

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

Agenda

December 12, 2024

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 November 14, 2024
- IV. Public Forum
- V. New Business
 - A. Public Hearing of the Unified Zoning Code amendment pertaining to the Definitions and Use Chart.
 - B. Review of the 2025 Closing Calendar
 - C. Review of the 2025 Master Plan Review Calendar
 - D. Review of the Planning Commission Bylaws - Attendance
- VI. Old Business
- VII. Correspondence
- VIII. Off Agenda
 - A. Next Meeting Date
- IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

November 14, 2024

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.

The members present were Mark Williams, Brandon Trube, Debbie Coleman, Tim Aziere, and Jimmy Wallis. Also present were Deputy Administrative Officer Georgie Carter and Planning and Zoning Administrator Kailyn Hogan. Wallis was late to the meeting.

The first item of business was the Minutes of October 10, 2024.

Motion by Trube, second by Williams.
To approve the minutes as provided.
Williams aye, Trube aye, Coleman aye, Aziere aye.
Wallis abstain.
Motion carried.

There was no one to speak under the Public Forum.

Jimmy Wallis arrived at the meeting.

Under new business was the Review of the Capital Improvements Plan.

Carter presented the annual review of the Capital Improvements Plan.
There were no questions.

Motion by Coleman, second by Trube.
To recommend approval of the Capital Improvements Plan
Williams aye, Trube aye, Coleman aye, Aziere aye, Wallis aye.
Motion carried.

Under new business was the Review of the Comprehensive Plan.

Hogan presented the annual review of the Comprehensive Plan.
Aziere asked if the Comprehensive Plan is on a two-year review cycle. Hogan said yes.
Carter stated that the bike path improvements and annexation of the Meridian right-of-way will be added to the Comprehensive Plan next year.

A motion was not needed.

There was no old business.

There was no correspondence.

Under off-agenda Coleman reminded the Planning Commission that Village Christmas was Saturday,

December 7th from 4:30-7:30 PM at the Historic Park. The lighting ceremony starts at 5 pm, and there will be chili and a silent auction at the Masonic Lodge.

Hogan reminded the Commission that the next meeting date was December 12th.

Motion by Williams, second by Coleman.

To adjourn tonight's meeting.

Williams aye, Trube aye, Coleman aye, Aziere aye, Wallis aye.

The meeting adjourned at 6:05 p.m.



Haysville Planning Commission Staff Report

AGENDA ITEM: V-A

Subject: Zoning Code Text Amendments 2024-02
Meeting Date: December 12, 2024
Presented By: Kailyn Hogan, 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	12/12/2024	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council. Tabled to next meeting.
City Council	1/13/2024	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

202	Definitions
400	Use Chart; Permitted and Conditional Uses

RECOMMENDED ACTION

Adopt the recommended amendments to the Zoning Code and forward a recommendation of approval to the City Council

BACKGROUND INFORMATION

On September 12, 2024, the Haysville Planning Commission held their annual review of the Zoning Code. Staff proposed changes to Article 2 and Article 4.

On November 19, 2024, a notice of public hearing was published in the official newspaper of the City, the City of Haysville website at www.hayville-ks.com.

Proposal & Analysis

Article 2. Interpretation, Construction, and Definitions

Updates of Section 200 Definitions

- Renamed Accessory use or structure to Accessory Structure and Accessory Use, and updated the definition to read: Means a Use or Structure that is subordinate to and serves a Principal Use or Structure; is subordinate in purpose to the Principal Use or Structure served; contributes to the comfort, convenience or necessity of occupants of the Principal Use or Structure served; and is

located on the same Zoning Lot as the Principal Use. Accessory Structure including below grad substructure, must not be located in easements and may not block drainage.

- Added Adult Entertainment definition. Means any exhibition, performance, interaction, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, computer internet activities, computer programs with sex based content, serving food or beverages, soliciting the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such action is intended to arouse or excite the sexual desires of the entertainer, other entertainers, or the patron(s), or if the interaction is characterized by an emphasis on the exposure, depiction or description of “specified anatomical areas” or the conduct or stimulation of “specified sexual activities,” as defined in Chapter 5, Article 7, Haysville Municipal Code.
- Added Adult Entertainment Establishment definition. Means any commercial establishment which is an adult bookstore, adult motion picture theater, adult hotel, adult motion picture arcade, or escort service as defined in Chapter 5, Article 7, Haysville Municipal Code, and includes any businesses involving Adult Entertainment, as defined herein.
- Board of Zoning Appeals. Added “of Zoning Appeals” to Board term.
- Removed Accessory Building definition.
- Community Assembly. Updated definition to use the word “charitable” instead of “eleemosynary” for ease of comprehension.
- Renamed Master Plan to Comprehensive Plan and moved to alphabetical location.
- Construction Burn Site, General and Construction Burn Site, Limited. Changed the word “commercial” to “construction” to clarify definition.
- Removed Detached Structure from the list of definitions.
- Entertainment Establishment. Added “excluding Adult Entertainment, as defined herein,” to the definition.
- Private Garage. Changed “detached accessory building” to “accessory structure.”
- kennel, Boarding/Breeding/Training. Changed “property owner” to “business owner.”
- Added Landscaping definition. Means the improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- Corner Lot. Changed “located at the intersection of two or more streets” to “abutting two or more streets at their intersection.”
- Interior Lot. Added “or a through lot” to the end of the definition.
- Through Lot. Changed “not” to “other than” and “more than one street” to “two parallel or approximately parallel streets.”
- Added Key Lot definition. A corner lot abutting two or more non-corner (interior or through) lots.
- Lot of Record. Capitalized the “Office of the Register of Deeds.”
- Renamed Manufactured Home Space to Manufactured Home Site.
- Nightclub. Removed repeated phrase “or that provides entertainment.”
- Removed Place definition.
- Removed Planning Consultant definition.
- Added Renewable Energy Systems definition. Means either a Wind Energy Conversion System (WECS) or a Solar Energy Conversion System (SECS). Those terms shall mean the following:
 - Solar Energy Conversion System. Means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity and includes all associated support facilities including but not limited to, roads, substations, operation and

- maintenance buildings, as specified in the application.
- Wind Energy Conversion System. Means the combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion Systems consist of the turbine apparatus and any other buildings, support structures and other related improvements necessary for the generation of electric power from wind and intended for wholesale sales of generated electricity.
- Added Screening, solid definition. Means a solid barrier of 90 to 100 percent opacity made from wood, vinyl, landscaped earth berms, masonry, or other similar materials, including brick, stone, architectural tile, or a combination of these materials erected to enclose, screen, or separate areas from adjacent views. Appropriate materials do not include mesh privacy screens.
- Structure or building. Removed, “For the purpose of this chapter, fences will not be considered structures” from definition.
- Removed Sexually Oriented Business definition. It is replaced with Adult Entertainment Establishment definition.
- Variance. Removed, “Such variance shall not permit any use not permitted by the zoning ordinance in such district” from definition.
- Vehicle, Inoperable. Changed “Title” to “Chapter” and “Wichita” to “Haysville.”
- Wholesale or Business Services. Added “bulk” and changed “firms” to “businesses” in the definition for clarity. Added the phrase “typically retailers, for resale or further distribution. It may also include the sale of bulk goods and services to individual consumers” for clarity and to include wholesale retailers in the definition.

Article 4. Zoning Districts

Updates of Section 400 Use Chart

- **Manufactured Home.**
 - Added Permitted Use in Single-Family District and Single-Family Zero Lot Line District, in accordance with KSS 12-763.
- **Accessory Apartment.**
 - Added Conditional Use in Office Commercial District.
- **Assisted Living.**
 - Removed Conditional Use in Manufactured Home District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
 - Removed Permitted Use in Heavy Commercial District.
- **Group Home.**
 - Removed Permitted Use in Heavy Commercial District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- **Auditorium or Stadium.**
 - Added Conditional Use in Multi-Family Apartment District, Hotel and Motel Commercial District, and Office Commercial District.
 - Added Permitted Use in Light Commercial District.
 - Removed Permitted Use in Light Industrial District, and Heavy Industrial District.
- **Cemetery.**
 - Removed Conditional Use in Single-Family Zero Lot Line District, Two-Family district, Multi-Family Four District, Multi-Family Apartment District, and Light Commercial District.
- **Church or Place of Worship.**
 - Changed Permitted Use to Conditional Use in Single-Family Suburban District and Single-Family District.
 - Removed Conditional Use in Two-Family District, Multi-Family Four District, and Manufactured Home District.

- Removed Permitted Use in Light Commercial District, Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Community Assembly.
 - Added Permitted Use in Single-Family District, Single-Family Zero Lot Line District, and Office Commercial District.
 - Changed Conditional Use to Permitted Use in Two-Family District and Multi-Family Four District.
 - Removed Conditional Use in Manufactured Home District, Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Correctional Facility.
 - Changed Permitted Use to Conditional Use in Light Industrial District and Heavy Industrial District.
- Correctional Placement Residence, Limited.
 - Removed Permitted Use in Office Commercial, Light Commercial, and Heavy Commercial.
 - Changed Permitted Use to Conditional Use in Light Industrial District and Heavy Industrial District.
- Correctional Placement Residence, General.
 - Removed Permitted Use in Light Commercial and Heavy Commercial.
 - Changed Permitted Use to Conditional Use in Light Industrial District and Heavy Industrial District.
- Day Care, Limited.
 - Added Permitted Use in Single-Family Zero Lot Line District.
 - Removed Permitted Use in Light Commercial District, Heavy Commercial District, and Light Industrial District.
 - Removed Conditional Use in Heavy Industrial District.
- Day Care, General.
 - Removed Conditional Use in Single-Family Suburban District, Single-Family District, and Heavy Industrial District.
 - Changed Permitted Use to Conditional Use in Multi-Family Apartment District.
 - Removed Permitted Use in Heavy Commercial District and Light Industrial District.
- Day Reporting Center.
 - Removed the word “Care” from Use Type.
- Golf Course.
 - Removed Permitted Use in Manufactured Home District, Light Commercial District, Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Hospital.
 - Added Conditional Use in Single-Family Suburban District.
 - Added Permitted Use in Multi-Family Four District and Office Commercial District. Removed Permitted Use in Manufactured Home District, Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Library.
 - Removed Permitted Use in Single-Family Suburban District, Manufactured Home District, Office Commercial District, Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
 - Added Permitted Use in Single-Family Zero Lot Line District.
- Neighborhood Swimming Pool.
 - Added Conditional Use in Single-Family Zero Lot Line District and Tiny Home District.

- Removed Conditional Use in Office Commercial District, Light Commercial District, and Heavy Commercial District.
- Nursing Facility.
 - Added Conditional Use in Multi-Family Four District, and Permitted Use in Office Commercial District.
 - Removed Permitted Use in Light Commercial District, Heavy Commercial District, and Light Industrial District.
 - Removed Conditional Use in Heavy Industrial District.
- Parks and Recreation.
 - Added Permitted Use in Single-Family Zero Lot Line District, Tiny Home District, and Hotel and Motel Commercial District.
- Recycling Collection Facility, Private.
 - Added Permitted Use in Hotel and Motel Commercial District.
- Recycling Collection Facility, Public.
 - Removed Permitted Use in Light Commercial District.
- Recycling Processing Center.
 - Removed Permitted Use in Heavy Commercial District.
- Renewable Energy System.
 - Added Use Type to Use Chart.
- Reverse Vending Machine.
 - Removed Permitted Use in Light Commercial District and Heavy Commercial District.
- Safety Service.
 - Removed Conditional Use in Manufactured Home District and Office Commercial District.
 - Added Conditional Use in Hotel and Motel Commercial District.
- School, Elementary, Middle, & High.
 - Added Conditional Use in Single-Family Zero Lot Line District.
 - Changed Conditional Use to Permitted Use in Two-Family District and Multi-Family Four District.
 - Added Permitted Use in Multi-Family Apartment District.
 - Removed Conditional Use in Manufactured Home District.
- University or College.
 - Added Conditional Use in Single-Family Suburban District, Single-Family District, Single-Family Zero Lot Line District, and Two-Family District,
 - Added Permitted Use in Multi-Family Four District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Utility, major.
 - Added Conditional Use in Single-Family Zero Lot Line District, Tiny Home District, and Hotel and Motel Commercial District.
- Utility, minor.
 - Added Permitted Use in Single-Family Zero Lot Line District, Tiny Home District, and Hotel and Motel Commercial District.
- Adult Entertainment Establishment.
 - Added use to the Use Chart to replace Sexually Oriented Business. It is not allowed in any districts.
- Animal Care, Limited.
 - Added Permitted Use in Office Commercial District.
- Animal Care, General.

- Added Conditional Use in Office Commercial District. Removed Conditional Use in Light Commercial District.
- Bed and Breakfast Inn.
 - Added Conditional Use in Single-Family Zero Lot Line District.
 - Added Permitted Use in Hotel and Motel Commercial District.
 - Removed Conditional Use in Two-Family District and Multi-Family Four District.
 - Removed Permitted Use in Office Commercial District and Heavy Commercial District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Car Wash.
 - Added Permitted Use in Hotel and Motel Commercial District.
 - Added Conditional Use in Office Commercial District
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Construction Sales and Service.
 - Added Conditional Use in Office Commercial District.
 - Removed Permitted Use in Light Commercial District.
- Convenience Store.
 - Added Conditional Use in Multi-Family Apartment District.
 - Added Permitted Use in Hotel and Motel Commercial District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Entertainment Establishment.
 - Added Conditional Use in Multi-Family Apartment District.
 - Added Permitted Use Hotel and Motel Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Event Center.
 - Added Conditional Use in Multi-Family Apartment District.
 - Added Permitted Use in Hotel and Motel Commercial District and Office Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Farmer's Market.
 - Added Permitted Use in Single-Family Suburban District.
 - Added Conditional Use in Single-Family District and Office Commercial District.
 - Removed Permitted Use in Light Commercial District.
- Funeral Home.
 - Added Permitted Use in Office Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Heliport.
 - Added Conditional Use in Single-Family Suburban District.
 - Removed Conditional Use in Multi-Family Apartment District, Office Commercial District, and Light Commercial District.
- Hotel or Motel.
 - Changed Permitted Use to Conditional Use in Light Commercial.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Kennel, Hobby.
 - Added Conditional Use in Office Commercial.
 - Added Permitted Use in Light Commercial.
- Kennel, Boarding/Breeding/Training.

- Added Conditional Use in Office Commercial.
 - Added Permitted Use in Light Commercial.
- Marine Facility, Recreational.
 - Added Conditional Use in Single-Family Suburban District.
 - Removed Permitted Use in Multi-Family Apartment District and Light Commercial District.
- Medical Service.
 - Changed Permitted Use to Conditional Use in Light Commercial District and Multi-Family Apartment District.
- Microbrewery.
 - Added Conditional Use in Single-Family Suburban District.
 - Removed Permitted Use in Hotel and Motel Commercial District and Office Commercial District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Mobile Food Unit.
 - Added Permitted Use in Hotel and Motel Commercial District and Office Commercial District.
 - Changed Conditional Use to Permitted Use in Light Commercial District.
- Monument Sales.
 - Added Conditional Use in Office Commercial District.
 - Removed Conditional Use in Light Commercial District.
- Nightclub.
 - Added Conditional Use in Multi-Family Apartment District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Nurseries and Garden Centers.
 - Added Conditional Use in Office Commercial District.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Office, General.
 - Changed Permitted Use to Conditional Use in Light Commercial District.
- Parking Area and/or Accessory Drive, Ancillary.
 - Added Conditional Use in Single-Family Zero Lot Line District and Tiny Home District.
- Pawnshop.
 - Added Conditional Use in Office Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Personal Care Service.
 - Added Conditional Use in Multi-Family Apartment District.
 - Changed Permitted Use to Conditional Use in Office Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Personal Improvement Service.
 - Added Conditional Use in Multi-Family Apartment District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Printing and Copying, Limited.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Printing and Publishing, General.
 - Changed Conditional Use to Permitted Use in Office Commercial District.

- Recreation and Entertainment, Indoor.
 - Added Conditional Use in Multi-Family Apartment District.
 - Added Conditional Use in Office Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Recreation and Entertainment, Outdoor.
 - Added Permitted Use in Single-Family Suburban District.
 - Added Conditional Use in Hotel and Motel Commercial District.
 - Removed Conditional Use in Light Commercial District.
- Recreational Vehicle Campground.
 - Added Permitted Use in Single-Family Suburban District and Light Industrial District.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District.
 - Added Permitted Use in Light Industrial District and Heavy Industrial District.
 - Added “Solid screening required when adjacent to less intensive zoning district,” to the Conditions to protect residential districts.
- Restaurant.
 - Added Conditional Use in Multi-Family Apartment District.
 - Removed Permitted Use in Office Commercial District, Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Retail, General.
 - Added Conditional Use in Multi-Family Apartment District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Rodeo.
 - Added Conditional Use in Single-Family Suburban District.
- Second Hand Store.
 - Added Conditional Use in Office Commercial District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Commercial District.
- Service Station.
 - Added Permitted Use in Hotel and Motel Commercial District.
 - Added Conditional Use in Office Commercial District.
 - Removed Permitted Use in Light Commercial District.
 - Removed the phrase “Provided related parts and accessory sales with...included, as follows” from the Conditions for clarity.
- Removed Sexually Oriented Business from the Use Chart. It is replaced with Adult Entertainment Establishment.
- Short-term Residential Rental.
 - Added Permitted Use in Tiny Home District, Multi-Family Four District, and Multi-Family Apartment District.
- Deleted a blank row in the Use Chart.
- Tavern or Drinking Establishment.
 - Added Conditional Use in Multi-Family Apartment District.
 - Removed Permitted Use in Office Commercial District, Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Teen Club.
 - Added Conditional Use in Multi-Family Apartment District.
 - Removed Permitted Use in Heavy Commercial District, Light Industrial District, and Heavy Industrial District.
- Vehicle and Equipment Sales, Outdoor.

- Removed Conditional Use in Light Commercial District.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District.
 - Removed the phrase “properly drained hard or” for redundancy.
- Vehicle Repair, Limited.
 - Removed Permitted Use in Light Commercial District.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District.
- Vehicle Repair, General.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District.
- Vocational School.
 - Removed Permitted Use in Office Commercial District and Light Commercial District.
- Warehouse, Self-Service Storage.
 - Removed Conditional Use in Light Commercial District.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District and Light Industrial District.
- Asphalt or Concrete Plant, Limited.
 - Added Conditional Use in Single-Family District, Single-Family Zero Lot Line District, and Tiny Home District.
 - Changed Permitted Use to Conditional Use in Two-Family District, Multi-Family Four District, and Manufactured Home District.
 - Added Permitted Use in Hotel and Motel Commercial District.
- Asphalt or Concrete Plant, General.
 - Removed Conditional Use in Light Commercial District and Heavy Commercial District.
- Basic Industry.
 - Added Conditional Use in Light Industrial District.
- Construction Burn Site, Limited.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District.
- Construction Burn Site, General.
 - Removed Conditional Use in Light Industrial District.
 - Changed Permitted Use to Conditional Use in Heavy Industrial District.
- Freight Terminal.
 - Changed Permitted Use to Conditional Use in Light Industrial District.
- Gas and/or Fuel Storage and Sales
 - Removed Conditional Use in Heavy Commercial District.
 - Changed Permitted Use to Conditional Use in Light Industrial District.
- Landfill.
 - Removed Conditional Use in Light Industrial District.
- Manufacturing, Limited.
 - Removed Conditional Use in Single-Family Suburban District.
 - Added Conditional Use in Office Commercial District.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District and Light Industrial District.
- Manufacturing, General.
 - Removed Conditional Use in Single-Family Suburban District.
 - Changed Permitted Use to Conditional Use in Heavy Commercial District.
- Mining or Quarrying.
 - Added Conditional Use in Single-Family Zero Lot Line District, Tiny Home District, Manufactured Home District, and Hotel and Motel Commercial District.
- Oil and Gas Drilling.
 - Added Conditional Use in Single-Family Zero Lot Line District, Tiny Home District, Manufactured Home District, and Hotel and Motel Commercial District.

- Research Services.
 - Removed Permitted Use in Heavy Commercial District.
- Storage, Outdoor.
 - Removed “as a Principal Use” from the Use Type.
 - Removed Permitted Use in Heavy Commercial District.
 - Changed Permitted Use to Conditional Use in Light Industrial District.
 - Removed the phrase “and no inoperable vehicle storage for more than 45 days.”
- Transfer Station.
 - Removed Conditional Use in Light Industrial District.
- Vehicle Storage Yard.
 - Removed Conditional Use in Heavy Commercial District.
 - Reworded concluding phrase of the Conditions to read: “Storage of inoperable vehicles (45 days) is not allowed,” for clarity.
- Warehousing.
 - Removed Permitted Use in Heavy Commercial District.
- Agriculture.
 - Added Permitted Use in Single-Family Zero Lot Line District, Tiny Home District, and Hotel and Motel Commercial District.
- Agriculture Processing.
 - Fixed the misspelling of “Agriculture.”
 - Removed Permitted Use in Light Industrial District.
- Agriculture Research.
 - Removed Permitted Use in Light Commercial District.
- Agriculture Sales and Service.
 - Removed Conditional Use in Single-Family Suburban District.
 - Removed Permitted Use in Light Commercial District.
- Grain Storage.
 - Removed Conditional Use in Light Commercial District and Heavy Commercial District.

Summary of Major Changes:

- General formatting changes.
- Designated appropriate uses for the Single-Family Zero Lot Line District, Tiny Home District, and Office Commercial District.
- Created a more restrictive Light Commercial District suitable for neighborhood commercial uses.
- Created a more restrictive Heavy Commercial District suitable for general commercial and unobtrusive manufacturing and industrial uses.
- Expanded the Multi-Family Apartment District to allow for some mixed-use.

Attached is a draft of the proposed changes to the Zoning Code.

PUBLIC REVIEW

The public hearing notice was published on November 19, 2024. Any written record of the comments received as of December 6, 2024, are attached. Comments received after this date will be distributed at the meeting.

ATTACHMENTS

Recommended Text Amendment - Redlined
 Recommended Text Amendment - Clean

Copy of the Public Hearing Notice

COMMENTS

There were no comments.

the spirit and intent of this chapter as a guide.

202 DEFINITIONS

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

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

~~Accessory use or structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to in purpose or size to a principal use or structure.~~
Accessory Structure and Accessory Use. Means a Use or Structure that is subordinate to and serves a Principal Use or Structure; is subordinate in purpose to the Principal Use or Structure served; contributes to the comfort, convenience or necessity of occupants of the Principal Use or Structure served; and is located on the same Zoning Lot as the Principal Use. Accessory structure including below grade substructure, must not be located in easements and may not block drainage.

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

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

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

Agricultural Processing. Means initial processing of agricultural products that is reasonably

required to take place in close proximity to the site where they are produced. Typical uses include sawmills and packinghouses. Slaughterhouses are specifically excluded from this definition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Barndominium. Open concept building with a large square footage, typically “post and beam” construction.

~~Barndominium. Open concept building with large square footage, typically “post and beam” construction.~~

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

incineration, reduction or dumping; glue manufacture; gas manufacture; and petroleum refineries.

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

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

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

Board of Zoning Appeals. Shall mean the board of zoning appeals.

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

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

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

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

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

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

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

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

open porches, entrances or like appendages.

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

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

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

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

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

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

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

Commission. The city of Haysville Planning Commission.

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

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

Construction Burn Site, General. A location where clean tree waste that is created as a result of accepted construction industry practices of clearing a property prior to development, or as a result of a construction project, such as the installation, replacement, or repair of sewer, water, drainage, paving, or other similar development activities, is permitted to be burned

under controlled circumstances four or more times a year. Clean tree waste is defined as trunks, branches and attached leaves of woody perennial plants typically characterized by a main or multiple trunks that support branches and leaves. Lumber, sheet rock, yard waste, insulation, or other material normally disposed of at a construction and demolition, or municipal solid waste landfill is not permitted to be burned or disposed of at a [construction commercial](#) burn site. Construction burn site, general does not include a construction and demolition or a municipal solid waste landfill.

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

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

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

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

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

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

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

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

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

minimum dimension measured at right angles to its width.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Garage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hazardous Operations. Means activities that present serious hazards to human life and

health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal, and radioactive waste handling.

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

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

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

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

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

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

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

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

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

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

arranged to produce an aesthetically pleasing effect.

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

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

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

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

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

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

Through lot. A lot, ~~other than not~~ a corner lot, ~~with frontage on more than one street.~~ two parallel or approximately parallel streets.

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

TABLE: LOT TYPES

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

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

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

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

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

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

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

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

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

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

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

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

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

production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, rubber and plastics products manufacturing, tobacco products manufacturing and toy manufacturing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nurseries and Garden Centers. ~~A place of business where retail and wholesale products and produce are sold to the customer. These centers, which may include a nursery and/or~~

greenhouses, and may include plants, nursery products and stock, and other garden and farm variety tools and utensils.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for the collection, sorting, and distribution of mail within several zip code areas and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

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

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

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

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

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

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

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

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

being scattered by wind.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

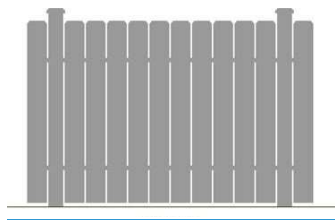
Salvage material. Means material, including but not limited to, scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, playground equipment, old or used machinery of any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

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

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

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

Figure 2-2
Example of 90% Opacity of Screening



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

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

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

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

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

Setback, rear. Means a Setback that is to extend across the full width of a Lot, the required depth of which is measured as the minimum horizontal distance between the rear Lot Line and a line parallel thereto on the Lot.

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

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

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

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

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

or roadway, vegetation or intensity of traffic volumes or speed. At street intersections, which are provided automatic traffic signalization, the Administrative Committee may modify or waive the sight triangle restrictions. The Zoning Administrator or City Inspector shall determine, upon request, the location of any sight triangle. (Code 2023)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Utility, Major. Means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam,

communication, rail transportation, water, sewage collection or other similar service. The term Utility, Major shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities, communication switching facilities that are accompanied by office

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

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

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

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

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

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

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

Vehicle, Passenger. ~~M~~means a Motor Vehicle that is designed primarily to carry ten or fewer

passengers, and that is not used as a Commercial Vehicle.

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

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

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

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

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

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

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

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

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

Wireless Communication Facility. Means a Lot containing equipment at a fixed location that enables wireless communications between user equipment and a

communications network, including, but not limited to: (A) a wireless support structure consisting of a freestanding support structure, such as a monopole, guyed, or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities; (B) a base station that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics; (C) equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and/or (D) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

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

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

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

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

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

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

ARTICLE 3. GENERAL REGULATIONS

300 BASE DISTRICTS

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

Article 4. Zoning Districts.

400. USE CHART; PERMITTED AND CONDITIONAL USES

P = Permitted Use C = Conditional Use

Use Type	Zoning Districts												Conditions
	SF15	SFZ	STH	STF	MFA4	MFA	MFM	HOH	OC	LC	LC	LHI	
Residential													
Single-Family	P	P	P	P	P	P	P	P					
Two-Family				P	P	P							
Three and Four-Family				C	P	P							
Multi-Family				C	C	P							
Manufactured Home	P	P	P				P						
Manufactured Home Subdivision							P						
Manufactured Home Park							P						
Accessory Apartment	C	C						C	C	C	C	C	C
Assisted Living	C	C		C	C	P	C	P	C	P	P		
Group Home	P	P		P	P	P	P	P	C	P	P		
Group Residence, Limited	C	C		C	C	P		P	P	P			
Group Residence, General						C			P	P			
Public and Civic													
Auditorium or Stadium									C	P	P	P	P
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C
Church or Place of Worship	C	C		C	C	C	C		P	P	P	P	
Community Assembly	C	P	P	P	P	P	C		P	C	P	P	P
Correctional Facility												C	CP
Correctional Placement Residence, Limited								P	P	P	C	P	CP
Correction Placement Residence, General									P	P	C	P	CP
Day Care, Limited	P	P	P	P	P	P	P	P	P	P	P	P	C
Day Care, General	C	C		C	C	C	C	P	P	P	P	P	C
Day Care Reporting Center												C	C
Golf Course	P	P		P	P	P	P		P	P	P	P	P
Government Service	C	C		C	C	C	C	C	P	P	P	P	P
Hospital	C			P	P	P	P	P	C	P	P	P	P
Library	P	P	P	P	P	P	P	P	P	P	P	P	P
Neighborhood Swimming Pool	C	C	C	C	C	C	C	C	C	C	C	C	C
Nursing Facility									P	P	P	P	C
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P
Recycling Collection Station, Private	P	P		P	P	P	P	P	P	P	P	P	P
Recycling Collection Station, Public									P	P	P		P
Recycling Processing Center											P	P	P
Renewable Energy System													
Reverse Vending Machine									P	P	P	P	P
Safety Service	C	C		C	C	C	C	C	P	P	P	P	P
School, Elementary, Middle & High	P	C	C	P	P	P	C						
University or College	C	C	C	C	P	P	C		C	P	P	P	P
Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P

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

Use Type	Zoning Districts											Conditions		
	S	S	S	T	T	M	M	H	O	L	H		L	H
	1	5	F	Z	H	F	F	A	M	C	C		C	I
Commercial														
Adult Entertainment Establishment														
Airport or Airstrip													C	C
Animal Care, Limited									P	P	P	P	P	P
Animal Care, General									C	E	P	P	P	P
Automated Teller Machine									P	P	P	P	P	P
Bank or Financial Institution									P	P	P	P	P	P
Bed and Breakfast Inn	C	C	C	C	C	C	C	C	P	P	C	P		
Broadcast/Recording Studio									P	P	P	P	P	P
Car Wash									P	C	C	P	P	P
Construction Sales and Service										C				
Convenience Store									P	C	P	P	P	P
Entertainment Establishment									C	P	P	P	P	P
Event Center									C	P	P	P	P	P
Farmer's Market	P	C							C	P	P	P	P	P
Funeral Home									P	P	P	P	P	P
Heliport	C								C	E	C	C	C	C
Hotel or Motel									P	C	P	P	P	P
Kennel, Hobby									C		P	P	P	P
Kennel, Boarding/Breeding/Training									C		P	P	P	P
Marine Facility, Recreational	C								P	P	P	P	P	P
Medical Service									PC	P	C	P	P	P
Microbrewery	C								P	P	CP	P	P	P
Mobile Food Unit									P	P	E	P	P	P
Monument Sales									C	E	P	P	P	P
Nightclub									C	P	P	P	P	P
Nurseries and Garden Centers										C	C	P	P	P
Office, General										P	C	P	P	P
Parking Area and/or Accessory Drive, Ancillary	C	C	C	C	C	C	C	C						
Parking Area, Commercial										C	C	C	C	C
Pawnshop										C	P	P	P	P
Personal Care Service									C	CP	P	P	P	P
Personal Improvement Service									C	P	P	P	P	P
Post Office Substation										P	P	P	P	P
Printing and Copying, Limited										P	P	P	P	P
Printing and Publishing, General										PG	C	P	P	P
Recreation and Entertainment, Indoor									C	C	P	P	P	P
Recreation & Entertainment, Outdoor	P									E	P	P	P	P
Recreational Vehicle Campground	C									E	CP	P	P	P
Restaurant									C	P	P	P	P	P
Retail, General									C	P	P	P	P	P
Riding Academy or Stable	C										P	P	P	P
Rodeo	C										P	P	P	P
Secondhand Store										C	P	P	P	P
Service Station										C		P	P	P
Sexually Oriented Business														
Short-term Residential Rental	P	P	P	P	P	P	P							Permit required.
Tavern and Drinking Establishment									C	P	P	P	P	P
Teen Club									C	P	P	P	P	P

Vehicle and Equipment Sales, Outdoor																		Provided all vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on an properly drained hard all-weather surface; and loading/unloading of vehicles takes place off of public streets.
Vehicle Repair, Limited																		
Vehicle Repair, General																		Provided no inoperable vehicle storage for more than 45 days.
Vocational School																		
Warehouse, Self-Service Storage																		
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Use Type	Zoning Districts													Conditions		
	S	F	S	S	T	T	M	M	H	O	L	H	L		H	
	1	5	F	Z	H	F	4	A	H	C	C	C	I		I	
Industrial, Manufacturing and Extractive																
Asphalt or Concrete Plant, Limited	C	C	C	C	C	C	C	C	C	P	P	P	P	P		
Asphalt or Concrete Plant, General																
Basic Industry																
Construction Burn Site, Limited																
Construction Burn Site, General																
Freight Terminal																
Gas and/or Fuel Storage and Sales																
Hazardous Operations																
Landfill																
Manufacturing, Limited	C															Provided all manufacturing is conducted wholly within a completely enclosed building.
Manufacturing, General	C															Provided all manufacturing is conducted wholly within a completely enclosed building.
Mining or Quarrying	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Oil and Gas Drilling	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Research Services																
Rock Crushing	C	C														
Solid Waste Incinerator	C	C														
Storage, Outdoor, as a Principal Use																Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway, and no inoperable vehicle storage for more than 45 days.
Transfer Station																
Vehicle Storage Yard																Outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway. Storage of, and no inoperable vehicles (45 days) storage is not allowed for more than 45 days.
Warehousing																
Welding or Machine Shop																Provided if this use abuts residential, the area is screened by a minimum six-foot-tall opaque screen.
Wholesale or Business Services																
Wrecking/Salvage Yard																
Agricultural																
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture Agriculture Processing																
Agriculture Research	C															
Agriculture Sales and Service	C															
Grain Storage																

the spirit and intent of this chapter as a guide.

202 DEFINITIONS

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

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

Accessory Structure and Accessory Use. Means a Use or Structure that is subordinate to and serves a Principal Use or Structure; is subordinate in purpose to the Principal Use or Structure served; contributes to the comfort, convenience or necessity of occupants of the Principal Use or Structure served; and is located on the same Zoning Lot as the Principal Use. Accessory structure including below grade substructure, must not be located in easements and may not block drainage.

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

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

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

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

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

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

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

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

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

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

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

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

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

Asphalt or Concrete Plant, Limited. Means a temporary establishment engaged in the

manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products for use on a government funded construction project.

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

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

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

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

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

Barndominium. Open concept building with a large square footage, typically “post and beam” construction.

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

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

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

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

Board of Zoning Appeals. Shall mean the board of zoning appeals.

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

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

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

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

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

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

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

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

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

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

Class "A" Club. A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal

or war veterans' club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them. No memberships required.

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

Commission. The city of Haysville Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Garage.

Private garage. An accessory structure or portion of a main building for the parking and temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not occupants of the premises; (b)

not more than one commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed 26,000 pounds gross vehicle weight rating.

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

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

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

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

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

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

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

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

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

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

Group Residence, Limited. A group residence that is occupied by six to fifteen persons,

including staff members who reside in the facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Through lot. A lot, other than a corner lot, with frontage on two parallel or approximately parallel streets.

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

TABLE: LOT TYPES

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

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

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

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

Lot of record. A lot or portions of one or more lots which are a part of a subdivision, the map

of which has been recorded in the Office of the Register of Deeds in Sedgwick County or a plot described by metes and bounds, the description of which has been recorded in the Office of the Register of Deeds of Sedgwick County.

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

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

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

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

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

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

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

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

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

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

Medical Service. Means an establishment providing therapeutic, preventive, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical laboratories.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for the collection, sorting, and distribution of mail within several zip code areas and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

enclosed within the machine.

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

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

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

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

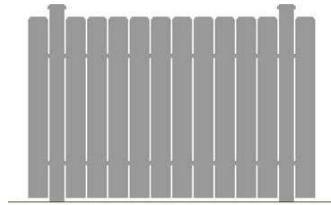
Salvage material. Means material, including but not limited to, scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, playground equipment, old or used machinery of any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

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

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

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

Example of 90% Opacity of Screening



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

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

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

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

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

Setback, rear. Means a Setback that is to extend across the full width of a Lot, the required depth of which is measured as the minimum horizontal distance between the rear Lot Line and a line parallel thereto on the Lot.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

square feet in size.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

storage of their household goods or personal property.

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

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

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

Wireless Communication Facility. Means a Lot containing equipment at a fixed location that enables wireless communications between user equipment and a communications network, including, but not limited to: (A) a wireless support structure consisting of a freestanding support structure, such as a monopole, guyed, or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities; (B) a base station that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics; (C) equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and/or (D) radio transceivers, antennas, coaxial or fiber- optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

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

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

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

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

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

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

ARTICLE 3. GENERAL REGULATIONS

300 BASE DISTRICTS

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

Districts will be divided as follows:

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

301 DISTRICT MAP ADOPTED

A. Boundaries of the zoning districts set out in Section 300 are hereby established as shown on the map designated as the official zoning map. The map and all the notations, references and information shown thereon are hereby made as much a part of this chapter as if the same were set forth in full herein. It shall be the duty of the city clerk to keep in file in his or her office an authentic copy of the map, all charges, amendments or additions thereto, and duplicate copies thereof shall be kept on file in the zoning office.

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

C. When the streets or alleys on the ground differ from the streets or alleys as shown on the zoning district map, the zoning administrator may apply the district designations on the map to the streets and alleys on the ground in such manner as to conform to the intent and purpose of the zoning regulations.

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

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

Article 4. Zoning Districts.

400. USE CHART; PERMITTED AND CONDITIONAL USES

P = Permitted Use C = Conditional Use

Use Type	Zoning Districts														Conditions
	S	S	T	T	M	M	H	O	L	L	H				
	1	S	F	T	F	F	M	O	L	L	H				
	5	F	Z	H	F	4	A	H	C	C	C	C	I	I	
	Residential														
Single-Family	P	P	P	P	P	P	P	P							
Two-Family					P	P	P								
Three and Four-Family					C	P	P								
Multi-Family					C	C	P								
Manufactured Home	P	P	P				P								
Manufactured Home Subdivision							P								
Manufactured Home Park							P								
Accessory Apartment	C	C							C	C	C	C	C	C	
Assisted Living	C	C			C	G	P		P	C					
Group Home	P	P			P	P	P		P	C					
Group Residence, Limited	C	C			C	C	P		P	P	P				
Group Residence, General							C				P	P			
	Public and Civic														
Auditorium or Stadium							C		C	P	P				
Cemetery	C	C									C	C	C	C	
Church or Place of Worship	C	C													
Community Assembly	C	P	P		P	P	P		P	C					
Correctional Facility													C	C	
Correctional Placement Residence, Limited													C	C	
Correction Placement Residence, General													C	C	
Day Care, Limited	P	P	P		P	P	P		P						
Day Care, General					C	C	C		P	P					
Day Reporting Center													C	C	
Golf Course	P	P			P	P	P								
Government Service	C	C			C	G	C		C	P	P	P	P	P	
Hospital	C				P	P			P	C					
Library		P	P		P	P	P			P					
Neighborhood Swimming Pool	C	C	C	C	C	C	C								
Nursing Facility					C	P			P						
Parks and Recreation	P	P	P	P	P	P	P		P	P	P	P	P	P	
Recycling Collection Station, Private	P	P			P	P	P		P	P	P	P	P	P	
Recycling Collection Station, Public												P	P	P	
Recycling Processing Center													P	P	Provided any operation that is not entirely conducted within an enclosed building shall be required to place all items stored on an all-weather surface and must be screened from adjacent properties and any public roadway.
Renewable Energy System															
Reverse Vending Machine													P	P	
Safety Service	C	C			C	C	C		C	P	P	P	P	P	
School, Elementary, Middle & High	P	C	C		P	P	P								
University or College	C	C	C		C	P	P					C			
Utility, Major	C	C	C	C	C	C	C		C	C	C	C	C	C	
Utility, Minor	P	P	P	P	P	P	P		P	P	P	P	P	P	

Use Type	Zoning Districts													Conditions	
	S	S	S	T	M	M	H	O	L	H	L	H			
	1	5	F	Z	H	F	4	A	H	C	C	C	I		
	Commercial														
Adult Entertainment Establishment															
Airport or Airstrip														C	C
Animal Care, Limited									P	P	P	P	P		
Animal Care, General									C		P	P	P		
Automated Teller Machine									P	P	P	P	P		
Bank or Financial Institution									P	P	P	P	P		
Bed and Breakfast Inn	C	C	C					C	P		C				
Broadcast/Recording Studio									P	P	P	P	P		
Car Wash									P	C	C	P	P		
Construction Sales and Service										C		P	P	P	Provided materials and equipment are prohibited in the front setback, all material on premises of the outside storage area shall be located on a hard or all-weather surface and arranged to permit reasonable inspection and access to all parts of the premises by fire, police, and city authorities and must be screened from adjacent properties. Rock, decorative pavers or statues, and any live plant materials shall not require all weather surface but shall be kept in an orderly manner and must still meet screening requirements.
Convenience Store								C	P	P	C	P	P	P	
Entertainment Establishment								C	P	P	P				
Event Center								C	P	P	P				
Farmer's Market	P	C							C		P	P	P		
Funeral Home									P	P					
Heliport	C										C	C	C		
Hotel or Motel									P		C				
Kennel, Hobby										C		P	P	P	
Kennel, Boarding/Breeding/Training										C		P	P	P	
Marine Facility, Recreational	C										P	P	P		
Medical Service								C		P	C	P	P	P	
Microbrewery	C										C	P	P	P	
Mobile Food Unit									P	P	P	P	P	P	
Monument Sales										C		P	P	P	
Nightclub								C	P		P				
Nurseries and Garden Centers										C	C	P	P	P	
Office, General									P	C	P	P	P		
Parking Area and/or Accessory Drive, Ancillary	C	C	C	C	C	C	C	C							
Parking Area, Commercial										C	C	C	C	C	
Pawnshop										C	P				
Personal Care Service								C		C	P				
Personal Improvement Service								C		P	P				
Post Office Substation										P	P	P	P	P	
Printing and Copying, Limited										P	P				
Printing and Publishing, General										P	C	P	P	P	
Recreation and Entertainment, Indoor								C		C	P				
Recreation & Entertainment, Outdoor	P								C			P	P	P	
Recreational Vehicle Campground	C										C	P	P		Solid screening required when adjacent to less intensive zoning district.
Restaurant								C	P		P				
Retail, General								C	P	P	P				
Riding Academy or Stable	C										P	P	P		
Rodeo	C											P	P	P	
Secondhand Store										C	P				
Service Station									P	C		P	P	P	Outside storage of recyclable materials: i. Liquids, not to exceed one 300-gallon drum; ii. Tires, to be stored in a container not to exceed 100 cu. ft. located at least 18" off the ground; and iii. Scrap metal, to be in a container not to exceed 100 cu. ft.
Short-term Residential Rental	P	P	P	P	P	P	P								Permit required.
Tavern and Drinking Establishment								C	P		P				
Teen Club								C	P		P				
Vehicle and Equipment Sales, Outdoor												C	P	P	Provided all vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on an all-weather surface; and loading/unloading of vehicles takes place off of public streets.
Vehicle Repair, Limited												C	P	P	
Vehicle Repair, General												C	P	P	Provided no inoperable vehicle storage for more than 45 days.
Vocational School												P	P	P	
Warehouse, Self-Service Storage												C	C	P	
Wireless Communication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Use Type	Zoning Districts													Conditions	
	S 1 5	F S F	S F Z	T H F	T F 4	M F 4	M F A	M M H	H C	O C	L C	H C	L I		H I
Industrial, Manufacturing and Extractive															
Asphalt or Concrete Plant, Limited	C	C	C	C	C	C	C	C	P	P	P	P	P	P	
Asphalt or Concrete Plant, General														P	
Basic Industry														C	P
Construction Burn Site, Limited														C	P
Construction Burn Site, General															P
Freight Terminal														C	P
Gas and/or Fuel Storage and Sales														C	P
Hazardous Operations															C
Landfill															C
Manufacturing, Limited										C	C	P	P	P	Provided all manufacturing is conducted wholly within a completely enclosed building.
Manufacturing, General														P	Provided all manufacturing is conducted wholly within a completely enclosed building.
Mining or Quarrying	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Oil and Gas Drilling	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Research Services														P	P
Rock Crushing	C	C			C	C	C			C	C	C	C	C	
Solid Waste Incinerator	C	C			C	C	C			C	C	C	C	C	
Storage, Outdoor														C	P
Transfer Station															C
Vehicle Storage Yard														C	C
Warehousing														P	P
Welding or Machine Shop													P	P	P
Wholesale or Business Services													P	P	P
Wrecking/Salvage Yard															
Agricultural															
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture Processing															P
Agriculture Research	C														P
Agriculture Sales and Service													P	P	P
Grain Storage														P	P

Return
To
Agenda

November 18, 2024	Ordinance	#1133 - Maximum Speed Limits Within the City
November 18, 2024	Ordinance	#1130 - Ordinance Amending Chapter 12, Article 1, Section 115
November 19, 2024	Public Hearing	Text Amendment to Zoning Regulations, Chapter 16 - December 12, 2024

Type	Definition
Ordinance	Comprise the body of local Haysville law which governs the management of local affairs, the conduct of persons, the use of property, and other matters on which the City of Haysville government exercises its power. General ordinances remain in effect until repealed by another ordinance.
Resolution	Less formal than ordinances. Generally used when (1) required by State statute, (2) when the formality or permanency of an ordinance is not required, (3) when a separately written record is advisable, or (4) when there is doubt that a simple motion of the Governing Body, recorded in the Governing Body minutes, is not sufficient.
Public Hearing	A formal public hearing held in order to receive testimony from all interested parties - including the general public - on a proposed issue or action.
Other Legal Notices	Financial reports, specific meeting agendas, and any other item that does not fit within the previous three categories but still requires publication.

[Archived Notices](#)

Great Things are Happening in Haysville!



[Home](#) | [Contact Us](#)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: On December 12, 2024, at 6 p.m. in the Council Chambers at City Hall, 200 W Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider a Text Amendment to the Haysville Municipal Code, Chapter 16. "Zoning Regulations," which includes but is not limited to updating or revising Article 2. "Interpretation, Construction, and Definitions," Section 202 "Definitions," and updating or revising Article 4. "Zoning Districts," Section 400 "Use Chart; Permitted and Conditional Uses." A copy of the proposed changes is available by request at the Haysville Municipal Building and on the city webpage.

Comments, both written and oral, will be heard by the Planning Commission at the time of the hearing. Comments can be submitted to: Attn. Planning Department, 200 W. Grand Ave, P.O. Box 404, Haysville, Kansas 67060 or by email to khogan@haysville-ks.com.

For additional information call 529-5900 or visit the City's website at www.haysville-ks.com.

(to be published November 21, 2024)



Haysville Planning Commission/Board of Zoning Appeals

2025 Meeting Schedule

2nd and 4th Thursday of the Month, 6:00 p.m.
Haysville City Hall, 200 W. Grand Ave.

Submission Deadline	Publication Date	Planning Commission	City Council
November 12, 2024	November 20, 2024	December 12, 2024	January 13
December 9	December 19	January 9	February 10
December 20	January 2	January 23	February 10
January 13	January 23	February 13	March 10
January 28	February 6	February 27	March 10
February 10	February 20	March 13	April 14
February 25	March 6	March 27	April 14
March 11	March 27	April 10	May 12
March 25	April 3	April 24	May 12
April 8	April 17	May 8	June 9
April 22	May 1	May 22	June 9
May 12	May 22	June 12	July 14
May 27	June 5	June 26	July 14
June 9	June 19	July 10	August 11
June 24	July 3	July 24	August 11
July 15	July 24	August 14	September 8
July 29	August 7	August 28	September 8
August 12	August 21	September 11	October 14
August 26	September 4	September 25	October 14
September 9	September 25	October 9	November 10
September 23	October 2	October 23	November 10
October 14	October 23	November 13	December 8
November 10	November 20	December 11	January 12, 2026

Submission Deadlines – All applications and required materials, including preliminary plats and property ownership lists, must be received by the City no later than 4 P.M. at 200 W. Grand, Haysville, Kansas on the deadline date.

Meeting/Public Hearing – All applications will be considered by the Planning Commission/BZA during a regular meeting. For those applications that require a public hearing, that hearing will be conducted during the regular meeting.

2025 Haysville Planning Commission Master Plan Review Calendar

January

February

Land Use Map

March

April

Bike/Pedestrian Plan
Park Plan

May

Historic Master Plan

June

Subdivision Regulations

July

Election of Officers

August

Bylaws
Zoning Regulations

September

South Meridian Corridor Plan

October

Comprehensive Plan

November

Capital Improvement Program

December

Closing Calendar
Master Plan Review Calendar



HAYSVILLE PLANNING COMMISSION & BOARD OF ZONING APPEALS BYLAWS

THE HAYSVILLE PLANNING COMMISSION HAS ADOPTED THE FOLLOWING BYLAWS FOR THE TRANSACTION OF BUSINESS AND HEARING PROCEDURES AS REQUIRED BY K.S.A. 12-741, ET. SEQ. The Planning Commission is hereby designated to also serve as the City's Board of Zoning Appeals, with all the powers and duties as provided for in K.S.A. 12-759

ARTICLE I MEMBERS

- A. MEMBERSHIP COMPOSITION. Membership of the Commission shall be as established by Section 1-605-606 of the Haysville City Code. The Haysville Planning Commission shall consist of seven (7) members who shall be appointed by the Mayor, with the consent of the City Council, in all respects as required by law. Five (5) members must be residents of the City of Haysville, and two (2) members must reside outside of the City, but within the City's zoning area of influence as designated in Haysville's current Comprehensive Plan. Appointment to a vacancy caused by the death, incapacity, resignation or disqualification of any Member of the Planning Commission shall be made for that Member's unexpired term.
- B. VACANCIES. Vacancies occurring other than through the expiration of the term shall be filled by appointment for the departing member's unexpired term.
- C. TERMS OF OFFICE. Members shall serve staggered three (3) year terms which shall expire on June 30 of the third year after appointment. Members may serve successive terms. At the end of the three year term, the member may be reappointed with the approval of the City council. Vacancies shall be filled for unexpired terms only. The terms of the two members residing outside of the City's corporate limits must not expire within the same year. Members shall take office on the first meeting of the Planning Commission in July.
- D. COMPENSATION. Commission members shall serve without compensation, except that all members shall be reimbursed for approved travelling expenses.
- E. ATTENDANCE. Regular attendance is an important responsibility of membership in order to maintain a quorum for voting. Members of the Planning Commission shall make it a regular practice to attend the full length of regular meetings, special meetings, and workshops. If, for any reason, a Commissioner cannot attend the scheduled meetings, it is the Commissioner's responsibility to notify the Secretary of the absence prior to the meeting. If a Planning Commissioner is absent from three consecutive meetings without notifying the Secretary prior to the meeting or is absent from 20 percent of the meetings with notification to the Secretary (approximately four times) in a calendar year, then upon a motion by the Planning Commission, the name of the Planning Commissioner will be forwarded to the Mayor for removal from the Planning Commission.

- F. REMOVAL. Planning Commissioners may be removed by the Mayor for failure to attend meetings, trainings and workshops; neglect of duty; or malfeasance in office

ARTICLE II
ORGANIZATION

- A. OFFICERS. The officers of the Commission shall be a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson, Vice-Chairperson and Secretary shall be elected by the Commission annually at its first meeting after July 1. Their term of office shall be one (1) year. The Planning and Zoning Administrator or his/her selected representative may serve as Secretary to the Commission.
 - 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Commission, appoint committees, decide all points of order and procedure, and perform other duties as may be assigned by the Planning Commission. The Chairperson retains his or her ability to discuss, make motions, and vote on issues before the Commission.
 - 2. VICE-CHAIRPERSON. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson. In the event the office of the Chairperson becomes vacant, the Vice Chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new Vice-Chairperson for the unexpired term at the next regular meeting. The Vice-Chairperson shall perform other duties as may be assigned by the Commission.
 - 3. CHAIRPERSON PRO TEM. When both the Chairperson and Vice-Chairperson are absent from a hearing or meeting, a Chairperson Pro Tem shall be elected from the remainder of the members of the Planning Commission by majority vote to perform the duties and responsibilities of the Chairperson.
 - 4. SECRETARY. The Secretary shall be responsible for keeping the minutes of the Planning Commission; sending agendas to members of the Planning Commission; carrying out written correspondence; maintaining the records of the Commission; and performing such other duties as the Planning Commission may require.
- B. COMMITTEES. The Planning Commission may establish committees as necessary to study, facilitate, and/or make recommendation of specific issues. Each establishment will include purpose, members, and presiding officer. No committee shall have more than four (4) planning commissioners appointed to it.

ARTICLE III
MEETINGS

- A. REGULAR MEETINGS. The Planning Commission shall meet at 6:00 p.m. on the second and fourth Thursday of every month at the Haysville Municipal Building when

needed. The Chairperson or Secretary may cancel a regular meeting with at least three (3) days prior notice for the following reasons:

1. It is determined that a quorum will not be present;
2. No subjects are scheduled for the agenda; or,
3. Other reasonable circumstances.

B. BOARD OF ZONING APPEALS (BZA) MEETINGS. BZA meetings take place as needed, at the same date, time, and location as Planning Commission meetings. Therefore, when the Commission must act as the Board of Zoning Appeals, the Planning Commission must recess by motion, the Chairperson must then open the BZA meeting, the BZA must act on their agenda items, the BZA must then adjourn by motion, and the Chairperson must then reconvene the Planning Commission by motion.

Unless otherwise decided by the Commission, the order of business must be as follows:

1. Roll call.
2. Approval of the agenda.
3. Approval of the minutes.
4. Public agenda.
5. Committee and staff reports.
6. Communications.
7. Public hearings (including BZA Meeting, if necessary).
8. Plats.
9. Screening plans.
10. Miscellaneous.
11. Adjournment.

C. SPECIAL MEETINGS. Special meetings can be held at any time and may be called by the Chairperson or upon request to the Secretary by at least two members of the Planning Commission. Special meetings are noticed official meetings and open to the public, during which the Planning Commission deliberates and may take votes on specific items. If a special meeting of the Commission is held because of an individual request, that individual shall pay the cost of advertising the meeting and administrative costs.

Notice of special meetings shall be given to the members of the Planning Commission at least twenty-four (24) hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act. No business shall be transacted at the meeting except such as is stated in the notice.

- D. WORKSHOPS/WORKING SESSIONS. Workshops or working sessions are noticed official meetings open to the public to discuss specific matters before the Commission. The intent of the working session is informational, and the Planning Commission may neither deliberate nor take a vote during the working session.
- E. JOINT MEETING. Joint meetings are noticed official meetings, open to the public, during which the City Council and Planning Commission discuss specific planning related matters. Neither the Planning Commission nor City Council may deliberate or take a vote during the meeting.
- F. MEETINGS HELD ELECTRONICALLY. Meetings of the Commission may be held electronically or by telephone when:
 - 1. The Chairperson or Vice-Chairperson has obtained written consent for this from a majority of the Planning Commission;
 - 2. Directed by the Mayor due to health or safety concerns;
 - 3. In the case of special meetings, when so directed by those calling the special meeting;

Electronic or telephone meetings shall be subject to all rules adopted by the Planning Commission to govern such meetings. Any such rules shall supersede any conflicting rules in the parliamentary procedures, but may not otherwise conflict with or alter any rule or decision of the Planning Commission.

- G. OPEN MEETINGS ACT. All meetings shall be open to the public and shall be compliant with the Kansas Open Meetings Act (KSA 75-4317 et seq)
- H. AGENDA. Agendas shall be transmitted electronically to the members of the Planning Commission at least three (3) days prior to the Planning Commission meeting. The agenda shall also be made available to the public and posted to the Planning Commission page on the City's website. The agenda may be updated and posted to the website by 5:00 PM on the meeting date.
- I. QUORUM. Four (4) members, a majority of the Commission, shall constitute a quorum for the transaction of business. The Commission shall assemble for all regularly scheduled meetings with a published agenda. If a quorum of the Commission is not present, no business shall be conducted and the matters for consideration shall be postponed to the next regularly scheduled Commission meeting. Further legal notifications or notification of surrounding property owners shall not be required for those cases postponed due to lack of a quorum.
- J. VOTING. Unless otherwise provided for in the state statutes, an affirmative vote of the majority of the members of the Planning Commission who are present and voting shall be necessary to authorize any action of the Commission. (At the passage of these by-laws, the only exceptions are in the cases of adopting and amending a comprehensive plan (KSA 12-747(b)), amending subdivision regulations (KSA 12-749(d)) and establishing or amending

a zoning ordinance (KSA 12-756(b).) When such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the City Council with an explanation of the failure to establish an official vote on the subject in question. All members, including the Chairman, shall have a vote and shall vote when present except that any member shall automatically not vote on any decision in which there might be a conflict of interest. All votes shall be taken by roll call.

- K. ABSTENTION. Members of the Planning Commission have a duty to vote unless they have an actual conflict of interest. Members may routinely abstain from voting upon the adoption of minutes from a prior meeting at which the member was not in attendance, or upon their own nomination to the office of Chairperson or Vice-Chairperson.
- L. PARLIAMENTARY PROCEDURE. All meetings of the Commission and of its committees shall be conducted in accordance with the current edition of Robert's Rules of Order Newly Revised.

ARTICLE IV MATTERS TO BE CONSIDERED

- A. ITEMS TO BE CONSIDERED. The Commission shall consider matters relating to the Comprehensive Plan, including zoning, subdivision, and other regulatory measures relating to the Comprehensive Plan and the physical development of the city and its area of influence. A specific list of matters to be considered by the Commission is as follows:
 - 1. Rezoning proposals, Conditional Use Permits, Special Use Permits, and Subdivision plats and associated requests for variances or vacations;
 - 2. Annexation proposals;
 - 3. Comprehensive Plan amendments or revisions;
 - 4. Text Amendments to adopted ordinances and resolutions;
 - 5. Capital Improvement Plans, and;
 - 6. Such other matters as City Staff may bring before the Commission or that the governing body may assign to the Commission or the Commission shall deem relevant or appropriate.

The Commission shall not consider any proposal, request, application, or plat which is contrary to or in conflict with provisions of the Kansas Statutes Annotated, as amended, or contrary to or in conflict with city ordinances.

ARTICLE V CALENDAR

- A. CALENDAR. The Secretary shall prepare and submit to the Commission, for its consideration and adoption, a list of closing and hearing dates for the following year. The

list shall be submitted to the Commission at its last scheduled meeting in each calendar year. Applications shall then be placed on the calendar of the Commission for hearing, in accordance with said schedule. Study items may be, but need not be, placed on the calendar.

**ARTICLE VI
PROCEDURES FOR PUBLIC HEARINGS**

- A. **INTENT.** On any matter that requires a public hearing, it is the Planning Commission's intent to provide adequate legal notice to all concerned parties, and to hold a fair and impartial hearing. Commissioners should discourage any ex parte contacts, and should:
 - 1. Come to a hearing favoring neither side.
 - 2. Have no personal interest in the outcome other than that shared by the community-at-large.
 - 3. Treat both sides alike.
 - 4. Base their decision solely on the facts presented as evidence before the Commission.

- B. **DISCLOSURE.** Commissioners must disclose any ex parte contacts or information that may have a bearing on their decisions, prior to any motion.

- C. **ORDER OF PROCEEDINGS FOR ZONING HEARINGS.** Applications for rezoning amendments, conditional use permits and special use permits that are site-specific land use decisions are considered quasi-judicial proceedings. Such proceedings require due process, including proper notice to concerned parties, and the opportunity to be heard in a fair, open and impartial hearing. At the end of the hearing, the Commission must adopt a written report or place a statement in the minutes which summarizes the evidence and states the factors that were considered in arriving at its decision.

The following order of proceedings must be used for all such rezoning and special use hearings:

- 1. Determine that a quorum is present.
- 2. Determine that proper notice has been given.
- 3. Have Commission members report any ex parte contacts.
- 4. Planning and Zoning Administrator introduction of the application.
- 5. Applicant's presentation.
- 6. Commission and staff questions to applicant.
- 7. Presiding officer opens hearing for public comments on proposed application.
- 8. Written communications or petitions received.
- 9. Applicant's final comments.

10. Presiding officer closes hearing. (No public comments will be received after this, although the Commission may question any participant at any time during the proceedings.)
11. Planning Commission deliberations.
12. Review findings and factors on which recommendation is based.
13. Motion to recommend to the Governing Body the approval, disapproval or modification of the application, or to defer the agenda item to a specific date, time and place.

D. ORDER OF PROCEEDINGS FOR LEGISLATIVE HEARINGS. Hearings for the adoption of comprehensive plans, and for adoption of zoning and subdivision regulations or their amendments, are considered to be legislative in nature. At the end of the hearing, the Commission must make a written recommendation to the Governing Body, including a summary of the hearing.

The following order of proceedings must be used for all such legislative hearings:

1. Determine that a quorum is present.
2. Determine that proper notice has been given.
3. Have Commission members report any ex parte contacts.
4. Planning and Zoning Administrator introduction of the matter, and any associated presentation.
5. Commission and staff questions to staff or consultant.
6. Presiding officer opens hearing to public comments on proposed plan or regulations.
7. Written communications received.
8. Staff's final comments.
9. Presiding officer closes public hearing. (No public comments will be received after this, although the Commission may question any participant at any time during the proceedings.)
10. Planning Commission deliberations.
11. Motion to recommend approval, disapproval or modification of the plan or regulations to the Governing Body, or to defer the agenda item to a specific date, time and place.

ARTICLE VII RECOMMENDATIONS TO COUNCIL

A. RECOMMENDATIONS. All recommendations to the City Council shall be transmitted in writing stating the meeting date, motion and vote. A record of the Findings of Fact shall also accompany the recommendations.

ARTICLE VIII
RECORDS

- A. RECORDS. The Planning Commission shall keep a record of its recommendations, resolutions, transactions, findings, and determinations. All records shall be available for public review.

ARTICLE IX
CODE OF CONDUCT

- A. QUASI-JUDICIAL CONDUCT. A Planning Commission is expected to act like a judge, or function in a “quasi-judicial” capacity, when reviewing matters that affect a specific party’s land use rights. Quasi-judicial conduct must be above reproach and within the law. Quasi-judicial conduct demands that Commissioners provide interested parties with “procedural due process.” Procedural due process includes the following:
1. Proper notice of the hearing;
 2. A proper hearing where interested parties are permitted to present their case;
 3. A fair and impartial decision maker that reviews the evidence and makes its decision based on substantial competent evidence in the record
- B. ACTIVE REQUEST. An item is an active request until such time as the Planning Commission has completed deliberations on the item, forwarded a recommendation to the Governing Body(ies) and a ‘final action of approval’ has been taken. A ‘final action of approval’ shall be construed to mean, for the purposes of this document, the adoption of an ordinance or resolution by the Governing Body(ies) to enact a zoning or text change, the filing of a plat or development plan at the Register of Deeds, the denial of a request, or the issuance of a building permit based on an approval of an “active request.” An item is an active request at least from the time that any filing or request is received by the Planning Office, or any action has been initiated by the Planning Commission or by a Governing Body.
- C. EX PARTE COMMUNICATIONS. An ex parte communication is a communication - written, electronic, oral, or otherwise - that is relevant to the merits of a quasi-judicial proceeding, that is not in the record, and that occurs between a Commissioner and a person who is not on the Commission. Communications between Commissioners, communications between Commissioners and Planning Staff, communications on issues that are not quasi-judicial in nature, and communications on purely procedural matters are not ex parte communications.
- D. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any ex parte communication shall be disclosed at any meeting as part of the Communications section, at the beginning of each quasi-judicial item on the agenda, or earlier. The Commissioner receiving the ex parte communication shall disclose the full nature of the communication including the identity of the individual(s) participating in the communications and any information obtained

through the communications so that all Commissioners have the same information upon which to make their decision and so that the applicant, City Staff, interested parties, and the general public are provided a fair opportunity to respond meaningfully to the information. Commissioners continue to be subject to the ex parte disclosure requirements until a final action of approval has been taken on an active request.

- E. REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The ex parte communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.
- F. CONFLICT OF INTEREST. A Commissioner shall declare a conflict of interest and shall not participate in, discuss, or vote on any matter in which he or she has a conflict of interest. Any Commissioner declaring a conflict of interest with respect to an item before the Commission shall physically leave the meeting room during the discussion and the vote on the item.

For the purposes of these Bylaws, “conflict of interest” is defined as:

- 1. An immediate family member is involved in any request for which the planning commission is asked to make a decision. “Immediate family member” is defined as “a planning commissioner’s spouse, mother, father, sister, brother, son, or daughter, including an adopted child, or a relative of any degree residing in the same household.”
 - 2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency or association;
 - 3. The planning commission member owns or has a financial interest in adjacent property or any property that is within the notification radius for the subject request under the applicable zoning regulations;
 - 4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.
- G. CONDUCT. Commissioners shall refrain from making use of special knowledge or information before it is made available to the general public; shall refrain from making decisions involving business associates, customers, clients, friends and competitors; shall refrain from repeating and continued violation of these rules; shall refrain from using their influence as members of the Planning Commission in attempts to secure contracts, zoning or other favorable municipal action for friends, customers, clients, immediate family members or business associates; and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as such may be issued in the normal and lawful discharge of the duties of such municipal officers.

Commissioners shall conduct themselves so as to bring credit upon the city as a whole and shall do everything in their power to ensure equal and impartial treatment of all without

respect to race, creed, color or the economic or the social position of individual citizens.

ARTICLE X AMENDMENTS

- A. AMENDMENTS. These bylaws may be amended by an affirmative vote by four (4) members of the Planning Commission provided such proposed amendment has been submitted to each member of the Commission at least three (3) days prior to the meeting at which said amendments are to be considered.

ARTICLE XI Board of Zoning Appeals

Planning Commission members concurrently serve as the City's Board of Zoning Appeals, which must hear and decide appeals of Zoning Administrator determinations, variances from the terms of the Zoning Regulations, and conditional uses as exceptions. (See K.S.A. 12-759.). The Board of Zoning Appeals must follow procedures and notification requirements as described in the City of Haysville Zoning Regulations.

ARTICLE IV

- A. CASES BEFORE THE BOARD. The jurisdiction of the Board of Zoning Appeals shall be limited to the following:
1. Appeals - See Article 10 Section 1001 of the Zoning Regulations of the City of Haysville.
 2. Variances - See Article 10 Section 1004 of the Zoning Regulations of the City of Haysville.
 3. Exceptions - See Article 10 Section 1005 and 1006 of the Zoning Regulations of the City of Haysville.
- B. The procedure for requesting a hearing before the Board of Zoning Appeals shall be as follows:
1. An application (appeal, variance, exception) shall be filed with the City Clerk on forms furnished by the Secretary of the Board of Zoning Appeals.
 2. An application shall be accompanied by the appropriate fee as established in Chapter 17 of the Municipal Code of Haysville, Kansas, and shall be paid at the time of submission of the application. A separate filing fee shall be charged for each appeal, variance or exception request. Total cost will include: a certified listing from an abstract company containing the names, mailing address, zip code and legal descriptions of the owners of all property within two hundred (200) feet of the property included in the application. If a proposed appeal, variance or exception to property for which review and consideration is sought is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1000 feet in the unincorporated area; notification fees associated with mailings; publication fees; recording fees.

- C. In addition to the above requirements, certain applications require additional information, as follows:
1. Appeals
 - a. The appeal shall be filed within three (3) months after a ruling has been made by the City Inspector, Zoning Administrator, and/or their designee.
 - b. The order, requirement, decision or determination by the City Inspector, Zoning Administrator, and/or their designee which the appellant believes to be in error; and the principal points supporting the appellant's allegation of errors, including reference to that Section of the Zoning Ordinance (Chapter 16, City Code, Haysville) under which it is claimed the permit should be issued.
 - c. A clear and accurate description of the proposed work, use or action, in which the appeal is involved, and a statement as to why or in what manner an error has been made.
 - d. The City Inspector, Zoning Administrator, and/or their designee, shall be represented at all hearings before the Board; and shall then make available to the Board all records regarding the matter.
 - e. A plot plan drawn to scale showing the proposed plan of improvements, when deemed necessary by the Secretary.
 2. Variances
 - a. A statement from the applicant justifying the variance requested; indicating specifically the enforcement provisions of the Zoning Ordinance from which the Variance is requested and to what degree such a Variance is requested.
 - b. A specific statement outlining in detail the manner in which it is believed that this application will meet the requirements of the Zoning Ordinance (Chapter 16, City Code, Haysville)...
 - c. A sketch, drawn to scale, showing the lot or lots included in the application; the structures existing thereon; and the structure or use contemplated necessitating the Variance requested.
 3. Exceptions
 - a. A plot plan, drawn to scale, showing the lot or lots included in the application; all existing structures thereon; all proposed structures; all point of ingress and egress; widths of driveways; location of parking spaces, dimensions of all proposed structures and parking spaces, screening and landscaping; interior traffic circulation and channelization; and any other information which may be required by the Secretary or may be utilized by the Board in making its determination.
 - b. A statement by the applicant, in writing, justifying the exception applied for, indicating the provisions of the Zoning Ordinance under which the Board of Zoning Appeals has jurisdiction.
- D. No application shall be considered wherein an application has been previously decided, involving the same premises and/or Zoning Ordinance requirements; except in cases where new plans or new facts pertaining to said requirements or regulations are presented, showing changed conditions or circumstances which, in the opinion of the Board, materially alter the aspects of the case. Each new consideration shall be considered a new case, requiring fees noted in Section IV B (2).

- E. No application shall be advertised for a public hearing for property wherein a change of zoning is first necessary until the zone change amendment is approved and becomes effective.

ARTICLE V
NOTICE OF HEARING

- A. Notice to the applicant shall be given not less than twenty (20) days prior to the date of hearing and shall be by mail to his last known address.
- B. Notice to all property owners within a distance of two hundred (200) feet of the property to be altered if within the city's limits. If the property is adjacent to the city's limits, the area of notification shall be extended to 1000 feet in the unincorporated area as listed on the certified abstract ownership list accompanying the application, and to Haysville Planning Commission shall be given by mail not less than twenty (20) days prior to the date of the hearing.
- C. All notices by mail shall be directed to the addresses stated in the certified abstract ownership list accompanying the application.
- D. The Secretary shall cause to be published in the official city paper a notice of Public Hearing of said meeting at least twenty (20) days prior to the date of hearing, as provided by law.

ARTICLE VI
HEARING OF CASES

- A. All hearings of the Board and all official actions taken by the Board shall be public.
- B. The applicant should be present at the public hearing, either in person or by counsel or agent. The applicant, and persons appearing in his behalf, shall be heard first and thereafter the individuals appearing in opposition to the application shall be heard. In the event of the absence of the applicant, either in person or by his counsel or agent, the Board shall determine that said applicant was duly notified, and the Board may proceed to decide the application on the basis of the facts then available for consideration.
- C. The Board may summon witnesses.
- D. The Board may require persons testifying before it to be sworn in a manner and by an official as provided by law; provided, however, this provision shall not be applicable to members of the Board or administrative employees of the City of Haysville serving in an official or advisory capacity to the Board; or to legal counsel representing applicants in an application before the Board.

ARTICLE VII
FINAL DISPOSITION OF APPLICATION

- A. The final disposition of every application shall be in the form of a Resolution signed by the Chairperson and Secretary. Every application granted or denied by the Board shall be accompanied by written findings of fact and reasons for granting or denying the Appeal, Variance or Exception; and various conditions may be stipulated by the Board to be fulfilled before granting of the Appeal, Variance or Exception.
- B. In exercising its powers, the Board by its Resolution may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and on all applications may attach appropriate conditions, and may issue or direct the issuance of a permit.
- C. An affirmative vote of the majority of those Board members present and voting shall be necessary for any action finally disposing of any application. In case of failure to reach a decision, the matter shall be presented at the next meeting.
- D. An applicant may withdraw his application at any time prior to the adoption of the Resolution which would cancel and close his case; but the filing fee shall not be remitted to him.
- E. The Secretary shall notify the applicant, in writing, of the final action of the Board.

**ARTICLE VIII
REHEARINGS**

- A. Requests for rehearing shall be in writing and duly verified and shall be submitted to the Secretary of the Board within sixty (60) days of the date of the original hearing. The requests shall recite the reasons for the request. No request for rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the previous hearing. If the request is granted by the Board, the same procedure will be followed as was followed in consideration of the original application.
- B. The Secretary of the Board shall determine if a rehearing shall be allowed, however, the applicant shall have the right to appeal the Secretary's determination to the Board of Zoning Appeals.

**ARTICLE IX
AMENDMENTS**

- A. Amendments to these rules may be introduced at any meeting of the Board and voted on at the same or any subsequent meeting; provided that notice of the consideration of any such amendment or passage, either in the form of a letter or official Agenda of the Board, is mailed to each member prior to its first introduction at a regular meeting. Changes to the bylaws must be approved by both the Planning Commission and the Board of Zoning Appeals.