhance the city and its attractions to tourists and visitors and provide support and stimulus to business and industry; and
- (7) Promote the use and adaptive reuse of historic resources for the culture, education, enjoyment and economic welfare of the city's citizens and visitors.

16B-102 DEFINITIONS. As used in this chapter, the following words, terms and phrases shall be the meanings set out below:

Appurtenances and environmental setting -includes, but is not limited to walkways and driveways (whether paved or not) fences, gateways, open space and waterways. Interiors of structures are included only when a historic resource is designated a historic landmark and the owner consents to the addition of the interior of the structure.

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Certificate of appropriateness -is the approval given for projects impacting historic landmarks and assets within historic districts.

Demolition- shall mean any and all activity that requires a demolition permit.

Demolition by neglect -is the failure to provide ordinary and necessary maintenance and repair to a structure resulting in the deterioration of the structure or resulting in permanent damage, injury or loss to exterior features.

Design criteria is the standard used for issuing a certificate of appropriateness. The criteria shall be based upon the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, or guidelines adopted by the historic district and based upon criteria of the Secretary of Interior's Standards as recommended by the Haysville Historic Committee and approved by the respective jurisdiction. Examples illustrating said standards shall be made available by the preservation staff.

Historic district is a group of historic resources, consisting of three (3) or more principal use structures or a tract of ground five (5) acres or larger which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values of the city, county, state, or nation which is so designated by the city council. Historic district includes all state and national registered districts provided the owner(s) of record consents in writing to the inclusion. The Historic District may also include appurtenances and environmental setting with written consent from the owner(s) of record.

Historic landmark is a historic resource that has been designated, with the written consent of the owner(s) of record, as having historical, architectural, archaeological, or cultural importance or value which the city council determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the public. Historic landmark may also include the interior of a structure appurtenances and environmental setting with written consent from the owner(s) of record. Historic landmark includes all state and national registered structures provided the owner(s) of record consents in writing to the inclusion.

Historic resource is a site, land area, building, structure or object, which may also include appurtenances and environmental setting, which has historical, cultural, aesthetic, architectural and/or archaeological significance, or is a site, land area, building, structure, or object with potential importance or value.

Overlay zoning. Any zoning that functions in addition to the existing land use zoning, as in the case of historic landmark or historic district zoning.

Permit means authorization whether by administrative action or actions by the city council and includes a building, demolition, moving, zoning, sign, fence, parking lot, roofing, sidewalk, siding, or swimming pool permit which is issued by the development services office.

Preservation staff means personnel assigned to provide staff services for the Haysville Historic Committee

Project classification. For the purpose of the certificate of appropriateness review procedure, proposed work involving a historic landmark or property within a historic district shall be classified as major or minor.

(1) Major projects include:

- a. Any undertaking requiring a permit on a historic landmark unless determined minor by the preservation staff; or a structure within a historic district; unless determined minor by preservation staff;
- b. Any demolition permit or moving permit for any structure listed as a historic landmark or historic resource within a historic district.

(2) Minor project. For the purpose of certificate of appropriateness review, a minor project is any project requiring a permit on a historic landmark or property within a historic

district that proposes repairing or restoring an existing exterior element, or replacing an element or material with identical material and design to that which is existing.

Preservation plan. A document developed, adopted and implemented by the Haysville Historic Committee that identifies trends affecting and impacting historic resources and provides guidance for their preservation. The preservation plan will include a list of all historic resources, historic landmarks and historic districts within the City. The preservation plan will be a component of the comprehensive plan for the city.

Preservation program. The overall program administered by the Haysville Historic Committee that involves the implementation of the historic preservation ordinance, the historic preservation plan, and all activities relating to the furtherance of historic preservation in the City.

Uniform Code for Building Conservation. A national code adopted by the city that provides for more flexible code review for older and historic properties.

16B-104 HISTORIC DISTRICT COMMITTEE. See Chapter 1, Administration.

16B-105 HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATION. The city council may designate certain historic resources as historic landmarks or historic districts. Such designation shall be in addition to any other zoning designation established in the comprehensive zoning regulations of the city and be known as historic overlay zoning. An official register of all historic designations in the city shall be created, maintained and filed for public information and use in the office of the city clerk.

16B-106 HISTORIC LANDMARK DESIGNATION AND NOMINATION CRITERIA.

A. DESIGNATION

(1) In the designation of buildings, structures and objects as historic landmarks certain criteria must be met. These properties must be fifty (50) years or older. In addition, the property must meet one (1) or more of the following criteria:

- (a) -Is associated with events that have made a significant contribution to the broad pattern of history of the city, county, state or nation;
- (b) -Is associated with a significant person or group of persons in the history of the city, county, state or nation;
- (c) Embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master builder/architect; possesses high artistic values; or represents a distinguishable entity whose components may lack individual distinction;
- (d) Yields or is likely to yield information important in prehistory or history; or
- (e) Possesses integrity of location, design, setting, materials and workmanship.

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(2) Properties less than fifty (50) years old may be eligible for designation provided they are of extreme historical significance. All other criteria listed herein shall apply.

B. NOMINATION.

(1) The process is initiated when a historic landmark or historic district nomination form is accompanied by the following information and submitted to the Haysville Historic Committee. The nomination form shall include:

(a) A description of the specific historic resource nominated as a historic landmark or a list of specific historic resources located within the proposed district boundaries and a description of the particular importance or value of each such historic resources, such description to include the following:

- I. Approximate date of construction, and dates of major alterations, if known;
- II. —Builder and/or architect, if known;
- III. —Architectural style;
- IV. —Primary building materials;
- V. Current owner of record; and
- VI. —Legal description of each property.

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(b) A map showing the boundaries of the proposed historic district and the location of each asset of importance or value identified by a number or letter designation;

(c) Sufficient photographs of each historic resource proposed as a historic landmark or historic resources listed within the historic district;

(d) Written consent to the nomination by all of the owners of record of the proposed historic landmark. In the event of a contract sale, both the owner of record and the party or parties holding an equitable interest in the property must consent to the nomination; and

(e) For a historic district, sixty-five (65) percent of the owners of record within the proposed historic district must provide written consent. In the event of a contract sale of real property, both the owner of record and party or parties holding an equitable interest in the property must consent to the nomination.

(2) Applications to increase the boundaries of a historic district may be made if one (1) or more of the following conditions are met:

- (a) When additional historic resources which relate to the historic district are requested for inclusion;
- (b) When facts previously undisclosed to or unknown by the Haysville Historic Committee are revealed which indicate that a particular building or site is possessed of special architectural, archaeological, or cultural character, or economic viability to the district.

(3) Applications to reduce the boundaries of a historic district may be made when one (1) or more of the following conditions have been met:

- (a) When it can be shown that a particular building, structure, site, object or land area has no historic, architectural, archaeological, or cultural importance or value to the viability of the historic district;
- (b) When it can be shown that no physical, historical, architectural, archaeological or cultural degradation will result from exclusion of property from the district.

16B-107 HISTORIC DISTRICT DESIGNATION CRITERIA.

(1) In the designation of buildings, structures and objects as historic districts certain criteria must be met. The historic resources within the historic district must be fifty (50) or more years old. In addition, the historic resources must meet one (1) or more of the following criteria:

- (a) Are associated with events that have made a significant contribution to the broad pattern of history of the city, county, state or nation;
- (b) Are associated with a significant person or group of persons in the history of the city, county, state or nation;
- (c) Embody distinctive characteristics of a type, period, method of construction; represent the work of a master builder/architect; possess high artistic values; or represent a distinguishable entity whose components may lack individual distinction;
- (d) Yield or are likely to yield information in prehistory or history; or
- (e) Possess integrity of location, design, settings, materials and workmanship.

(2) The boundaries of historic districts shall be drawn so as to include all buildings, structures, sites, objects or land areas which meet one (1) or more of the criteria set out herein or which directly affect or relate to such buildings, structures, sites, objects or land areas meeting one (1) or more of the above criteria, provided that at least seventy-five (75) percent of the total structures within the boundaries are of architectural, historical, archaeological, or cultural importance or value as determined by the Haysville Historic Committee.

16B-108 PROCEDURE FOR DESIGNATION OF HISTORIC LANDMARK AND HISTORIC DISTRICT. An application for historic landmark and historic district designation requires the following procedures:

(1) A historic landmark or historic district nomination form, accompanying material, and for historic districts, historic district preservation guidelines as defined herein, shall be submitted to the historic committee.

(2) Upon receipt of such nomination, the Haysville Historic Committee shall make its decision regarding the designation within a reasonable time. In the event a member of the Haysville Historic Committee shall make application, evidence shall be presented in the same manner as all other persons and the Haysville Historic Committee member shall not vote on the matter contained in the application. A simple majority vote shall be required to constitute a recommendation of approval on any nomination application presented to the Haysville Historic Committee.

(3) After consideration and recommendation by the Haysville Historic Committee, the application shall be submitted to the City Planning Department. The following is required as part of the designation application:

- a. The Haysville Historic Committee recommendation;
- b. Legal description and map of the boundaries of the proposed designation;
- c. Completed historic landmark or historic district nomination form and accompanying materials;
- d. Applicable historic district preservation guidelines as defined herein; and
- e. A list of property owner(s) of record.

(4) The City shall provide for adequate public participation in the process of recommending properties for nomination to historic registers. The designation shall be placed on the Haysville Planning Commission agenda for public hearing to consider historic landmark or historic district designation. The same public notices and public hearing as required by law in a zoning case shall be observed. The owner or owners of record of any parcel on which a proposed historic landmark is situated or within a proposed historic district as well as all property owners of record within a two hundred (200) foot radius in the city will be notified of the hearing. At the conclusion of its hearing, the Haysville Planning Commission shall set forth in writing its findings as to whether the designation is consistent with adopted plans and shall transmit such findings to the city council.

(5) After notice and public hearing as required by law in a zoning case, a historic landmark or historic district may be created by ordinance by the city council. Upon passage of such ordinance a certified copy shall be filed with the Sedgwick County Register of Deeds.

(6) Upon approval of a historic landmark or historic district designation ordinance by the city council, the city planning department shall cause the official designation and delineation of the property or properties involved upon the City's official zoning map.

16B-109 HISTORIC DISTRICT EXEMPTIONS. Within thirty (30) days of approval of a historic district by the city council, property owners located within the district may elect to exempt their property from the requirements of the historic district by providing written notice of the self-exemption to the preservation staff. In the event of a contract sale of real property, both the owner of record and party or parties holding an equitable interest in the property must consent to the exemption. The property shall automatically convert to the historic overlay zoning district upon sale of the property, including a contract sale.

16B-110 HISTORIC DISTRICT PRESERVATION GUIDELINES. Preservation guidelines for a proposed historic district shall be submitted with a nomination application. The district preservation guidelines shall not apply to the interior of commercial structures. Further, the district guidelines shall include, but not be limited to the following:

(1) Guidelines for those seeking a certificate of appropriateness including, but not limited to the following:

- a. Acceptable materials for any construction, additions, remodeling or rehabilitation activities to the exterior of the structures;
- b. Appropriate architectural character, scale, and detail for any construction, additions, remodeling or rehabilitation activities;
- c. Acceptable appurtenances to the structures;
- d. Acceptable textures and ornamentation to the exterior of the structures;
- e. Acceptable accessories on structures;
- f. Such other building regulations which would have impact on the buildings;
- g. Acceptable standards for changes to non-contributing resources within the district; and
- h. Acceptable signage.

(2) Guidelines for public improvements in the district, including street furniture, signs, design textures of sidewalks, streets and parks.

16B-111 HISTORIC DISTRICT DESIGNATION ADMINISTRATIVE REQUIREMENTS.

The following shall apply:

(1) When the Haysville Historic Committee considers an area as a possible historic district, the Haysville Historic Committee shall, prior to rendering its final recommendation, submit the nomination package including district preservation guidelines to appropriate city departments and other public agencies directly affected.

(2) In addition, the Haysville Historic Committee shall, prior to rendering its final recommendation, make the historic district preservation guidelines available upon request to all landowners in the proposed historic district.

(3) The Haysville Historic Committee approved graphics for designated historic resources within a historic district may be made available to the owners of designated structures.

16B-112 CERTIFICATE OF APPROPRIATENESS REVIEW.

The following procedures and requirements shall apply to certificate of appropriateness review:

(1) A permit for any project as defined herein affecting a designated historic landmark or any property within a designated historic district shall not be issued for any major project, as defined in 16CB-102, to any applicant by the office of the Public Works Director unless an application for a certificate of appropriateness has first been reviewed and approved by the preservation staff, by the Haysville Historic Committee and, if a protest is filed, by the city council. Minor projects, as defined in 16CB-102, and those not requiring a permit but which propose to alter features which have been defined in a historic district's preservation guidelines as requiring protection shall require a certificate of appropriateness application.

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Projects which will or have the potential to damage or destroy historic features of a historic landmark or a historic resource which is located within a historic district shall be subject to a certificate of appropriateness review.

(2) When applying for a certificate of appropriateness, the applicant shall provide plans, specifications or other documentation pertaining to the work as required on the Haysville Historic Committee's adopted application forms. A complete certificate of appropriateness application and accompanying materials shall be submitted to the preservation staff for review of the application and determination if the proposed work is a major or minor project.

(3) The Haysville Historic Committee shall review the application after the classification of the project being minor or major as determined by the preservation staff. (refer to 16CB-102).

a. Major Project - The Haysville Historic Committee shall recommend approval, approval with conditions, or denial within thirty (30) days of the receipt of an application. Upon receiving the recommendation of the Haysville Historic Committee, the Haysville Planning Commission shall call and hold a public hearing. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The Planning Commission shall prepare its recommendations by a majority vote, and shall submit a summary of the hearing to the Governing Body. The Governing Body either may approve, override or return the recommendation to the Planning Commission. The Planning Commission may resubmit original, new, or an amended recommendation to the Governing Body. Upon return from the Planning Commission to the Governing Body, the Governing Body by simple majority may adopt, revise, or amend and adopt or take no further action. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting, the Governing Body shall consider it as a resubmission of the original recommendations and proceed accordingly.

b. Minor Project - A certificate of appropriateness for a minor project shall be reviewed and approved or denied by the Planning and Zoning Administrator. ~~preservation staff. The Administrator shall notify, in writing, the applicant. If approved, the preservation staff shall provide a certificate of appropriateness to the applicant~~ and provide a copy of documented approval to the office of the public works director. An appeal from a denial of an application for a minor project may be filed with the preservation staff within five (5) business days. A public hearing on the appeal, as set out above for major projects, shall be at the next appropriate meeting of the Planning Commission.

(4) Ordinary maintenance and repair not otherwise subject to a permit or restricted by the historic preservation guidelines may be carried out without a certificate of appropriateness.

(5) If no action has been taken by the preservation staff and/or the Haysville Historic Committee within thirty (30) days for major projects and within fifteen (15) days for minor

projects after date of receipt of the completed application, the permit may be applied for with the office of the public works director.

(6) No significant change shall be made in the work defined in the certificate of appropriateness application after issuance of a certificate of appropriateness without re-submittal and approval thereof in the same manner provided herein.

(7) A certificate of appropriateness may be re-filed provided the request addresses the concerns stated by the city council in its denial.

16B-113 HISTORIC LANDMARK AND HISTORIC DISTRICT DEMOLITION AND MOVING PERMITS.

(1) If an application is received by the Public Works Department for demolition or moving of any historic landmark or structure within a historic district the applicant shall be referred to the preservation staff for a certificate of appropriateness application. Review of such application for a certificate of appropriateness shall be as provided in article 16CB-112.

(2) For a project which involves demolition of a historic landmark property or properties within a historic district the proponents of such project shall, before doing any of the demolition or work in furtherance of such project, whether or not a building or other permit is required to be obtained to do such demolition work, file an application for a certificate of appropriateness for review as provided in article 16BC-112.

(3) After review of certificate of appropriateness and, upon the recommendation of the Haysville Historic Committee, the Haysville Planning Commission shall call and hold a public hearing. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The Planning Commission shall prepare its recommendations by a majority vote, and shall submit a summary of the hearing to the Governing Body. The Governing Body either may approve, override or return the recommendation to the Planning Commission. The Planning Commission may resubmit original, new, or an amended recommendation to the Governing Body. Upon return from the Planning Commission to the Governing Body, the Governing Body by simple majority may adopt, revise, or amend and adopt or take no further action. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting, the Governing Body shall consider it as a resubmission of the original recommendations and proceed accordingly. In addition to the recommendation of the Haysville Historic Committee, the Planning Commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, owner hardship, the purpose of preserving the designated historic landmark or structure within a historic district, alternatives presented by interested parties, the character of the neighborhood, the economic consequences to the city and the affected owner(s), and all other factors which it finds appropriate. The owner(s) of the historic landmark or owner(s) of the structure

within the historic district shall bear the burden of proof demonstrating hardship. The proposed certificate of appropriateness shall become effective upon publication of the respective adopting ordinance.

(4) The city council may approve the certificate of appropriateness or deny the certificate of appropriateness if it determines that feasible alternatives to demolition or moving of the historic landmark or structure within the historic district exist and that in the interest of preserving historical values, the historic landmark or structure within the historic district should not be demolished or moved.

(5) In the event of an "emergency" demolition of a historic landmark or a structure within a historic district, the Public Works Department shall notify the preservation staff as soon as possible. "Emergency" includes, but is not limited to, the need for demolition upon the determination by the Public Works Department that the structure poses a threat to human safety.

16BC-114 REVIEW OF DEMOLITION BUILDINGS AND MOVING PERMITS HISTORIC RESOURCES. An application to the office of public works director for a demolition or moving permit shall require notification to preservation staff if the permit is for a historic resource determined by preservation staff to have potential for landmark designation. These resources shall be fifty (50) years or older and meet one (1) or more of the criteria for landmark designation described herein. The following procedure applies:

(1) Demolition and moving permit applications for buildings or structures listed as historic resources will be reviewed by preservation staff.

(2) Preservation staff may make the determination that a building, site or structure threatened with demolition or removal meets the criteria for landmark designation.

(3) If a building, site or structure is determined by the preservation staff to meet criteria for historic landmark designation a written notice shall be sent by certified mail to the owner or owners of such building, site or structure. Said notice shall describe the property which meets historic landmark criteria including its location and boundaries and justification of its historic or architectural significance. The notice shall also be delivered to the office of public works director.

(4) Following application for a moving or demolition permit for a listed historic resource, a ninety (90) day delay shall occur prior to the issuance of the requested moving or demolition permit in order for alternatives to be explored with the owner by the Haysville Historic Committee staff.

(5) During such period, no permit shall be issued unless for emergency public safety reasons, or a certificate of appropriateness has been issued.

(6) After the delay, if demolition of the historic resource is the conclusive alternative of the Haysville Historic Committee, the Haysville Historic Committee shall direct staff to document the resource with photography, and/or measured drawings for record purposes.

16CB-115 HISTORIC LANDMARK AND HISTORIC DISTRICT DEMOLITION BY NEGLECT. In the event of demolition by neglect of a historic landmark or structure within a historic district on public or private property, the following provisions shall apply:

(1) If a historic landmark or a property within a historic district has been determined by the Haysville Historic Committee to be the subject of demolition by neglect, the Haysville Historic Committee or preservation staff shall provide the owner of record with a written notice specifying the conditions of deterioration and the minimum items of repair or maintenance necessary to correct or prevent further deterioration.

(2) Such notice shall be sent by certified mail, return receipt requested, addressed to the owner of the property, contract purchaser, if applicable, at his or her last known address, or the address shown on the real property tax records in the Clerk's Office of Sedgwick County, Kansas. Such notice, when so addressed and deposited with the United States Postal Service with proper postage prepaid, shall be deemed complete and sufficient. In the event that notification cannot be accomplished, as aforesaid, after reasonable efforts, notice shall be accomplished by posting a public notice on the property. A copy shall also be provided to the office of public works director.

(3) The notice shall provide that corrective action shall commence no later than thirty (30) days from the receipt or posting of said notice, unless an extension is granted by the Haysville Historic Committee. The owner or contract purchaser, if applicable, shall demonstrate continual progress and all repairs shall be completed within a reasonable period of time. The notice shall state that the owner(s) of record of the subject property may within ten (10) days request a hearing before the Haysville Historic Committee challenging the finding of demolition by neglect and/or the notice to repair. If such request for a hearing is received within this time period, a hearing will be at the next regular meeting of the Haysville Historic Committee. The Haysville Historic Committee shall review all evidence of demolition by neglect at the scheduled hearing.

(4) In the event that the Haysville Historic Committee finds that, notwithstanding the necessity for such improvements, corrective action would impose a substantial hardship on the owner or any or all persons with any right or title in the subject property, then the commission shall establish a period of forty-five (45) days and direct preservation staff to seek alternative methods to preserve the historic landmark or property located within a historic district.

(5) If no alternative is found to preserve the structure without undue hardship to the owner, and any or all persons with any right or title in the subject property and the structure is determined a threat to human safety and is in violation of city code a demolition permit may be issued.

16B-116 CONTINUATION OF EXISTING DESIGNATION. Nothing contained in this section shall eliminate, change, or otherwise affect the existing designation of an historic landmark or an historic resource in the City of Haysville.

16B-117 SEVERABILITY. If any part or parts of this article shall be held unconstitutional, invalid, or otherwise unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article.

16B-118 PENALTY. It is unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, deface, move or maintain any historic landmark or asset within a historic district in violation of the provisions of this article. Any violation of the provisions of these regulations shall be a misdemeanor and shall be punishable by a fine ~~of not to exceed \$500~~ or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense. Fees shall be established in Chapter 17 of the Municipal Code of Haysville, Kansas (Code 2023)



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-B2

Subject: Review Sign Regulations 2023-02
Meeting Date: July 13, 2023
Presented By: Jonathan Tardiff, Planning & Zoning Administrator
Public Hearing: Required, to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	7/13/2023	Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
City Council	8/14/2023	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance). Approval, approval with modifications, or denial of final reading of text amendment ordinance if approved.

RELEVANT ZONING CODE SECTIONS

Appendix D	Sign Regulations
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RECOMMENDED ACTION

Recommend approval of proposed amendments to City Council.

BACKGROUND INFORMATION

This is the first time the Sign Code Regulations have been reviewed since being recoded December 2022.

Proposal & Analysis

Haysville Municipal Code: Sign Code. Article 2. Sign Regulations.

Summary of Major Changes:

- This was moved from 16B to Appendix D, and recoded.
- Changes to allowances for temporary signs.
- Fees were taken out and moved to Chapter 17.

Attached is a draft of the proposed changes to the Sign Regulations.

PUBLIC REVIEW

This does not require a public hearing.

ATTACHMENTS

Recommended text amendment redlines.

~~ARTICLE II-APPENDIX D~~
SIGN REGULATIONS

~~16B-201D-01~~ TITLE. This article shall be referred to as the “Sign Code” for the City of Haysville, Kansas. It may be referenced herein as “this Sign Code,” “this Code,” or “these Regulations.”
(Code 2020)

~~16B-202D-02~~ PURPOSE. These regulations are intended to balance the need to protect the public health, safety, welfare and aesthetics of the community with the need for adequate identification, communication, economic development and advertising. These sign regulations have the following specific objectives:

- (a) To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
 - (b) To allow for and promote positive conditions for sign communication;
 - (c) To reflect and support the desired ambiance and development patterns of the various zoning districts, overlay zones and adopted plans of the City;
 - (d) To promote an attractive, urban environment; and
 - (e) To allow for adequate and effective signs whose dimensions further the interest of public safety and the needs of the motorist in locations where signs are viewed from the street or roadway.
- (Code 2020)

~~16B-203D-03~~ APPLICABILITY. The requirements of this Code apply to all signs, sign structures, awnings and other types of sign devices located within the jurisdiction of the City of Haysville that are visible from a roadway or other public location and which are clearly intended to attract the attention of the public.
(Code 2020)

~~16B-204D-04~~ DEFINITIONS. All terms used within this Code not otherwise defined in accordance with the Zoning Code of the City of Haysville, Kansas. If not defined herein or within the Zoning Code of the City, such terms shall be defined as appropriate within the context such term is used.

(a) A-frame sign. A temporary, freestanding sign constructed in such a manner that the faces of the sign form an “A” shape when viewed from the side.

(b) Abandoned sign. A sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises where the sign is located. Abandonment includes signs which are non-commercial in nature when the content of the sign pertains to a time, event or purpose in which the event has concluded. Finally, abandonment includes conduct associated with failure to maintain a valid permit.

(c) Administrative Committee. A review committee comprised of the Mayor, Chief Administrative Officer, and Public Works Director. The Administrative Committee also serves as the Appeals Committee for any appeal of an action by an enforcement officer pursuant to this Code.

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(d) Air-filled moving sign. A temporary sign comprised of canvas-like, plastic or similar material that is moved by forced air.

(e) Alteration, structural. A change in the size or shape of an existing sign. Replacing a sign cabinet, altering or replacing sign supports and altering the cabinet frame are alterations. Refacing, changing copy or changing color of an existing sign is not an alteration. Changing or replacing a sign face or sign panel is not an alteration.

(f) Architectural projection. A projection from a building that is decorative and/or functional and not an occupiable part of the building, and that extends beyond the face of an exterior wall of a building. See also: Awning, Canopy and Marquee.

(g) Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering made of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

(h) Awning sign. A sign displayed on or attached flat against the surface(s) of an awning.

(i) Banner sign. A temporary sign using a flexible substrate as its display surface. (Code 2023)

(j) Bench sign. A sign applied or affixed to the seat or back of a bench and intended to be read by occupants of a bench and pedestrians in the immediate vicinity of a bench.

(k) Billboard. An off-premises sign displaying messages pertaining to the use of products sold or leased, services provided, or events which do not occur on the property where the sign is located, and which contains copy that is intended to change on a regular basis.

(l) Building face. The portion of any exterior elevation of a building extending vertically from the ground grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

(m) Canopy, attached. A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

(n) Canopy, freestanding. A multi-sided overhead structure supported by columns but not enclosed or supported by walls.

(o) Canopy sign. A sign affixed to the visible surface(s) of an attached or freestanding canopy.

(p) Center identification sign. A sign that contains advertising for three or more tenants located on the same lot or on adjacent lots. Two-tenant signs or signs advertising multiple functions of the same or related companies are not center identification signs for the purposes of this article.

(q) Channel letter sign. A sign comprised of individual letters or numbers, lit or unlit, which make up the name of an establishment, services offered or other information of interest to the public.

(r) Cladding. A non-structural covering designed to conceal the actual structural supports of a sign.

(s) Conforming sign. A sign that is legally installed in conformance with this article.

(t) Dilapidated sign. A sign that is unmaintained; has missing pieces, inserts or cabinets; has broken pieces or parts; poses a hazard or is otherwise in poor condition.

- (u) Directional sign. A sign that is designed and erected solely to provide direction and/or orientation for pedestrians and/or vehicles.
- (v) Double-faced sign. A sign with two faces that are placed back to back.
- (w) Electric sign. A sign activated or illuminated by means of electrical energy.
- (x) Electronic message center (EMC) or sign. A sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message or content to be made remotely.
- (y) Exterior sign. A sign placed outside of a building.
- (z) Fence sign. A sign mounted upon a fence.
- (aa) Flag. A piece of cloth or similar flexible material which is typically oblong or square and which is attached by one edge to a pole or rope.
- (ab) Flashing sign. An electrically activated sign that uses intermittent light to attract attention. Signs containing lights that spin, flicker or turn alternately off and on are flashing signs.
- (ac) Freestanding sign. A sign principally supported by one or more columns, poles, braces or pedestals placed in or upon the ground.
- (ad) Frontage, lot. The full length of that part of a property which abuts a public street.
- (ae) Home occupation sign. A sign on a residential lot advertising the approved home occupation conducted on the premises.
- (af) Illegal sign. A sign that does not meet the requirements of these regulations and which does not have nonconforming status.
- (ag) Illuminated sign. A sign characterized by use of artificial light, either projecting through its surface or reflecting on its surface.
- (ah) Interior sign. Any sign located within the interior of a building.
- (ai) Marquee sign. A roof-like projection typically located at the entrance to a theatre or hotel which contains sign copy.
- (aj) Moving sign. Any sign that employs motion and which is activated either electrically, mechanically or environmentally.
- (ak) Multiple-faced sign. A sign containing more than two faces.
- (al) Mural. A painting or other work of art generally applied to the entire face of a building that does not contain an advertising message. Murals with advertising messages are wall signs.
- (am) Nonconforming sign. A sign that was legally installed in conformance with the regulations in effect at the time of installation, but which does not comply with current sign regulations.
- (an) Off-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on a property different from that where the sign is located. A sign displaying both on-premises and off-premises messages shall be considered off-premises.
- (ao) On-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on the property where the sign is located.
- (ap) Parapet. The extension of a building face above the line of the structural roof.

(aq) Portable sign. A temporary sign not permanently attached to the ground which can be readily removed and relocated.

(ar) Projecting sign. A sign that is attached to a building face and which projects from the face at a perpendicular angle.

(as) Revolving sign. A sign that has the capability to revolve or spin about an axis.

(at) Roof integral sign. A sign incorporated into, but not projecting above, the roof of a building. A roof integral sign is a wall sign.

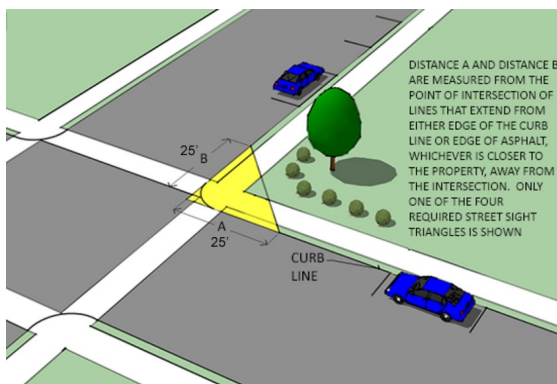
(au) Roof sign. A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building.

(av) Searchlight. An apparatus used to attract attention to a property using a powerful beam of light or lights aimed skyward, usually constructed to be swiveled about.

(aw) Sight triangle. A triangular area on a lot that is located adjacent to the area where two streets intersect. The sight triangle has two sides measured from the point of the lot line intersection, and a third side across the lot which connects the ends of the two sides that are measured from the lot line intersection. For lots that have rounded corners at the intersection of streets, the lot lines shall be extended in a straight line to the point where the lot lines would then intersect. In all residential districts, the two lot lines establishing the vision triangle shall be a minimum distance of 25 feet. However, the minimum distance may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation or intensity of traffic volumes or speed. In all other zoning districts, the distance shall be 20 feet. At street intersections, which are provided automatic traffic signalization, the Administrative Committee may modify or waive the sight triangle restrictions. The Zoning Administrator shall determine, upon request, the location of any sight triangle. (Code 2023)

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(ax) Sign. A device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(ay) Sign area. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. See Sec. 16B-207 for examples of how to calculate the sign area.

(az) Sign copy. The physical sign message including any words, letters, numbers, pictures and symbols, exclusive of a street address.

(ba) Sign embellishment. A decorative detail or feature of a sign that is not part of the sign copy and is not a necessary part of the sign structure.

(bb) Sign face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, embellishments, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(bc) Sign height. The distance from the lowest point of the adjacent ground to the highest point of the sign or sign structure.

(bd) Sign structure. A support feature, including a pole, pedestal or cabinet that is designed to hold a sign.

(be) Site. The location where the sign is to be placed.

(bf) Streamers. A sign display made of rope, string or wire affixed with flexible materials, often in triangular shape or reflective strips of material, that comprise a fluttering linear display.

(bg) Temporary sign. A sign intended to display messages of a transitory or temporary nature (either commercial or noncommercial). Portable signs and signs not permanently embedded in the ground, or affixed to a building or sign structure that is permanently embedded in the ground, are temporary signs. Pennants and streamers are temporary signs.

(bh) V sign. A wall sign containing two faces of equal size, positioned at an interior angle subtending less than 145 degrees at the point of juncture of the individual faces.

(bi) Wall sign. A sign that is in any manner affixed to any exterior wall of a building or structure, which is oriented on a parallel plane to the building face, and that projects not more than eighteen inches from the building or structure wall at the farthest point. This also includes signs affixed to architectural projections of a building provided the sign area of such signs remains on a parallel plane to the face of the building face or to the face(s) of the architectural projection to which it is affixed.

(bj) Wayfinding sign. A sign located in the public right-of-way and owned by the City, County, State or other public entity, specifically designed to provide directional or destination information pertaining to community attractions.

(bk) Window sign. A sign affixed to the interior surface of a window with its message intended to be visible to the exterior environment.

(bl) Zoning Administrator. The person appointed by the City to carry out the provisions of this Code. Any reference within this Code to the Zoning Administrator shall be deemed to include reference to such individual's designee.

(Code 2020)

~~16B-205D-05~~ EXEMPTIONS.

(a) The following types of signs shall not require permits and shall be exempt from the requirements of this article. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and appearance.

(1) Flags or emblems of a governmental body or of a political, civic, philanthropic, educational or religious organization not to exceed thirty-five (35) feet in height. These flags or emblems shall not be displayed as part of a commercial promotion or advertising.

(2) Signs required by law containing address numerals or related information needed for the convenience of the public.

(3) Signs erected by government agencies or utilities, including traffic, speed measurement trailer, utility, safety, railroad signs and wayfinding signs. (Code 2023)

(4) Signs required by federal, state or local law.

(5) Holiday decorations.

(6) Signs painted on or otherwise permanently attached to currently licensed motor vehicles, which vehicles are not primarily used as signs.

(7) Signs not visible from a roadway

(8) Window signs not exceeding seventy-five (75) percent of window coverage, that do not prevent visibility by safety services into that portion of the commercial enterprise open to the public.

(9) Public art approved by the Administrative Committee.

(10) Bench signs and bus shelter signs with sign copy lettering height smaller than 6 inches.

(11) Official notices authorized by a court, public body, or public officer.

(12) Temporary double-sided and A-Frame (also known as Menu Board) type freestanding signs advertising for an adjacent business or public institution. The size of the sign shall not exceed 32 inches wide and 48 inches tall above the adjacent sidewalk. The sign shall be located on private property where the advertised business exists. The sign shall not be located in a public right-of-way. No sign shall be placed on any public sidewalk or Bicycle/Pedestrian Path. One sign shall be permitted per business or public institution. Signs shall not be illuminated, contain any digital display, and shall not be displayed during non-business hours. Signs shall be constructed of durable, sturdy material (no banners, flags, streamers, balloons, or other moving parts) and shall be maintained in good repair.

(13) Structures resembling a sign which are clearly displayed as art, and not for informational purposes, within a residential zone may be exempted from this Code, within the discretion of the Zoning Administrator. Signage within commercial districts may only be designated as serving a primary artistic purpose, rather than informational purpose, at the discretion of the Administrative Committee.

(b) The following signs are exempt from the sign permit requirements, but shall in all other respects conform to the requirements of this article.

(1) Directional/informational signs not exceeding six square feet in gross surface area for non-residential uses.

(2) All signs associated with the sale of fireworks pursuant to a valid fireworks sale permit issued by the City shall be in conformance with this Code, unless a standard is waived by the Zoning Administrator or Administrative Committee due to the limited sales period associated with fireworks.

(3) One project, or "for sale" or "for rent", sign is permitted per street frontage; it must be located on the premises; and it must be removed upon completion of the project or within ten days after sale or letting of the property. In addition, one "open house" sign per street frontage, located on the premises, is allowed four (4) days prior to the event.

(4) "Construction project" signs, with a maximum sign area of 32 square feet with a maximum height of nine feet.

(5) "Coming soon" signs for businesses with a 32 square feet with a maximum height of nine feet. These types of signs shall be allowed in conjunction with any existing signs on the property six months prior to a building permit being issued.

(6) Subdivision, commercial and industrial acreage or structure "for sale" or "for rent" signs. Maximum height shall be nine feet. Maximum sign area shall be 32 square feet.

(7) Signs inside buildings, inside windows, or painted on windows or on glass portions of doors of buildings.

(8) Temporary signs for special events for public, charitable, religious or fraternal organizations, subject to the following limitations:

(A) May be located on premises or off premises, subject to approval of the Zoning Administrator.

(B) These signs are prohibited on public property and public right-of-way.

(C) May be placed prior to the event, and shall be removed within 48 hours after the event's completion.

(9) Any sign covered by KSA 25-2711; KSA 25-2711 allows cities to regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons. The city has determined signs must be placed at least 15 feet behind the back of curb. If the roadway has no curb, signs must be placed at least 15 feet from the edge of the road surface. Signs located at the intersection of two roads must be at least 15 feet from both roads. (Code 2023)-

(10) Signs customarily associated with residential uses and having a gross surface area not exceeding three (3) square feet, including but not limited to signs:

(A) Giving property identification names or numbers;

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- (B) Names of occupants;
- (C) On mailboxes or newspaper tubes;
- (D) On private property and relating to private parking; and
- (E) Warning the public against trespassing or danger from animals including those identifying a security system.

(Code 2020)

~~16B-206D-06~~ PROHIBITED SIGNS. The following signs are prohibited:

(a) Signs containing strobe lights, flashing parts, beacons, spotlights, reflective surfaces, mirrors and other such features that could be hazardous to the vision of passing motorists (see sight triangle); (Code 2023)

(b) Dilapidated signs, as defined by this article.

(c) Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by these regulations. This section does not prohibit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

(d) Signs that imitate or resemble official traffic or governmental signs. Signs which, in the opinion of the City Engineer, will impair intended operation of traffic control signals or constitute a safety and traffic hazard. Signs using red, yellow and green lights, or the words “stop,” “look,” “danger,” etc. and which give the appearance of traffic control.

(e) Moving signs, including but not limited to spinners, propellers, searchlights, revolving signs and air-filled moving signs.

(f) Inflatable signs, including balloons. Balloons smaller than 3 feet in diameter shall be exempt.

(g) Posters, signs and handbills affixed to any tree, vegetation, rock or utility pole.

(j) Signs that emit smoke, visible vapors, sounds or odors. Open flames used to attract public attention are not permitted.

(k) Signs placed in the public right-of-way, other than governmental signs or wayfinding signs.

(l) Signs that infringe upon the sight triangle, as defined in this Code.

(m) Street spanning banner signs, except as permitted by the Haysville City Council.

(o) Portable or temporary electronic message center signs.

(p) Off-premises signs except those permitted in the “~~DLC~~”, “~~FHC~~”, “~~FLI~~” and “~~GHI~~” Zoning Districts. Existing off-premises signs shall be nonconforming. ~~(Code 2023)~~

(q) Abandoned signs.

(r) Signs that display any obscene, indecent or immoral matter.

(Code 2020)

~~16B-207D-07~~ SIGN AREA. Sign area shall be calculated based upon the following. The Zoning Administrator is authorized to make interpretations of these regulations in cases where a specific sign does not fit into the categories described.

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(a) Sign cabinets. The area of sign faces enclosed in frames or cabinets shall be based upon the outer dimensions of the frame or cabinet and shall be calculated by multiplying the width by the length of the cabinet or frame.

(b) Double-sided signs/V-signs. Only one side of a double-sided sign or v-sign shall be counted when calculating sign area. The larger sign face shall be used in cases where the sign faces are not of an equal size.

(c) Multiple-faced signs. The sign area of multiple-faced signs shall be calculated by adding the area of all sign faces together and multiplying by 50%.

(d) Round, oval or irregularly shaped signs. The sign area of said signs shall be calculated using the appropriate mathematical formula or by dividing the sign into smaller geometric shapes that are then added together to calculate the sign area.

(e) Channel letter signs. The sign area for channel letter signs shall be calculated using the area of a rectangle enclosing the letters for each word or logo in the sign.

(f) Awnings, canopies and marquees. Sign area for awnings, canopies and marquees is calculated by computing the area of a standard geometric shape or combination of shapes drawn around the sign copy area or graphics. The side parallel to the plane of the building shall be counted as one sign face. Perpendicular sides shall count as a second sign face and shall be included in the total area as a double-faced sign.

(Code 2020)

~~16B-208D-08~~ **MAXIMUM SIGN AREA AND HEIGHT – FREESTANDING SIGNS.** Except as otherwise noted in this article, the maximum sign area and height for freestanding signs shall be based upon the adjacent roadway type as follows:

Adjacent Roadway Classification	Maximum Sign Area (square feet)	Maximum Height (feet)
Residential/Other	100	20
Collector	150	25
Arterial	150	25
State Highway	250	35

(Code 2020)

~~16B-209D-09~~ **SIGN HEIGHT EXCEPTION.** Freestanding signs abutting a roadway with a higher-grade level in comparison to the sign or sign structure shall have sign height measured from the roadway level adjacent to the sign to the highest point of the sign or sign structure.

(Code 2020)

~~16B-210D-10~~ **SIGNS PERMITTED FOR RESIDENTIAL USES.**

(a) Signs permitted for single family dwellings and duplexes in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Wall	1 per unit for home occupations	6 square feet	N/A	No
Temporary	No limit	16 square feet, total square	3 feet	Yes

		footage of all temporary signs		
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(b) Signs permitted for multi-family dwellings (3+ units) in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	1 per lot frontage or building	64 square feet	6 feet	Yes
Wall	1 per lot frontage or building	10% of the area of the building face	N/A	Yes
Temporary	No limit	16 square feet, total square footage of all temporary signs	3 feet	Yes
Directional	2 per drive entrance	6 square feet	3 feet	No

(c) Signs permitted for residential subdivisions in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	2 per subdivision entrance	64 square feet	8 feet	Yes
Temporary	1 per development while under construction	64 square feet	6 feet	No

(d) Signs permitted for vacant lots in residential zoning districts:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Temporary	1 per lot frontage for lots that are for sale or lease	64 square feet	6 feet	No

(Code 2020)

~~16B-214D-11~~ SIGNS PERMITTED FOR COMMERCIAL ZONING DISTRICTS

(a) Signs permitted for all commercial and industrial uses located in the ~~DDHMC~~, OC, ~~DLC~~ and ~~EHC~~ zoning districts are as follows. For residential uses, please refer to Sec. ~~16B-214D-10~~. For public and institutional uses, please refer to Sec. ~~16B-214D-14~~.

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> 1 per each 150 feet of lot frontage Minimum of 1 sign permitted regardless of frontage Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	See Sec. 16B-208D-08	See Sec. 16B-208D-08	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary a. Freestanding b. Wall	<p>a. <u>1 sign per lot frontage 15 ft of street frontage. 75 ft between each sign. A maximum of 4 signs per lot.</u></p> <p>a. <u>1</u></p> <p>b. <u>N/A</u></p>	<p>a. 64 square feet</p> <p>b. 20% of building frontage where mounted</p>	<p>a. 6 feet</p> <p>b. N/A</p>	Yes
Directional	2 per drive entrance	6 square feet	4 feet	No
Projecting/V-Sign	1 per façade	32 square feet	8 feet minimum clearance over pedestrian walkways	Yes
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Off-premises sign (billboard)	<ul style="list-style-type: none"> 1 per lot Billboards count toward the total sign allotment for the property Minimum separation of 1500 feet between billboards along the same side of the road 	300 square feet	40 feet	Yes
Off-premises sign (non-billboard)	<p>Permitted in cases where a legally platted lot does not have public road frontage, provided:</p> <ul style="list-style-type: none"> The sign shall be placed in a permanent sign easement The sign is placed along the nearest public street to the establishment it serves The establishment the sign serves is visible from the sign location 	See Sec. 16B-208D-08	See Sec. 16B-208D-08	Yes

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(b) Electronic Message Center signs shall be permitted in all zoning districts pertaining to this section and shall be classified in accordance with the sign type (wall,

freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

(c) Center Identification Signs To encourage efficiency in signage and reduce the aesthetic impact of multiple freestanding signs advertising businesses on the same or adjoining properties, Center Identification Signs are encouraged. Center identification signs shall comply with the following:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Center Identification	<ul style="list-style-type: none"> • 1 per each 200 feet of lot frontage • Separated by a minimum distance of 200 feet from other freestanding signage located on the same zoning lot 	300 square feet	40 feet	Yes

(Code 2020)

~~16B-212D-12~~ SIGNS PERMITTED IN INDUSTRIAL ZONING DISTRICTS.

(a) Signs permitted for all commercial and industrial uses located in the ~~FLI~~ and ~~GHI~~ zoning districts are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> 1 per each 150 feet of lot frontage Minimum of 1 sign permitted regardless of frontage Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	See Sec. 16B-208D-08	See Sec. 16B-208D-08	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary c. Freestanding d. Wall	<p>a. <u>1 sign per 15 ft of street frontage. 75 ft between each sign. A maximum of 4 signs per lot.</u></p> <p>b. <u>N/A</u></p> <p>a. <u>1 per lot frontage</u></p> <p>b. <u>N/A</u></p>	<p>a. 64 square feet</p> <p>b. 20% of building frontage where mounted</p>	<p>a. 6 feet</p> <p>b. N/A</p>	Yes
Directional	2 per drive entrance	25 square feet	5 feet	No
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Center Identification Sign	See Sec. 16B-211.c	See Sec. 16B-211D-11,c	See Sec. 16B-211D-11,c	Yes
Off-premises sign (billboard)	<ul style="list-style-type: none"> 1 per lot Billboards count toward the total sign allotment for the property Minimum separation of 1500 feet between billboards along the same side of the road 	300 square feet	40 feet	Yes

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(c) Electronic Message Center signs shall be permitted in all zones pertaining to this section and shall be classified in accordance with the sign type (wall, freestanding, etc.), except that portable or temporary electronic message center signs are not permitted. (Code 2020)

~~16B-213D-13~~ **SIGNS PERMITTED FOR PUBLIC AND INSTITUTIONAL USES.** Signs permitted for all public and institutional uses regardless of zoning district are permitted as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per each 150 feet of lot frontage • Minimum of 1 sign permitted regardless of frontage • Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	<ul style="list-style-type: none"> • See Sec. 16B-208D-08 • Lots larger than 5 acres shall be allowed a 50% increase 	<ul style="list-style-type: none"> • See Sec. 16B-208D-08 • Lots larger than 5 acres shall be allowed a 50% increase 	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary/Portable e. Freestanding f. Wall	a. 1 per lot frontage b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	Yes
Directional	No maximum number	24 square feet	8 feet	No
Projecting/V Sign	1 per face	20 square feet	Minimum of 8 feet clearance over pedestrian walkway	Yes
Awning/Canopy/Marquee	1 per face	90% of awning, canopy or marquee face	N/A	Yes
Roof	1	20% of building face	6 feet, plus 1 foot per story above the first story	Yes

(b) Electronic Message Center signs shall be permitted for public and institutional uses in any zoning district. Electronic message boards shall be classified in accordance with the sign type (wall, freestanding, etc.). Temporary or portable electronic message signs shall not be permitted.
(Code 2020)

~~16B-214D-14~~ **SIGN REGULATIONS PERTAINING TO ALL ZONING DISTRICTS AND USES**

(a) Sign Placement.

(1) Unless specifically authorized by these regulations, all signs shall be erected totally upon the property to which they pertain and shall not overhang into or be located upon the public right-of-way, sidewalk, street, public easement or any other public travel way.

(2) Sign placement exceptions: Projecting signs, awning, canopy and marquee signs shall be permitted to extend over a public sidewalk when located in the ~~DLC~~ or ~~FHC~~ Zoning District, when approved by the City Engineer.

(3) Wall signs shall not extend above the top of the building wall upon which they are mounted and shall not protrude more than 18 inches on average from the wall or structure to which they are attached.

(4) No part of any freestanding sign or center identification sign shall be placed closer than 50 feet to an existing sign on an adjacent lot.

(b) Permanent construction. All signage, other than temporary signage, shall be constructed of permanent weatherproof materials typically associated with sign construction, including solid plastic, wood, masonry, metal or other rigid materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. Signs printed on pliable plastic, fabric, cardboard, streamers or other non-rigid materials are temporary signage for the purpose of these regulations. (Code 2023)

(c) Illumination.

(1) Illuminated signs located in, or adjacent to, any residential district shall be shaded as necessary to avoid casting bright light upon adjacent property.

(2) Brightness limits shall be set at a maximum of 5,000 nits between sunrise and sunset, and at a maximum of 500 nits between sunset and sunrise. Each electronic message sign shall be equipped with a light sensing device to automatically adjust the brightness in accordance with these standards.

(3) Electronic message center signs shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.

(d) Structural and engineering standards. All signs, sign structures, sign foundations and sign anchors shall meet the applicable provisions of the adopted building codes of the City of Haysville.

(e) Obstruction prohibited. No sign shall obstruct any fire escape, required exit, window, opening, door or vent. Signage shall not interfere with property storm water drainage.

(f) Proximity to electrical lines. Signs shall not be placed any closer than 8 feet vertically or horizontally from electrical lines, conductors or electrical guy wires.

(g) Sight triangle. Signs shall not impede the sight triangle.

(Code 2020)

~~16B-215D-15~~ TEMPORARY SIGNS

(a) A permit is required for all signs, except in conformance with exemptions as set forth in Sec. ~~16B-205D-05~~.

(b) Sign permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application

(c) Each business or person is entitled to six (6) temporary signs per calendar year. (Code 2023)

(d) Temporary sign permits are valid for thirty (30) days. At the end of the thirty (30) days temporary signs must be removed and are required to wait a thirty (30) day period before applying for another temporary permit. (Code 2023)

(e) Except in accordance with exemptions as set forth with ~~16B-205D-05~~ of these Regulations, a temporary sign may not be erected or displayed in the public right-of-way, easement or attached to utility poles.

(f) These signs shall not be displayed for a duration longer than the permit allows, or the City may remove the sign. (Code 2020)

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~~16B-216D-16~~ NONCONFORMING SIGNS. Existing signs which were lawful at the time, but made nonconforming by adoption or amendment to this Code, shall be legal provided they are maintained in good condition. Nothing in this Code shall prohibit the ordinary maintenance, repair or refurbishment of a nonconforming sign or replacement of a broken part of a nonconforming sign, including replacement and upgrade of Electronic Message Center/electronic technology. Replacement of copy, content or message may be considered ordinary maintenance.

(a) A legal nonconforming sign shall not be:

(1) Changed to another type of nonconforming sign, except that conversion of changeable copy signs to electronic message center signage shall not be considered a change in sign type;

(2) Physically changed or structurally altered to increase the square footage or height, however, the shape can be changed;

(3) Continued after more than 12 months of abandonment or vacancy of the property;

(4) Re-established in a different location on the lot;

(b) In the event that any existing nonconforming sign, as provided for in this section, is damaged by acts outside of the control of the property owner to an extent of 50 percent or more of the replacement, restoration or reconstruction value of the sign, or 50 percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of these regulations. Any nonconforming sign which remains damaged or in disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three months following the date of damage without the issuance of a valid sign permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

(Code 2020)

~~16B-217D-17~~ ABANDONED SIGNS. If a building, structure or premise is vacated for a three-month period of time, the owner of said property shall be responsible for removing any commercial sign or signs, along with the structure supporting the sign(s), located thereon with the exception of advertisements dealing with the sale or leasing of the facility. In

addition, the owner shall be responsible for restoring the facade of the building, structure or premise to its normal appearance.
(Code 2020)

~~16B-218D-18~~ ADMINISTRATION.

(a) The Zoning Administrator shall administer these sign regulations and is authorized to enforce and carry out all provisions thereof.

(b) Administrative authority shall include development of application forms, permit fees and procedures consistent with this section.

(c) The Zoning Administrator is permitted to enter onto any property in the City to inspect a sign, its structural supports and electrical connections, and to ensure compliance with all adopted codes. Such inspections shall be conducted during regular business hours of the City unless an emergency exists.

(d) Sign installation. The work necessary to construct, install, erect, illuminate or modify signage within the City shall be performed by a licensed contractor in conformance with the provisions of the Municipal Code of Haysville, Kansas.

(1) Work required to be performed by a licensed contractor:

(A) Construction, installation, erection or electrical connection of any sign which is internally illuminated.

(B) Construction, installation or erection of any permanent freestanding sign requiring wind load calculations.

(C) Construction, installation or erection of any sign which is located above a pedestrian walkway or on a canopy over a pedestrian walkway.

(D) Construction, installation or erection of any sign not described in subsection ~~16B-218D-18~~(d)(2).

(2) Work which may be performed by a property owner or lessee:

(A) Installation or attachment of any individual letters which do not require electrical service or structural modification of the surface to which such letters are being attached.

(B) Construction and erection of any temporary sign.

~~(c)~~ Sign Permit required.

(1) A sign permit shall be required, as established in this code, except for replacement of existing faces or panels, provided no structural alterations are made and the sign does not change in shape, size or area. Normal maintenance on a sign shall not require a sign permit.

(2) A sign permit application shall be completed on forms provided by the Zoning Administrator and shall be completed by the owner, tenant, authorized agent or licensed sign installer.

~~(e)~~ Issuance of permits.

(1) Within 14 days of receipt of a complete sign permit application, the Zoning Administrator shall:

(A) Issue the permit;

(B) Deny the permit, including a written statement of the reasons for denial; or

(C) Request additional information pertaining to the permit.

(2) Sign permits may be revoked if:

(A) There is any false statement or misrepresentation made in the application;

(B) Work authorized by the permit has not commenced within 180 days from the date of permit issuance; or

(C) The work authorized by the permit has not been completed within 365 days from the date of permit issuance.

(3) The Zoning Administrator may levy a charge of triple the permit fee for signs erected, placed, relocated, altered or substantially repaired without obtaining permits, as required in this article.

(4) The City may require removal of a sign even if a permit was issued, if the permit was issued in error and in violation of these regulations.

~~(h)~~(g) Sign permit fees.

(1) Sign permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application.

(2) Substantial changes to an issued permit may result in additional permit fees being assessed.

~~(i)~~(h) Enforcement.

(1) All signs shall be maintained in a safe and attractive manner and shall be free from structural, material and electrical defect or hazard. The property owner is responsible for assuring that signs on their property comply with the provisions of these regulations.

(2) The Administrator is authorized to exercise the following enforcement authority:

(A) Arranging for immediate removal of any dangerous sign that poses an immediate threat to the public safety. Such removal may be conducted without notice.

(B) Ordering, via written notification, removal or repair of any sign which endangers the public safety, health or welfare and/or which has become a public nuisance. The order shall specify the defect or hazard and require correction within 30 days of the date of the letter.

(C) Ordering, via written notification, removal of an abandoned sign within 30 days of the date of the letter.

(D) Ordering, via written notification, removal of any illegal temporary signs within 7 days of the date of the letter.

(E) Confiscating any signs located in the public right-of-way or on public property, other than those specifically required to be permitted under state statute. Confiscated signs may be recovered by the sign owner within 14 days of the date of confiscation, pursuant to payment of a service charge as established in Chapter 17.

(F) Deny issuance of a sign permit for property that has outstanding sign violations or assessments, as established in this article.

~~(j)~~(i) Administrative correction, removal and forfeiture.

(1) The Zoning Administrator may correct a violation of this code or remove any defective, dilapidated, abandoned or illegal sign if an order has been correctly issued and mailed or delivered and if:

(A) The sign has not been removed or repaired within the specified time limit; and

(B) The property owner or authorized representative has failed to file an appeal with the Administrative Committee by the specified time limit.

(2) The City shall have the right to recover from the owner or tenant placing such a sign the full costs of removal and disposal of said sign. If the cost is not recovered, the expenses may be assessed as a special assessment against the parcel on which the sign was located.

(3) For the purposes of this section, the term "sign" shall include all sign embellishments and supporting structures.

~~(k)~~(i) Appeals.

(1) Any applicant, property owner or authorized representative may appeal the following decisions/determinations of the Zoning Administrator:

(A) Denial of a sign permit.

(B) A written order issued pertaining to a sign.

(2) Appeals shall be filed within 14 days of the date of determination and shall be made on forms as provided by the City. Appeals shall be accompanied by payment of the required application fee.

(3) If the enforcement officer who issued the decision from which the appeal is being taken usually sits upon the Administrative Committee, such official shall recuse themselves upon the record from participating in the decision of the Administrative Committee and shall take no further part in such action except such individual may be called to provide evidence as a witness.

(4) If the nuisance condition is deemed by the Zoning Administrator to represent an immediate menace or danger to the health of the inhabitants of the community, such nuisance condition shall be made safe by either the party responsible for the property, or the City, regardless of the timing of the hearing. Costs of such temporary action shall be additional costs of this nuisance abatement action.

(5) At the hearing, the Administrative Committee shall hear all evidence submitted by the appealing party and other parties in interest in the property upon which the nuisance is situated and all evidence submitted by the City. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(6) The Administrative Committee shall prepare a written description of findings and an appropriate order. The order shall be sent by certified mail, or delivered via in person delivery, to all parties with a legal interest in the property within five (5) days of the conclusion of the hearing, unless otherwise stated at the hearing. The Administrative Committee's order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the Administrative Committee. If abatement is ordered, the order shall also fix a

reasonable period of time, not less than ten (10) days from the date the Order was rendered, to complete the abatement of any nuisances found by the Administrative Committee, and a statement that if the appellant or Responsible Party fails to complete the abatement, the Zoning Administrator shall cause the nuisance to be removed and abated in compliance with the Municipal Code of Haysville, Kansas.

(7) The determination by the Administrative Committee shall be a final order of the City, and appeals of this action may be taken as allowed by law. Such appeal shall be filed within 30 days of the final decision of the Administrative Committee. A decision of the Administrative Committee shall be deemed final the day such decision is rendered.

~~(m)~~(k) Penalties. Any person violating any of the provisions of these regulations or causing, permitting or suffering the same to be done is guilty of a misdemeanor and shall be punished by a fine of not more than five-hundred dollars. The issuance or granting of a permit shall not be deemed or construed to be a permit for an approval of any violation of any of the provisions of this code.

~~(n)~~(l) Violations. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties

(1) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.

(2) To install, create, erect or maintain any sign requiring a permit without such permit.

(3) To fail to remove any sign that is installed, created, erected or maintained in violation of these regulations, or for which the sign permit has lapsed.

(4) To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of these regulations.

(5) Each sign installed, created, erected, or maintained in violation of these regulations shall be considered a separate violation when applying the penalty portions of these regulations.

(Code 2020)



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-B3

Subject: Review Site Development Regulations - Parking 2023-03
Meeting Date: July 13, 2023
Presented By: Jonathan Tardiff, Planning & Zoning Administrator
Public Hearing: Required, to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	7/13/2023	Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
City Council	8/14/2023	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance). Approval, approval with modifications, or denial of final reading of text amendment ordinance if approved.

RELEVANT ZONING CODE SECTIONS

Appendix	Site Development Regulations - Parking
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RECOMMENDED ACTION

Recommend approval of proposed amendments to City Council.

BACKGROUND INFORMATION

This is the first time the Site Development Regulations – Parking have been reviewed since being moved to the Appendix in February 2023.

Proposal & Analysis

Haysville Municipal Code: Site Development Regulations - Parking.

Summary of Major Changes:

- This was renamed from 16A Zoning Regulations due to moving to the Appendix and recoded.
- The number of parking spaces for Short Term Residential Rental was added.
- The number of parking spaces for Day Care – Limited was added.
- Day care center was changed to day care general to match regulation use chart.

Attached is a draft of the proposed changes to the Site Development Regulations - Parking.

PUBLIC REVIEW

This does not require a public hearing.

ATTACHMENTS

Recommended text amendment redlines.

APPENDIX ARTICLE 5. SITE DEVELOPMENT REGULATIONS

500 OFF STREET PARKING REQUIREMENTS

- A. Scope and Application. In any zoning district, all structures built, and all uses established after the effective date of this article, and, when an existing structure is expanded, off-street parking shall be provided in accordance with the following regulations.
1. Scope of regulations:
 - a. New construction and new uses: For all buildings and structures erected, and all uses of land established after the effective date of this article, accessory off-street parking facilities shall be provided in accordance with the provisions contained herein. However, where a building permit has been issued prior to the effective date of this article, and provided that construction has commenced within six months of such effective date and diligently prosecuted to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this article.
 - b. Expansion of a building or use: When the intensity of use of any building, structure, or premises shall be increased, additional parking facilities shall be provided as follows:
 - i. Whenever a building, structure or use existing prior to the effective date of this article is enlarged to the extent of less than 50 percent in floor area, the addition or enlargement shall comply with the parking requirements set forth herein.
 - ii. Whenever a building, structure or use existing prior to the effective date of this article is enlarged by one or more additions, the sum total of which increases the floor area to the extent of 50 percent or more, the uses contained within the original building or structure and all enlargements shall thereafter comply with the parking requirements set forth herein.
 - iii. Whenever an existing single-family dwelling with more than 950 square feet in floor area has less than two parking spaces, it shall be permitted to expand by not more than 25 percent in floor area without having to comply with the off-street parking requirements set forth herein.
 - c. Change of use: Whenever a use existing prior to the effective date of this article shall be changed to a new use, parking facilities shall be provided as required for such new use.
 2. Existing parking facilities: Accessory off-street parking facilities in existence on the effective date of this article, and located on the same zoning lot as the building or use served, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use.

3. Permissive parking facilities: Nothing in this article shall be deemed to prevent the establishment of additional off-street parking facilities to serve any existing building or use provided that all regulations herein governing the location, design, and operation of such facilities are satisfied.
4. Damage or destruction: Whenever a building or use existing prior to the effective date of this article, and for which the required number of parking spaces is not provided, is damaged or destroyed by fire, tornado or other natural causes to the extent of 50 percent or more of its fair market value, shall be required to meet the off-street parking requirements and standards for that portion proposed to be rebuilt.

B. Off-street parking requirements.

1. General requirements: The following requirements shall govern in the design, location and number of off-street parking and stacking spaces.
 - a. Computation: When determination of the number of off-street parking and stacking spaces results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one space.
 - b. Utilization: Off-street parking and stacking facilities provided for the uses hereinafter listed shall be reserved exclusively for the parking of motor passenger vehicles, in operating condition, of patrons, occupants, visitors or employees of such uses.
 - c. Computing off-street parking: In computing the floor area to determine the requirements for off-street parking, such computations for a structure shall exclude:
 - i. The exterior wall width of the structure;
 - ii. Elevator shafts;
 - iii. Common courts or lobby areas;
 - iv. Mechanical equipment rooms;
 - v. Stairways;
 - vi. Restrooms;
 - vii. Basements, except those portions not used exclusively for service to the structure;
 - viii. Balconies;

- ix. Incidental storage areas including but not limited to janitorial rooms, supply rooms, etc.

The building inspector shall determine then net floor area of the structure and shall require off-street parking as specified for the use set forth in the applicable district regulations.

- d. Shared parking provisions: In the case of mixed uses, the off-street parking and stacking spaces required shall equal the sum of the requirements of the various uses computed separately, provided all regulations governing the location of accessory off-street parking and stacking spaces in relation to the uses served are adhered to.
- e. There shall be no parking in established easements, and no vehicle including recreational vehicles shall be parked so as to be located upon or overhang onto an established easement.

2. Specific requirements:

- a. Open and enclosed parking: Accessory off-street parking and stacking spaces may be open to the sky or enclosed within a garage.
- b. Surfacing: All off-street parking and stacking spaces, aisles and drives shall be graded and paved with a hard surface, except areas determined by the zoning administrator to be in a flood zone as set forth within the currently adopted FIRM may use an all-weather surface which shall be maintained in good condition.
- c. Location: Off-street parking and stacking spaces, aisles and drives shall be located as follows:
 - i. General
 - A. All required off-street parking and stacking spaces, aisles and drives shall be located on the same zoning lot as the use served.
 - B. No off-street parking shall be permitted in front yards, other than established hard surface driveways. Off-street parking in back and side yards shall be permitted on an all-weather surface. Off-street parking access path shall be an all-weather surface the width of the vehicle and shall extend from the accessory off-street parking to the hard surface driveway or easement. All off-street parking shall not infringe on any road right-of-way or easement.
 - C. Aisles and drives shall not be considered in determining whether off-street parking and stacking requirements

have been met except in the instance of single-family dwellings and duplexes.

- D. For residential properties, all open off-street parking areas and pathways inside, street, and rear yards must have sight obscuring screening of not less than six (6) feet in height, between the parking area and or/pathway, and the adjacent residential property. When abutting property owners have entered into, and filed with the Sedgwick County Register of Deeds, a shared access agreement, this provision may be modified with the approval of the Zoning Administrator. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals.

d Design: Except for single-family dwellings and duplexes, all off-street parking and stacking spaces, aisles and drives shall comply with the following prescribed standards:

- i. Parking space dimension. An off-street parking space shall be at least eight feet six inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps or columns, unless special parking is designated for variable sizes of vehicles.
- ii. Access: Each off-street parking space shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- iii. Exiting a parking facility: No off-street parking facility shall be designed in such a manner that when exiting a parking facility, it would require backing into a public street, unless specifically approved by the Planning and Zoning Administrator. Such arrangements are to be discouraged, except in unusual circumstances wherein the traffic safety of the public can still be protected.
- iv. Curbing: Protective curbing shall be installed a minimum of three feet from a public sidewalk and two feet from adjacent property lines.
- v. Markings: The parking spaces in all off-street parking areas shall be visibly delineated on the surface by painted or marked stripes.

e Lighting: Any lighting used to illuminate off-street parking facilities shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting

exceed three foot-candles measured at the lot line.

- f Drainage: All stormwater runoff shall be collected, transported and disposed of in a manner as approved by the Public Works Director or city engineer.
- g Accessible parking: Where a use is required to provide accessibility for persons with disabilities, the required parking spaces shall be located and designed in accordance with standards as set by the Americans with Disabilities Act (ADA).
- h Modification of parking requirements: Where it can be demonstrated by the property owner that a specific use has such characteristics that the number of parking or stacking spaces required is too restrictive, the Public Works Director, city engineer and building inspector may upon request grant up to a 25-percent reduction in the number of required spaces. Such request shall be filed with the city building inspector as appropriate on forms as may be provided. Should a reduction greater than 25 percent be requested, a variance will need to be granted by the board of zoning appeals in accordance with the procedures set forth in article III. Where a reduction of 25 percent or less is requested, the applicant shall be required to reserve an area of land on the site of the use served equal in size to the area of land needed to provide the spaces for which a reduction is granted. Such land reserved shall be suitable for development of a parking facility and conform with the parking requirements.
- i Condition of off-street parking facility: Any parking facility which does not meet the standards of this chapter, and which shall create a nuisance to the public from any cause shall meet the requirements as recommended by the Planning and Zoning Administrator, and Public Works Director pertaining to screening, surfacing or entrances or exits.
- j Parking limits for residential properties: All off-street passenger vehicle parking in back and side yards shall not exceed more than two (2) passenger vehicles. To accommodate those properties with back yard garages, or other less common design standards, property owners may apply to the Planning and Zoning Administrator for a modification to the two (2) passenger vehicle limit. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals. Additionally, all off-street recreational vehicle parking in side, street, and back yards shall not exceed more than one (1) of each type of recreational vehicle: One (1) boat, one (1) camper, one (1) RV, one (1) cargo trailer, and one (1) registered trailer.

C. Required number of off-street parking spaces. In all districts, unless otherwise stated

within the district regulations, there shall be provided prior to the occupation of a building or commencement of a principal use a minimum number of off-street parking and stacking spaces as set forth herein except as otherwise provided for in [the Ssection 500 below \(dD\)\(2\)](#).

LAND USE	NUMBER OF SPACES REQUIRED
RESIDENTIAL	
Single-Family	1 per <u>dwelling</u> unit
Duplex	1 per <u>dwelling</u> unit
Multi-Family	1.25 per one-bedroom <u>dwelling</u> unit; 1.75 per <u>two 2</u> bedroom or larger unit
Bed & Breakfast Inn	1 per sleeping room
<u>Short Term Residential Rental</u>	<u>1 per sleeping room. Parking of commercial vehicles by transient guests is not permitted. Up to two on-street parking if the property contains a minimum frontage of 22 feet or more, not including approaches, ramps, etc..</u>
Hotels & Motels	1 per sleeping room plus additional space for restaurant, convention centers and other facilities as may be open to public
Congregate Living & Dormitory Type Dwellings	1 per sleeping room
Developmentally Disabled Group Home	1 per each 2 sleeping rooms
Assisted Living	0.75 per unit
<u>Day Care – Limited</u>	<u>1 per teacher/employee, plus 1 per vehicle used in the center, plus 1 per 10 children based on enrollment. For the loading and unloading of persons as well as minimizing traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the Planning and Zoning Administrator) shall be provided.</u>
COMMUNITY FACILITIES AND INSTITUTIONAL USES	
Public and Private Educational Facilities	1 per teacher/employee, plus 5

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Elementary & Secondary	visitor spaces
Senior High	1 per teacher/employee, plus 1 per four students
Church or Place of Worship	1 per every four seats in auditorium or largest room
Community Center	1 per 300 square feet of floor area

Reception, conference, and assembly facility	1 per 150 square feet of floor area or 1/3 of the occupant load, whichever is less
Day Care - General Center	1 per teacher/employee, plus 1 per vehicle used in center, plus 1 per 10 children based on enrollment. To provide for the safe and convenient loading and unloading of persons as well as minimize traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the Planning and Zoning Administrator and Public Works Director) shall be provided at the building entrance.
Group Home	1 per each house parent, plus 1 per each resident who is permitted to drive
Hospital and Convalescent Care Facilities	1 per 5 beds, plus 1 per employee in the largest working shift
Private Membership Association, Club, Lodge or Fraternal Organization	1 per 300 square feet of floor area
College or University	1 per 2.5 students enrolled
Business or Vocational School, Technical College	1 per 200 square feet of floor area

PROFESSIONAL OFFICES

Medical and Related Offices and Clinics, Chiropractic, Dental, Optometrist, Osteopath, Pediatrician, etc.	1 per 300 square feet of floor area
Professional and Governmental Offices: Accounting, Architectural, Engineering, Governmental, Insurance Sales, Law, Real Estate, Sales and Brokerage, etc.	1 per 400 square feet of floor area
Financial Institution	1 per 200 square feet of floor area, plus 3 stacking spaces for each external teller or customer service window

Veterinarian	1 per 400 square feet of floor area
COMMERCIAL	
Business and Retail Establishments (other than listed)	1 per 200 square feet of floor area
Restaurants:	
Family Dining Type, where all food consumed within an enclosed structure	1 per 150 square feet of floor area or 1/3 the occupant load, whichever is less
Carry-out and Delivery Only, where no food consumed on the premises	1 per each employee based upon maximum shift, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
Drive-in type, where food may be consumed on the premises, outside a completely enclosed building, or served directly to customers in parked vehicles.	1 per 35 square feet of floor area, plus 5 stack spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
Fast Food, an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises	1 per 85 square feet of floor area or 1/3 the occupant load, whichever is less, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or
	vehicular circulation on the site or on any abutting street
Automotive Service Station, Convenience Store	1 per 4 gas pumps, but, not fewer than 4 spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
Funeral Home or Mortuary	1 per every 3 seats in the main seating area
Theater, adult/nonadult	1 per each 2.5 seats
Automotive or Vehicle Carwash	1 per each 2 washing stalls plus 2 stacking spaces per washing stall
Shopping Centers	4.55 per 1,000 square feet of gross floor area

RECREATION, ENTERTAINMENT AND AMUSEMENT	
Commercial Recreational Facility (other than listed)	1 per 150 square feet of floor area
Courts, racquetball, handball, squash and tennis (when operated as an independent use.)	4 per each court, or 1 per 2 spectator seats, whichever is greater
Amusement Indoor Establishments	1 per 100 square feet of floor area
Auditorium, Fairgrounds, Stadiums and Grandstands	1 per every 4 seats
Athletic Field	15 spaces for every diamond; 20 spaces for every soccer or athletic field, or 1 space for every 4 seats, whichever is greater
INDUSTRIAL USES	
Industrial Establishments (other than listed)	1 per 1,000 square feet of floor area
Warehousing	1 per 1,000 square feet of floor area to a maximum of 5 spaces for establishments up to 25,000 square feet, 5 spaces plus 1 for each additional 5,000 square feet above 25,000 square feet of floor area
Manufacturing or Establishments Engaged in Production, Processing, Packing and Crating, Cleaning, Servicing, or Repair of Materials, Goods or Products	1 per 600 square feet of floor area up to 25,000 square feet of floor area; and 1 per 1,000 square feet of floor area above 25,000 square feet of floor area
OTHER USES	
For uses not listed, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Planning and Zoning Administrator or his designee	

- D. Approval of off-street parking facilities. The design of all off-street facilities shall be subject to the approval of the city or county building official as appropriate prior to issuance of a building and/or parking lot permit, or for any certificate of occupancy where no building permit is required. Before approving any off-street parking plan, the appropriate governmental official shall find the spaces, aisles and drives provided are usable as designed and meet the requirements as set forth herein.
1. Submission of site plan: Any application for a parking lot and/or building
 2. Temporary permit: Prior to issuance of a certificate of occupancy, all parking and stacking spaces, aisles and drives shall be properly constructed and surfaced; except that the appropriate city or county building official may issue a temporary

certificate of occupancy in those instances where the building official finds that the surfacing cannot reasonably be completed due to adverse weather conditions or settling of land on the site after demolition or filling. A temporary certificate of occupancy shall be effective only to a date specified.

3. Enforcement: If the applicant fails to construct the parking facility in conformity with the requirements of this article or other prescribed requirements, the appropriate governing body may order the removal or replacement of the nonconforming parking facility or portion thereof. The cost of removal or replacement and any necessary reconstruction shall be levied as a special assessment against the property.
4. Public right-of-way shall not be utilized for internal traffic circulation or stacking for drive-up window facilities and similar such car-service features.

All facilities proposing “drive-in” and/or “carry-out” service features shall be reviewed and considered by the Planning and Zoning Administrator, Public Works Director or designee in respect to: ingress/egress to public right-of-way; the impact upon street side parking; adequacy of on-site vehicle storage, parking and traffic patterns; and pedestrian safety. The Planning and Zoning Administrator, Public Works Director shall not approve the proposal if the public safety and welfare are negatively impacted.

501 LANDSCAPING

A. **PURPOSE.** The purpose of this article is to enhance the attractiveness of the community through the establishment of landscape requirements. The standards herein established shall apply to all new development and certain levels of redevelopment, renovations and/or additions within the corporate boundaries of the City of Haysville, except single-family residences and duplexes.

Properly established and maintained, landscaping can improve the livability of neighborhoods, enhance the appearance of commercial areas, increase property values, improve relationships between non-compatible uses, screen undesirable views, soften the effects of structural features, and contribute to a positive overall image of the community.

B. **DEFINITIONS.** For the purpose of this article, certain terms or words used herein shall be interpreted as follows:

1. Average lot depth. The horizontal distance between the front and rear lot lines measured along the median between the side lot lines. For multiple frontage lots, the average lot depth measured from each street shall be divided by the total number of streets to obtain one average depth for the lot.
2. Berm. An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.
3. Conifer tree. An evergreen tree, usually of the pine, spruce or juniper genus, bearing cones and generally used for its screening qualities. For purposes of these regulations, a conifer shall be considered a shade tree if it is at least five (5) feet tall when planted AND is one (1) of the evergreen trees listed in the Kansas Urban

Forestry Council's publication titled Preferred Tree Species for South Central Kansas AND will obtain a mature height of twenty (20) feet or greater.

4. Deciduous. Trees and shrubs that shed their leaves annually.
5. Evergreen. Trees and shrubs that do not shed their leaves annually.
6. Groundcover. Living landscape materials or low-growing plants, other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface, and which upon maturity normally reach the average maximum height of not greater than twenty-four 24 inches.
7. Landscape materials. Living plants, such as trees, shrubs, vines, groundcover, flowers and grasses. It may include such nonliving features as bark, wood chips, rock, brick, stone or similar materials (monolithic paving not included) and structural and/or decorative features such as fountains, pools, gazebos, walls, fences, benches, light fixtures, sculpture pieces, and earthen berms, terraces and mounds.
8. Landscaping. The product of careful planning and installation using any combination of landscape materials subject to the limitations set out in this article which results in the softening of building lines, the modification of environmental extremes, the definition of separate functional spaces and the presentation of a pleasing visual effect on the premises.
9. Mulch. Non-living organic, inorganic or synthetic materials customarily used in landscape design and maintenance to retard soil erosion, retain moisture, insulate soil against temperature extremes, suppress weeds, deter soil compaction , and provide visual interest.
10. Ornamental tree. A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet. Trees listed in the Kansas Urban Forestry Council's publication titled Preferred Tree Species for South Central Kansas as small deciduous trees and medium deciduous trees will be classified as ornamental trees for purposes of administering this article.
11. Parking lot. An area not within a building or other structure where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. This definition shall include vehicle queuing or holding areas such as at car washes, drive-up windows, gasoline pumps, etc., but shall not include vehicle storage and display areas for new and used vehicle sales lots or parking for one-family and two-family dwellings.
12. Shade tree. Usually a deciduous tree-rarely an evergreen-planted primarily for its high crown of foliage or overhead canopy. Trees listed in the Kansas Urban Forestry Council's publication titled Preferred Tree Species for South Central Kansas as large deciduous trees and very large deciduous trees will be classified as shade trees for purposes of administering this article.

13. Shrub. A deciduous or evergreen woody plant smaller than a tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, which attains a height of twenty-four (24) inches or more.
14. Site specific. As used in this article, 'site specific' shall mean that the plant material chosen to be used on a site is particularly well suited to withstand the physical growing conditions which are normal for that location.
15. Street frontage. The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
16. Street wall. Any building wall facing a street.
17. Street wall line. A line that extends from the building parallel to the street wall until it intersects a side or rear lot line or a wall line of another building.
18. Street yard. The area of a lot, which lies between the property line abutting a street and the street wall line of the building. If a building has a rounded street wall or if the building is on an irregular-shaped lot, wall lines extending parallel to the street wall from the points of the wall closest to the side property lines shall be used to define the limits of the street yard.
19. Sight/Vision Triangle. A triangular area on a lot that is located adjacent to the area where two streets intersect. The triangle has two sides measured from the center of road right away, and a third side across the lot which connects the ends of the two sides. In all residential districts, the two lot lines establishing the sight triangle shall be a minimum distance of 60 feet. However, such standards may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation or intensity of traffic volumes or speed. (Code 2023)



20. Xeriscape. Water conservation through creative landscaping which applies the following seven principles:
 - a. Plan and design carefully.
 - b. Improve the soil water holding capacity through use of soil amendments.

- c. Use efficient irrigation methods and equipment.
 - d. Select site-specific, hardy plant materials, and then group all plants according to their sun and moisture needs.
 - e. Use turf grass appropriately in locations where it provides functional benefits.
 - f. Mulch.
 - g. Give appropriate and timely maintenance.
21. Zoning lot. A parcel of land that is designated by its owner or developer at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:
- a. A single lot of record; or
 - b. A portion of a lot of record; or
 - c. A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

C. SUBMISSION AND REVIEW OF LANDSCAPE PLANS.

- 1. Landscape plans shall be submitted when the applicant applies for a building permit and shall show the location of all landscape materials and shall be drawn to scale with the scale and north arrow indicated as well as names of all adjacent streets, the lot dimensions, the location of all utility and drainage easements, zoning of adjacent properties, and the legal description of the zoning lot. The plans shall contain a listing of the proposed plant materials indicating their numbers, names (both botanical and common) and sizes at the time of planting. The plans shall also state how water is to be provided to plant materials. Copies of the plans shall be submitted to the Planning and Zoning Administrator, Public Works Director, or his or her designee, in the quantity required by current policy. The number of parking spaces within each parking lot shall be shown. Calculations of the amount of required landscaped street yard and number of parking lot trees, as well as the amount and number actually provided, shall be included as part of the landscape plan.
- 2. Permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application. (Code 2023)
- 3. An approved plan must be on file prior to the applicant receiving their framing inspection.

D. REQUIRED LANDSCAPED STREET YARD.

1. The minimum amount of landscaped street yard for non-residential districts or uses which are adjacent to at-grade expressway or freeway frontage roads, arterial or collector streets, or which are adjacent to local streets when across from residential districts, except as provided for in subsections 501.D.1.h below, shall be as follows:
 - a. On a zoning lot with an average lot depth of 175 feet or less - eight (8) square feet of landscaped street yard per lineal foot of street frontage.
 - b. On a zoning lot with an average lot depth of 175.01 feet to 275 feet - ten (10) square feet of landscaped street yard per lineal foot of street frontage.
 - c. On a zoning lot with an average lot depth of 275.01 to 375 feet - fifteen (15) square feet of landscaped street yard per lineal foot of street frontage.
 - d. On a zoning lot with an average lot depth of more than 375 feet - twenty (20) square feet of landscaped street yard per lineal foot of street frontage.
 - e. The square footage per lineal foot of street frontage may be reduced twenty percent (20%) if the minimum planting size of materials specified in subsections (3)(c) and (3)(d) of this section is increased by one hundred percent (100%) or more.
 - f. Plant, installation and maintenance techniques meeting the principles of Xeriscape shall be utilized for landscaping required by these regulations.
 - g. On a zoning lot with frontage on two or more streets, each of which requires a landscaped street yard, the landscaped area requirement shall be based on the sum of the street frontages, less the greatest perpendicular distance between the property line abutting a street and the street wall line, multiplied by the factor based on average lot depth as defined above. On multiple-frontage lots where the use of the average lot depth, as defined in section 501.B, would require more landscaped street yard than would be required if each frontage were calculated individually, the lesser of the calculations may be used. Although the required amount of landscaped street yard does not have to be equally distributed to the various street frontages, there shall be no less than twenty percent (20%) of the total required landscaping within any street yard.
 - h. On collector streets with industrial zoning on both sides of the street, the requirement for a landscaped street yard shall be automatically waived.
 - i. When located in a residential district or adjacent to a residential district, vehicle parking shall not be located within the required from yard setback and such front yard shall remain unpaved and shall be landscaped.

2. Minimum number of trees within street yards: A minimum of one (1) shade tree shall be required per five-hundred (500) sq. ft. of area. Two (2) ornamental trees are equivalent to one (1) shade tree, or ten (10) shrubs are equivalent to one (1) shade tree, or five (5) shrubs are equivalent to one (1) ornamental tree.
3. Design standards for landscaped street yards and required trees:
 - a. Height. Trees shall be chosen that will not meet a maturity height the same height or taller as any high-lines in the street yard.
 - b. Spacing. Street trees may not be planted closer together than the following:
 - i. Small Trees -15 feet;
 - ii. Medium Trees - 25 feet;
 - iii. Large Trees - 35 feet; and
 - iv. Very Large Trees - 40 feet

Exceptions may be granted by the planning commission.

- c. Curbs and Sidewalks. Small and medium street trees may be planted in the tree lawn where there is six (6) feet to (10) feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than three (3) feet from a sidewalk or, in the event a sidewalk does not exist, street trees shall be planted no closer than three (3) feet from the edge of the street. Exceptions may be granted by the planning commission.
- d. Street Corners and Fire Hydrants. No street tree shall be planted within twenty (20) feet of any street corner along an arterial street or within fifteen (15) feet of any street corner along the adjoining collector street. Distance will be measured from the point of nearest intersecting curb lines. No street tree shall be planted within ten (10) feet of any fire hydrant.
- e. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5-inch caliper measured six (6) inches above the ground; conifer trees --- five (5) feet.
- f. Shrubbery may be substituted for up to one-third (1/3) of the required trees at the rate of ten (10) shrubs for one (1) required shade tree. Substitute shrubbery shall be of a site-specific type that attains a mature height of at least two (2) feet and shall be no less than two- (2) gallon container size at the time of planting.

- g. Shrubbery, walls and fences which are twenty-five percent (25%) or more opaque in design shall be constructed no higher than three (3) feet above the finished grade in a required landscaped street yard when located within a site triangle, toward the shrubbery, wall or fence from any vehicular access point along the street right-of-way line and a line extending six (6) feet away from and perpendicular to the street right-of-way line from the same access point. Shrubbery, walls or fences located near the intersection of streets shall maintain sight visibility clearance as specified in the City Code. All opaque fences shall be located toward the private property side of required landscaped street yards along street right-of-way to maintain a landscaped appearance along the street.
- h. The intent of the landscaped street yard is to visually soften the mass of buildings and parking lots and to separate building areas from parking areas through the use of plantings. Paved plazas may be credited to a maximum of fifty percent (50%) of required street yard landscaping area if such plazas have trees and/or shrubbery which provide(s) visual relief to those building elevations forming the major public views of the project. Paved walkways and bike paths connecting public sidewalks to buildings located on private property within a landscaped street yard may also be credited to a maximum of fifty percent (50%) of the required landscaped street yard.

E. REQUIRED BUFFERS.

1. Buffers Between Non-Residential and Residential Development:

- a. Where Required - Such a buffer is required along the common property line of any non-residential project in any zoning district where such project is adjacent to a residential district.
- b. Design Standards - There shall be a minimum of one (1) shade tree or two (2) ornamental trees for every forty (40) feet or fraction thereof of lot line abutting the residential district. The trees may be irregularly spaced but shall be within fifteen (15) feet of the property line common to the residential district. If utility and/or drainage easements occupy this fifteen (15)-foot perimeter area, the trees may be located outside the easements. Each tree shall be in a planting area having a minimum permeable ground surface of twenty-five (25) square feet. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5 -inch measured at a height of six (6) inches above the ground; conifer trees --- 5 feet in height. These trees shall be in addition to any screening required by City Code.

2. Buffers Between Adjacent Multi-Family Residential and Single- Family/Two-Family Residential Projects:

- a. Where Required - Such a buffer is required along the common property line of any multi-family project (a project with three or more dwelling units in one building) in any zoning district where such a project is adjacent to a one-family or two-family zoning district.
- b. Design Standards – There shall be a minimum of one (1) shade tree or two (2) ornamental trees and five (5) shrubs for every fifty (50) feet of the length of the buffer. A minimum of one-third (1/3) of the trees and shrubs shall be evergreen. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5-inch measured at a height of six (6) inches above the ground; conifer trees --- 5 feet in height. The minimum size of shrubs shall be two (2) gallon containers. The trees may be irregularly spaced but shall be within fifteen (15) feet of the property line common to the single-family/two-family residential projects. Parking shall be screened from adjacent residential areas in accordance with the parking lot screening requirements listed below. Required screening may be located within the buffer area. Parking may not be located within the buffer area.

F. PARKING LOT SCREENING AND LANDSCAPING.

- 1. Required Screening: All new parking lots or additions to parking lots shall be continuously screened from view from adjacent residential districts and certain types of streets when within one-hundred fifty (150) feet thereof (measured from the property line adjacent to the street), except at points of vehicular and/or pedestrian ingress and egress, to a minimum height of three (3) feet above the parking surface by the use of berms and/or plantings, with the following exemptions: 1) open parking lots in one-family and two-family residential projects in any zoning district and 2) open parking lots in industrial districts located on collector streets with industrial zoning on both sides of the street. Walls and fences may be used in combination with berms and plantings but may not be used as the sole means of screening a parking lot. This requirement shall apply to all at-grade expressway, freeway, arterial and collector street frontages and to all local streets when parking is across from residential zoning districts. On corner lots where parking is within one-hundred (150) feet of two (2) or more streets but not all the street frontages require parking lot screening (due either to type of street or zoning district across the street), the parking lot screening shall wrap around the corner of the lot from the frontage which does require screening for a distance of not less than one-hundred (100) feet.
 - a. Walls or fences used in combination with berms and/or plantings shall avoid a blank and monotonous appearance by such measures as architectural articulation and placement of vines, shrubs and/or trees.
 - b. All screening and landscape elements may be located within and be substituted for required landscape buffers and street yards, provided sight clearances are maintained as specified in section Appendix D.3.g

above and provided further that the minimum number of trees otherwise required in the yard or buffer are established in the street yard. Shrubs used in meeting screening requirements shall not be substituted for required trees.

- c. Where walls and fences are to be combined with vines and shrubs to create the screening effect, they should be located in a planting strip with a minimum width of no less than three (3) feet from the edge of any adjacent sidewalk. Landscape materials shall be located on the public right-of-way side of the wall or fence.
- d. Where shrubs, trees and other landscape materials are used exclusively to create the screening effect, they should be located in a planting strip with a minimum width of no less than five (5) feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.
- e. Where berms are to be combined with trees, shrubs, walls or fences to create the screening effect, they should be located in a planting strip with a minimum width of no less than ten (10) feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.
- f. Planting strips associated with parking lot screening may be located in whole or in part on public street right-of-way on the basis of an approved landscape plan, provided adequate public right-of-way exists, there is no less than fourteen (14) feet of right-of-way between the property line and the curb, no conflict exists with public utilities, and the location of berms, walks, irrigation fixtures and other permanent landscape features is subject to a minor street privilege granted through the office of the Public Works Director.
- g. The minimum size at the time of installation of plant materials used for parking lot screening shall be as follows: shade trees - 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees - 1.5 -inch caliper measured six (6) inches above the ground; conifer trees - 5 feet in height; shrubs -18-inch height. Shrubs used for parking lot screening shall be expected to obtain a height of at least thirty-six (36) inches within the third year after planting. Spacing between shrubs will depend upon the type of shrub but shall be close enough to achieve a visual screen when the plants reach maturity.
- h. Evergreen and/or deciduous plant materials may be used, provided a solid screening effect is maintained on at least two-thirds (2/3) of the treated frontage during all seasons of the year.
- i. All screening materials and landscape features shall be protected from vehicular damage or encroachment by appropriately located curbs or wheel stops.

2. Required Landscaping: All new parking lots or additions to parking lots which create twenty (20) or more spaces and which are required to provide screening in accordance with this section of the code shall also be required to provide at least one (1) shade tree or two (2) ornamental trees for each twenty (20) parking spaces or fraction thereof over twenty (20). Vehicle queuing and holding areas shall not be counted when determining the number of spaces in a lot. Up to one-half (1/2) of all trees required by the landscaped street yard calculations may be used to satisfy these parking lot landscaping requirements. The trees shall be located within and around the parking lot to enhance the appearance of the lot and to reduce the deleterious effect of large expanses of paved areas. In parking lots containing fifty (50) spaces or more with two (2) or more drive aisles and three (3) or more parking bays, all of which are contiguous, at least one-half (1/2) of the required trees shall be planted in interior planting islands with each tree having a minimum permeable ground surface area of twenty-five (25) square feet. Trees shall be protected from possible damage caused by vehicle bumpers by the use of bumper blocks, raised curbs or other protective means. The minimum acceptable tree size at the time of installation shall be a 2 inch caliper for a shade tree and a 1.5 -inch caliper for an ornamental tree, both measured at a height of six 6 inches above the ground.
- G. PERCENTAGE IN LIVING MATERIALS. Unless otherwise specified, required landscape area shall consist of a minimum of fifty-five percent (55%) in ground surface covering by living grass or other plant materials. The foliage crown of trees that may extend over monolithic paved surfaces beyond the required landscaped area or over non-living surfaces within the required landscaped area shall not be used in the fifty-five percent (55%) or other required percentage calculation. The remaining forty-five percent (45%) of the required landscape area may be covered with bark, wood chips, rock, bricks, stone, or similar materials (monolithic paving not included). An effective weed barrier shall be required in non-living landscaped areas. The use of non-living materials in required landscape areas for other than mulching around trees, shrubs and planting beds shall be on the basis of a landscape plan.
- H. SCREENING OF MECHANICAL EQUIPMENT, LOADING DOCKS AND TRASH RECEPTACLES. Screening shall be provided to reasonably hide from ground level view all ground level heating, air conditioning and other mechanical equipment, loading docks, trash receptacles or similar uses from adjoining street rights-of-way or from adjoining properties which are zoned a residential district or used for residential purposes. Such screening shall be on the basis of a landscape plan.
- I. OTHER LANDSCAPE REGULATIONS.
1. Landscaping shall not conflict with the traffic visibility requirements.
 2. The use of artificial trees, shrubs, vines, turf, or other plants as an outside landscape material is prohibited.
 3. The planting of *Ulmus pumila* (Siberian elm) in required landscape areas will not be allowed.

4. The planting of female or cotton-bearing cottonwood trees will not be allowed in any required landscaped area.
5. Clumped or multi-trunked trees, where used, instead of single-trunk trees, shall be credited as only one (1) of the required trees.
6. Landscaping shall not interfere with the general function, safety or accessibility of any gas, electric, water, sewer, telephone, or other utility easement. Landscaping shall be limited to an eight-inch (8") mature height within three (3) feet of a fire hydrant, traffic sign, traffic signal or utility structure.
7. The existing indigenous vegetation on a site is encouraged to be retained in a development project and may be credited toward required landscaping, provided this vegetation is adequately protected during construction to insure long-term survival.
8. Where a calculation of a requirement results in a fractional number (such as 14.2 required trees), the requirement shall be considered the next greatest whole number (such as 15 required trees).
9. Landscaping in the right-of-way of a State Highway shall be approved by the District Engineer, where applicable.
10. Prior to excavation for screening or landscape purposes within public right-of-way or easements, the location of all underground utilities shall be determined by calling the Kansas One-Call System and the Haysville Public Works Department.
11. Berms, irrigation systems, street furniture, entry monuments, fountains, statuary or similar landscape features may be located within public street right-of-way, provided adequate right-of-way exists and a minor street privilege is received from the office of the Public Works Director.
12. Walls and/or fences incorporated in any proposed landscape plan must comply with the City Code.
13. No more than seventy-five percent (75%) of the required landscape areas shall be covered by turf grasses unless the grass is buffalo grass.
14. Plants shall be high-quality nursery-grown stock, which meets the American Association of Nurserymen standards as specified by the American National Standards Institute in ANSI Z60.1-1986 or as may be amended in the future.

J. MAINTENANCE.

1. The landowner is responsible for the maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.

2. Maintenance shall include mowing, trimming, weeding, cultivation, mulching, tightening and repairing of guys and stakes, resetting plants to proper grades and upright position, restoration of planting saucer, fertilizing, pruning, disease and insect control and other necessary operations.
3. All landscaped areas shall be provided with a readily available permanent water supply; provided, however, that landscaped areas utilizing drought-tolerant plants may use a temporary above-ground system and shall be required to provide irrigation for the first two (2) growing seasons only. Irrigation shall not be required for established trees and natural areas that remain undisturbed by development activities. Irrigation systems shall be designed and operated in a manner to avoid placing water on impervious surfaces and public streets. Long, narrow landscaped areas are difficult to irrigate efficiently, therefore landscaped areas less than five (5) feet in any dimension shall not be irrigated with overhead spray sprinklers. Drip irrigation is acceptable.
4. Disturbed soil between trees and shrubs in the planting beds shall be mulched, planted or otherwise treated to prevent wind and water erosion.
5. Plants which die shall be replaced within sixty (60) days or, if weather prohibits replanting within that time, then replanting shall occur within the first thirty (30) days of the next planting season.

K. EXCEPTIONS AND MODIFICATIONS. The provisions of this article may be modified and/or trade-offs permitted with respect to dimension or location within a property boundary. Permitted forms of modification and exception are identified as follows:

1. For purpose of application of this chapter, no buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen, nor allowed to be used in a trade-off or modification of a standard.
2. The change in use, or redevelopment of a site utilizing all or parts of an existing building shall not be required to meet the landscaping requirements of this chapter, except as follows:
 - a. When the value of the new addition, renovation or redevelopment exceeds fifty percent (50%) of the value of the existing development, as determined by the County Appraiser's office; or
 - b. When there is more than a thirty percent (30%) increase of the gross floor area on the site. New parking lots and additions to parking lots which are required to provide landscaping and/or screening in accordance with Section 501 F shall do so even if there is no increase in gross floor area or value.
3. Lots or tracts of land abutting the right-of-way of a railroad zoned for residential use and held by title separate from all abutting lands shall not be required to provide landscaped buffers along the common property line.

4. In those instances where a development site abuts a public park or other permanent public open space and where at least one-hundred sixty (160) feet of undisturbed natural foliage exists along the common lot line, a landscaped buffer requirement along the common property line is not required; provided, however, loading docks, trash containers, and storage areas on the development site along the common line shall be screened as provided by the City Code.
 5. For purposes of this section, the City Inspector, in concurrence with the Planning and Zoning Administrator or his/her designated representative, shall have the authority to interpret the language and specifics of application of the exceptions as outlined in this section. Appeals of the decisions of the City Inspector and the Planning and Zoning Administrator shall be filed with the Planning Commission. In the opinion of the City Inspector and the Planning and Zoning Administrator, where there exist extraordinary conditions of topography, existing vegetation, land ownership, site boundaries and dimensions, adjacent development characteristics or other circumstances not provided for in this section, the City Inspector and the Planning and Zoning Administrator may modify or vary the strict provisions of this section in such a manner and to such an extent as is deemed appropriate to the public interest, provided that the purposes and intent of this article are maintained through such modification or variance.
 6. No property owner obtaining a permit for a project involving a new building or building addition shall be required to expend more than ten percent (10%) of the total construction cost for materials and installation costs associated with landscaping and parking lot screening required by this article. Fifty percent (50%) of the total expended on landscaping shall be dedicated to living materials. In order to qualify for this exception, the property owner must submit a bona fide bid from a licensed contractor for the total project cost, and a bona fide bid from a licensed contractor or nursery man for materials and installation costs for an approved landscape plan. The bid for landscaping must distinguish those items which are required by the article from any other items which are not required. If the total cost of required landscaping items exceeds the applicable percentage as specified above, then the property owner may select items, with approval of the Planning and Zoning Administrator, or his or her designee, to delete from the approved plan, and submit the list of items to be deleted as an addendum to the approved plan.
 7. The preservation and protection from construction damage of each existing tree of six (6) or more inches in trunk diameter (measured six (6) inches above the ground) within a street yard, parking lot or perimeter buffer area of a site, shall be counted as two (2) trees for the purposes of meeting the required number of trees.
- L. **WATER CONSERVATION MEASURES.** When meeting the landscape requirements outlined in this article, property owners are encouraged to use water in the most efficient way possible. A number of principles for effective water usage are found in the accepted approach to landscaping called Xeriscape. The term Xeriscape is derived from a Greek word meaning 'dry'. The desired effect of a Xeriscape, however, is to provide an attractive

and even lush-appearing landscape with a minimum amount of water usage. This is accomplished through the application of the seven (7) basic principles of Xeriscape.

Information concerning the principles of Xeriscape is available from Botanica, the Haysville Public Works Department, the Haysville Municipal Building and the Haysville Park Board. Property owners are encouraged to take advantage of the water-saving practices set out in the principles of Xeriscape.

Regardless of the extent to which the principles of Xeriscape are applied, automatic irrigation systems installed in association with the landscaping requirements of this article, shall be equipped with moisture-sensing devices or automatic rain shut-off devices that forestall scheduled watering cycles when moisture adequate to sustain healthy plant life is present.

- M. ENFORCEMENT/ASSURANCES FOR INSTALLATION AND COMPLETION. Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, except when a certificate of occupancy is obtained by providing acceptable assurance to the city guaranteeing the completion of such landscaping, all work as indicated on a landscaping plan shall be inspected and approved by the city inspector, or his or her designee. At the time of inspection, the landowner shall possess a copy of the approved landscaping plan for use by the City Inspector, or his or her designee.

At the time of inspection, the City Inspector, or his or her designee, shall check the quantities and locations of landscape materials. At the time of such inspection, the landowner shall warrant that the completed landscaping complies with the requirements of this article. Such warranty shall include the quantities, locations, species and sizes of plants and other landscape materials used for compliance. In the event that an inspection is not conducted by the city inspector, or his or her designee, prior to the issuance of a certificate of occupancy because acceptable assurance has been provided to the city guaranteeing the completion of such landscaping, such inspection shall be done by the City Inspector, or his or her designee, subsequent to the installation of such landscaping but prior to the release or expiration of the acceptable assurance.

A landowner may obtain a final certificate of occupancy for a structure prior to the completion of required landscaping work if the completion is not possible, due to seasonal or weather conditions, and if the landowner submits the necessary assurances to the city inspector, or his or her designee, for the completion of the landscaping. The acceptable assurance guaranteeing the completion of the landscaping (such as an irrevocable letter of credit, certified check, or other acceptable assurance) shall be equal to one hundred twenty-five percent (125%) of the cost of the landscaping work and shall be accompanied by a written assurance that such landscaping will be completed to the satisfaction of the city inspector, or his or her designee.

502 HOME OCCUPATIONS

Home occupations shall consist of the following:

- A. Authorization. Home occupations shall be approved by the planning commission unless otherwise specified in this section.

- B. Definition. A business, profession, occupation or trade conducted for gain entirely within a residential building or, when permitted by subsection (C) of this section, within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
1. In all districts permitting dwellings.
 - a. No alteration of the principal building or premises shall be made which changes the character or appearance.
 - b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
 - c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands or odors.
 - d. There shall be no outside storage of equipment or materials used in the home occupation in the front setback. There shall be no overnight parking of vehicles rated over one (1) ton in the front setback.
 - e. No more than two (2) persons shall be engaged in such home occupation other than a person occupying such dwelling unit as his or her residence.
 - f. The home occupation shall be conducted entirely within an enclosed structure.
 - g. Signs shall be permitted in accordance to Article 2, Appendix Haysville Municipal Code
 - h. This in no way is to be construed to override any restrictive covenants of record.
 - i. No more than two (2) vehicles used to advertise or operate the business shall be parked in the front setback at the home occupation at one time.
- D. Home Occupations Permitted. Home occupations include the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections (B) and (C) of this section:
1. Artists, authors or composers, dancers, music teachers, aerobics, martial arts, and other similar artists, including instruction thereof, provided that instruction shall be limited to not more than five pupils at a time.
 2. Home crafts, such as model making, rug weaving, etc.
 3. Ministers, rabbis, priests for counseling purposes only.
 4. Office facilities for sales persons, sales representatives, manufacturer's representatives, when no retailing or wholesaling is made or transacted on the premises.
 5. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.

6. Office facilities for service type business such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
 7. Personal services such as dressmakers, seamstresses, tailors, barbershops, beauty shops.
 8. Gunsmithing and gun sales as a hobby, if no more than 36 guns are sold per year. Ammunition or ammunition components for sale must be stored in a lockable, fireproof container that meets UL approval.
 9. Child Care as governed by state law.
 10. Massage Therapy
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event, be deemed to include:
1. Animal hospitals.
 2. Auto and/or other vehicle repair.
 3. Funeral homes.
 4. Kennels and/or stables, unless specifically permitted by the district regulations.
 5. Medical and/or dental clinics or hospitals.
 6. Renting of trailers, cars or other equipment.
 7. Restaurants.
 8. Occupations listed in any less restrictive zone or district.

503 RESERVED

504 RESIDENTIAL DESIGN MANUFACTURED HOMES ARCHITECTURAL AND AESTHETIC STANDARDS

On and after January 1, 1992, residential-design manufactured homes, as defined in these regulations, shall be permitted subject to the following architectural and aesthetic standards:

- A. The roof must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, or asphalt composition shingles, but excluding corrugated aluminum, corrugated fiberglass, or corrugated metal roof.
- B. Exterior siding shall be of a material customarily used on site-built dwellings, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with the local building code.
- C. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in "Guidelines for Manufactured Housing Installations" currently in effect at the time of installation. A continuous, permanent masonry foundation on top of the footing or masonry curtain wall, unpierced except for required

ventilation and access which may include basements and garages, shall be installed under the perimeter of the home, also in accordance with the ICBO "Guidelines for Manufactured Housing Installations" currently in effect at the time of installation.

- D. The required door must have a minimum of three (3) feet by three (3) feet landing which is constructed to meet the requirements of the local building code.
- E. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.
- F. Any addition or attached garage to a residential-design manufactured home shall comply with all construction requirements of the local building code.
- G. At the point of highest elevation of the finish grade, maximum height of the foundation/curtain wall will be a maximum of ten (10) inches and a minimum of eight (8) inches.

505. WIRELESS COMMUNICATION FACILITIES

A. **PURPOSE.** This purpose of this article is to ensure that residents and businesses have reliable access to wireless telecommunications networks while also protecting the health, safety, welfare, and aesthetic character of the community. The City of Haysville recognizes that facilitating the development of wireless service technology can be an economic development asset to the city and a benefit to residents. This section is intended to ensure that the placement, construction, and modification of wireless telecommunications facilities complies with all applicable federal and state laws and is consistent with the City's land use policies, zoning, planning, and design standards.

A. **APPLICABILITY.** The provisions of this section apply to wireless infrastructure in the City which is not located in the public right-of-way. Wireless infrastructure in the City which is located within the public right-of-way, including Small Wireless (small cell) and Distributed Antenna System (DAS) facilities, is regulated by Chapter 13, Article 4 of the City Code.

D. ZONING REQUIREMENTS FOR WIRELESS INFRASTRUCTURE.

- 1. Any applicant wishing to construct, replace, or repair wireless infrastructure in Haysville must first apply for and obtain a zoning permit.
- 2. Zoning permits are not required for:
 - a. Routine maintenance of elements of existing wireless infrastructure.
 - b. Antennas or other equipment erected temporarily on an existing wireless facility, for test purposes or for emergency communication, which are removed within 72 hours following installation.
- 3. Zoning small wireless or DAS facilities.

- a. Zoning permits are not required for installation or operation of a small wireless or DAS facility which is located entirely inside a structure, or entirely on the site of a campus, stadium or athletic facility.
 - b. In residential zoning districts, small wireless or DAS facilities which are not located in a public right-of-way, or entirely inside a structure, or entirely on the site of a campus, stadium or athletic facility, are allowed as a conditional use.
 - c. In commercial or industrial zoning districts, small wireless or DAS facilities which comply with the district's maximum height restriction are a permitted use.
 - (1) A small wireless or DAS facility which does not comply with the district's maximum height restriction may be allowed as a special use.
4. Wireless facility antennas on existing structures. In all commercial or industrial zoning districts, wireless facility antennas which are installed on an existing tower or base station, meet applicable performance standards, and comply with the district's maximum height restriction are a permitted use.
 5. An antenna which does not comply with the district's maximum height restriction may be allowed as a special use.
 6. Other wireless facilities. In the g zoning district, wireless facility structures, other than small wireless or DAS facilities or antennas mounted on an existing tower or base station, are a permitted use.
 - a. Wireless facility structures which do not comply with the district's maximum height restriction may be allowed as a special use.

E. APPLICATION PROCEDURES.

1. Shot clocks are time limits established by the FCC, within which a state or local government is required to process an application to deploy a wireless infrastructure facility.
 - a. Shot clock start. A shot clock begins running (tolling) on the day the application is submitted.
 - (1) Exception: if an application is submitted on a holiday, the shot clock starts running on the next business day.
 - b. Applicability.
 - (1) Shot clocks apply to all authorizations necessary for the deployment of personal wireless service, including:

- i. License or franchise agreements to access public rights-of way.
 - ii. Required pre-application procedures, public notices, and meetings.
 - iii. Site plan review and approval procedures.
 - iv. Building permits, electric permits, and road closure permits.
 - (2) Shot clocks apply to applications submitted in batches.
 - i. Section 332 of the communications act prohibits localities from refusing to accept batched applications. (see 47 u.s.c. § 332).
- c. Shot clocks as determined by the 2018 FCC declaratory ruling and third report and order FCC 18-133.
 - (1) For small wireless facilities:
 - ii. To review a small wireless facility application for completeness, and notify the applicant of missing information in order to reset the shot clock — 10 calendar days [47 c.f.r. §1.6003(d)(1)].
 - iii. To act on an application to collocate a small wireless facility on an existing structure (does not have to be a telecommunications structure) 60 calendar days [47 c.f.r. §1.6003(c)(1)(i)].
 - iv. To act on an application for a small wireless facility using a new structure — 90 calendar days [47 c.f.r. §1.6003(c)(1)(iii)].
 - (2) For other wireless facilities:
 - i. To review any wireless facility application for completeness, and toll the shot clock if the applicant is notified in writing the application is not acceptable — 30 calendar days [47 c.f.r. §1.6003(d)(2)(iii)].
 - ii. To review a resubmission and notify the applicant of any missing information — 10 calendar days [47 c.f.r. §1.6003(d)(3)(iii)].
 - iii. To act on a request for a non-substantial modification, including modifications to macro towers — 60 calendar

days [47 u.s.c. §1455].

- iv. To act on an application to collocate a facility other than a small wireless facility using an existing structure — 90 calendar days [47 c.f.r. §1.6003(c)(1)(ii)].
 - v. To act on an application for a facility other than a small wireless facility using a new structure — 150 calendar days [47 c.f.r. §1.6003(c)(1)(iv)].
- 2. Approval deadlines. If the zoning administrator does not issue a final decision on a wireless facility application within the shot clock time limits specified above in section __05__, then the applicant may provide notice to the zoning administrator that the time period has lapsed, and the application is then deemed to be approved. (see K.S.A. 66-2019.)
- 3. Incomplete applications. If the application is materially incomplete, the zoning administrator must notify the applicant that more documents or information are required within 30 days after the application was submitted.
 - a. The notification must identify the missing documents or information, and also specify the rule or regulation that requires their submission.
 - b. The shot clock will restart at zero on the day the applicant provides a supplemental application containing the required information.
 - (1) If the supplemental application does not provide the missing documents or information identified in the original notice, the zoning administrator must notify the applicant within 10 days after the supplemental application was submitted.
 - (2) The shot clock will be paused on the day the notice of an incomplete supplemental application is provided to the applicant, and will resume on the day the applicant provides a completed supplemental application containing the required information.
- 4. Denial of application. If an application is denied, the zoning administrator will notify the applicant in writing of the reasons for the denial.
 - a. Within 30 days of the notice, a party aggrieved by the city's denial of an application may bring an action for review in any court of competent jurisdiction.
- 5. Planning Commission special use review. The Planning Commission must review a special use for any application which is not permitted by right in the underlying zoning district.

- a. Exceeding wireless facility height limitations. In all zoning districts, applicants may apply to the Planning Commission for a special use to exceed maximum height limitations established in the review criteria for all types of wireless facilities.
- 6. Zoning administrator approval. The zoning administrator may approve wireless facility zoning permit applications for:
 - a. Modification or replacement of an existing tower or base station.
 - (1) The zoning administrator must issue a final decision on the application within 60 calendar days after a complete application is filed.
 - b. New small wireless or DAS facilities on an existing tower or base station.
 - (1) The zoning administrator must issue a final decision on the application within 60 calendar days after a complete application is filed.
 - c. Installation of a new antenna on an existing tower or base station, if the antenna is permitted by right in the underlying zoning district, and meets applicable performance standards.
 - (1) The zoning administrator must issue a final decision on the application within 60 calendar days after a complete application is filed.
 - d. A new antenna on an existing tower or base station, which substantially changes the physical dimensions of the tower or base station, and which:
 - (2) Has been authorized as a special use by the board of zoning appeal.
 - (3) Is permitted by right in the underlying zoning district.
 - (4) Meets applicable performance standards.
 - (5) The zoning administrator must issue a final decision on the application within 90 calendar days after a complete application is filed.
 - e. A new tower.
 - (1) Has been authorized as a special use by the board of zoning appeals.
 - (2) Is permitted by right in the underlying zoning district.

- (3) Meets applicable performance standards.
- (4) The zoning administrator must issue a final decision on the application within 150 calendar days after a complete application is filed.

7. Notification requirements.

- a. For wireless facility applications as a special use, the applicant must provide written notice of the Planning Commission's public hearing to all adjacent and abutting property owners of record within 500 feet of the property parcel for which the exception is being requested.
 - (1) Notice must be provided at least 30 days in advance of the hearing.
 - (2) Notice must be provided by certified mail, return receipt requested.
- b. For applications for zoning administrator approval, the applicant must provide written notice to all adjacent and abutting property owners of record within 500 feet of the property parcel that constitutes the proposed location of the wireless facility.
 - (1) The notice must include:
 - i. Description of the proposed wireless facility.
 - ii. Plan drawing showing the proposed location and the facility improvements.
 - iii. Applicant's contact information.
 - iv. A statement that the property owner has 20 days from the date of the notice to provide the city with any input regarding the application.
 - (2) Notice must be provided by certified mail, return receipt requested.

F. APPLICATION REQUIREMENTS.

- 1. Pre-application conference. A pre-application conference between the applicant and designated city staff is required before filing an application for modification or replacement of an existing wireless facility, or construction of a new wireless facility.
 - a. The pre-application conference may be waived by the zoning administrator.

- b. The purpose of the pre-application conference is to ensure the applicant understands all requirements, to address issues that will expedite the review and approval process, and to establish a tentative timeline.
 - c. The pre-application conference does not toll applicable shot-clocks under federal or state law.
2. Application contents. Unless waived by the zoning administrator, the applicant must include the following information in an application for a zoning permit for a wireless facility.
- a. Site plan.
 - b. Landscape plan that demonstrates effective screening as required by section 501(o) of this code, with all materials and plant sizes specified.
 - c. Elevation drawings of the proposed wireless facility. Show all towers, base stations, antennas, transmission equipment, accessory equipment, cabinets, fencing, screening, landscaping, lighting, and other improvements related to the facility, including information on specific colors and materials.
 - d. Lighting plan, showing that the proposed wireless facility complies with federal aviation administration regulations.
 - e. Digital before and after photo simulations of the site, demonstrating the visual impact of the proposed wireless facility on the surrounding environment.
 - (1) The zoning administrator may require photo simulations from any specific vantage point.
 - f. Notices. A statement from the applicant affirming that required notices were sent in a timely manner.
 - (1) Include a list of the addresses to which notices were sent.
 - (2) Include copies of certified mail return receipts.
 - g. Leased property. If any part of the wireless facility site is leased, the applicant must provide a signed copy of the lease, and a signed statement from the property owner indicating the property owner's approval for the proposed wireless facility.
 - (1) The documentation must contain a provision stating that, if the lessee abandons the facilities or terminates the lease and fails to remove the wireless facility, the property owner will be responsible for removing the wireless facility.

- h. Engineer's report. A report from a licensed engineer registered in Kansas which:
 - (1) Describes the wireless facility's height and design, including a cross section and elevation.
 - (2) Describes the wireless facility's structural capacity, and its ability to safely accommodate antennas and other equipment.
 - (3) Includes the engineer's seal and license number.
 - i. An application for zoning administrator approval of antenna placement on roofs, walls, and existing wireless infrastructure must include a final site and building plan.
 - j. Application fee. Fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application. The fee must not exceed statutory maximums as required by K.S.A. 66-2019(c). The fee must reflect the actual costs of processing the application.
3. Consolidated application for small wireless and DAS facilities. An applicant may file a single consolidated application for a small wireless network of up to 25 individual small wireless facilities of a substantially similar design in both appearance and function. (see K.S.A. 66-2019(g).)

G. APPLICATION APPROVAL CRITERIA.

- 1. Wireless facility zoning criteria.
 - a. Screening. Ground mounted accessory buildings, structures and equipment, which are visible from public ways or any other nearby property, must be screened with a solid wall at least 6 feet in height.
 - b. Signs. No signs may be applied on or attached to any part of a wireless facility, except for associated warning or emergency information signs.
- 2. Wireless facility location criteria.
 - a. Only one wireless facility tower or base station is permitted at any one time on anyone zoning lot.
 - b. Setbacks. Wireless infrastructure must meet all setback requirements of the underlying zoning district.
 - (1) No minimum setback is required for wireless facility antennas attached to utility transmission support structures, light standards, traffic signals, etc.

- c. Easements. Wireless infrastructure must not unlawfully encroach on any easements.
 - d. Wireless infrastructure must not be located between a principal structure and a public street.
 - (1) Exception: in industrial zoning districts only, wireless infrastructure may be located between a principal structure and a public street which is not an arterial street.
3. Wireless facility design criteria.
- a. All wireless infrastructure and antennas constructed in the city, including all associated electrical components and wiring, must comply with the following requirements:
 - (1) All applicable provisions and requirements, including the latest structural standards and wind loading requirements, of the Haysville Municipal Code.
 - i. Compliance must be certified by a licensed engineer registered in Kansas.
 - (2) Federal communications Planning Commission guidelines for wireless infrastructure.
 - b. Tower design. Towers must be a self-supporting design, or otherwise architecturally compatible with surrounding development.
 - (1) Exception: a special use for a guyed tower may be approved by the governing body.
 - c. Tower height limitations.
 - (1) Tower height is defined as the vertical distance from the wireless facility's point of contact with the ground or building to the highest point of the wireless facility, including all antennas or other attachments, but not including any lightning rod 10 feet or less in height.
 - (2) Maximum tower height by zone.
 - d. Antennas and accessory facilities.
 - (1) Antennas and visible accessory facilities on rooftops must meet the requirements of section 501(o) of this code.
 - i. Antennas attached to a roof must be located as close to the center of the roof as possible.

- (2) Antennas may be installed on any existing building or structure, excluding single-family residences and their accessory structures, provided that the antennas add no more than 20 feet to the height of the existing structure.
 - (3) Color. Antennas and visible accessory facilities must be colored and finished to be as visually unobtrusive as possible.
- e. With the exception of public electric and communications service and connection lines, no part of any wireless facility or its associated equipment must at any time extend over a property line.
- f. Facility wiring. All low energy conductors extending horizontally above the ground between a wireless facility or antenna and an accessory facility, or between wireless infrastructures, must either be buried underground, or be at least 8 feet above the ground at all points.
 - (1) Facility wiring should not cross over, under, or through private property.
- g. Utilities. With the exception of emergency power systems, all utilities at a wireless facility site must be installed underground and in compliance with applicable codes.
- h. Equipment cabinets. No more than 4 equipment cabinets are permitted per wireless facility, unless otherwise approved by the Planning Commission.
- i. Equipment storage. Equipment which is not used in direct support of a wireless facility must not be stored on the wireless facility site, unless the wireless facility is being repaired or an emergency exists.
- j. Parking areas and drives. Parking areas and drives associated with the wireless facility must be designed to provide adequate emergency and service access.
 - (1) Vehicles must not be parked on the wireless facility site, unless the wireless facility is being serviced or inspected, or an emergency exists.
- k. Landscaping. Wireless infrastructure must meet the requirements of section 501 of this code.
 - (1) Maintenance of wireless facility landscaping. The owner or provider is responsible for maintenance of all landscaping.

- i. Security fence and screening. Wireless infrastructure which is not in the right-of-way, and which incorporates ground mounted equipment or accessory structures must be surrounded by a security fence and screening at least 6 feet in height, that prevents unauthorized access.
- m. Lighting. Except for lighting specifically required by the federal aviation administration or other federal or state authority, wireless infrastructure must not be artificially illuminated and must not display strobe lights.
 - (1) Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way, and the lighting avoids illuminating the tower.
 - (2) When incorporated into the design of the wireless telecommunication facilities, streetlights, traffic signal, or light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the wireless facility.
 - (3) Temporary lighting for nighttime repairs is permitted.

H. WIRELESS FACILITY INSPECTIONS.

- 1. Wireless facilities must meet operational standards established by the FCC, FAA, EPA and other applicable federal regulatory agencies.
 - a. If standards are revised, the wireless facility must be brought into compliance within 6 months of the effective date of the revised standards.
 - b. Failure to comply with federal standards constitutes grounds for removal of the facility at the owner or provider's expense.
- 2. All wireless facilities may be inspected by the zoning administrator or their designee, to determine compliance with original construction standards.
 - a. Deviation from original construction standards constitutes a zoning violation.
 - b. If the city inspection determines that the wireless facility does not comply with city building codes, and constitutes a danger to persons or property, the zoning administrator will notify the wireless facility owner or property owner in writing.
 - (1) The wireless facility owner or property owner must bring the wireless facility into compliance within 30 days following written notice, or the city may order the removal of the wireless facility, or have the wireless facility removed at the owner or property

owner's expense.

I. **REMOVAL OF ABANDONED FACILITIES FOR WIRELESS COMMUNICATION. ANY WIRELESS FACILITY THAT IS NOT OPERATED FOR 12 CONTINUOUS MONTHS WILL BE CONSIDERED ABANDONED AND A NUISANCE.**

1. The zoning administrator will provide written notice to the wireless facility owner or the landowner, that the wireless facility must be removed within 90 days of receipt of the notice.
2. The wireless facility owner may be allowed to demonstrate whether the wireless facility has been in operation during the time period in question. The burden of proof is on the owner.
3. If the wireless facility is not removed within 90 days, the city may have the wireless facility removed at the wireless facility owner or landowner's expense.

505- CARGO CONTAINERS

Cargo containers are permitted only in accordance with the following provisions and standards:

1. In a residential zoning district, one cargo container used as a moving pod no larger than 160 square feet and no more than nine feet tall may be used on a temporary basis for up to 45 days within a calendar year.
2. In commercial zoning districts ~~lc-LC~~ and ~~hc-HC~~ cargo containers shall not be visible from a public street either by placement or opaque fence/landscape screening. Any cargo container only visible from the front of buildings on adjacent property shall be set against the primary building and color matched with the building and shall be limited to one cargo container. In addition, cargo containers shall:
 - a. Not displace or interfere with required parking, circulation, or emergency access;
 - b. Not be used as a base, platform, or location for business identification signs or temporary signs;
 - c. Not be located in any required front or side yard setback adjoining a street right-of-way; and
 - d. Be located at grade level and not stacked.

3. In industrial zoning districts (LI) and (HI) cargo containers shall not be stored on public rights-of-way, in fire access lanes, in landscaped or front setback areas or in an area visible from the property's primary street.
4. Exceptions to the requirements in subsections (a) through (b) of this section include:
 - a. Cargo containers used for allowed on-site construction purposes for a period not to exceed the duration of a construction project with a valid building permit and for no more than 180 days for construction projects not requiring a building permit.