

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

Agenda

August 24, 2023

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

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of July 13, 2023
- IV. Old Business
 - A. Review of Appendix
 - 1. Sign Regulations
 - 2. Site Development Regulations - Parking
- V. New Business
 - A. Review of Subdivision Regulations
- VI. Correspondence
- VII. Off Agenda
- VIII. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

July 13, 2023

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

Those members present were: Jeff Blood, Dan Rinke, Nicole Franken, Tim Aziere, Debbie Coleman, and Mark Williams. Also present was Planning and Zoning Administrator Jonathan Tardiff.

The first item of business was the Minutes of June 8, 2023.

Coleman stated that on page 2, there was a typo in the first full paragraph that the sentence “Carter stated it would have to come for a zone change.” And that it should read “Carted stated it would have to come for a zone change.”

Motion by Coleman. Second by Williams.

To approve the minutes with the correction.

Blood aye, Rinke abstain, Franken aye, Aziere aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

Under new business was the Election of Officers. Aziere was nominated by Williams for Chair, and Aziere nominated Coleman for Vice-Chair and seconded by Coleman for Aziere to remain as Chair, and Franken seconded Coleman as Vice-Chair. Tardiff was nominated for Secretary by Aziere and seconded by Williams.

Aziere asked if there were any other nominations for other committees. Tardiff said not concerning the Historic Committee.

Motion to appoint Aziere as Chair, Coleman as Vice-Chair, and Tardiff as Secretary for the Planning Commission/Board of Zoning Appeals.

Blood aye, Rinke aye, Franken aye, Aziere aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

Under new business was the review of the Appendix: Historic Preservation Regulations.

Tardiff presented the Historic Preservation Regulations stating that these changes were approved by the Historic Committee in February. On page 6, under Procedure for Designation of Historic Landmark and Historic District, “the City shall provide for adequate public participation in the process of recommending properties for nomination to the historic register” was added, on page 8, Minor Projects shall be reviewed by the Planning and Zoning Administrator was changed from preservation staff; and on page 12, all fees were moved to Chapter 17. Tardiff stated that the staff is recommending approval of the proposed amendments.

Aziera asked the commission if there were any questions. There was none.

Motion by Coleman. Second by Franken.

To recommend approval of the changes to the Historic Preservation Regulations as presented.

Blood aye, Rinke aye, Franken aye, Aziera aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

Under new business was the review of the Appendix: Sign Regulations.

Tardiff presented the Sign Regulations stating that Changes to temporary sign allowances to match Wichita's sign code. On pages 11 and 13, for the Commercial and Industrial Districts, there would be 1 sign per 15 feet of street frontage, with a space of 75 feet between each sign, and a maximum of 4 signs per lot in the Commercial and Industrial Districts, fees were moved to Chapter 17, and staff is recommending approval of the proposed amendments.

Aziera asked if the 15 feet mirrored the city of Wichita. Tardiff said yes. Aziera asked the commission if there were any questions or comments. Franken asked if the City of Wichita had a lawsuit concerning temporary signs. Aziera if the staff report was concerning temporary signs. Tardiff stated that was correct.

Coleman stated that it says for temporary signs. Aziera asked what page she was on. Tardiff stated that this was on pages 11 and 13.

Aziera asked if this would be political signs, fall festival signs, etc. Tardiff stated it was looking at banner signs or the placing of signs out temporarily, and that the city has a few businesses with banner signs out, we just wanted to be sure the business only had a certain amount out, and want this addressed now.

Aziera asked for an explanation of the 1 sign per 15 feet of street frontage, and then the 75 feet in between each sign. Coleman asked what is currently allowed for temporary signs. Tardiff stated that it is 1 sign per street frontage, and a few businesses wanted to put out more signs on street frontage for promotional purposes or openings. Tardiff stated that a few businesses on Main Street like the liquor store have several temporary signs that they interchange, and we are trying to control how many signs they have out per frontage and the signs would have to be spaced out 75 feet. Coleman asked if they were obstructing the road view. Tardiff stated that they are not obstructing the view, but the way this is originally written they are only allowed one sign and we are trying to be more accommodating if they wanted to put out a couple more signs.

Aziera commented that he still did not understand how the language reads 1 sign per 15 feet of street frontage, and then directly followed by 75 feet in between each sign. Tardiff stated that a 100 feet frontage would then be divided by 15 feet to see how many signs they could have, and in between each sign would be spaced 75 feet apart between each sign on the frontage. Aziera commented that why not just say 75 feet between each sign and that the 15 feet seems unnecessary. Tardiff stated that would depend on how much the street frontage is as Tardiff did not believe that all commercial and industrial lots were the same. Aziera said they are not, but in the example given with 100 feet divided by 75, you can get more than one sign in the frontage. Aziera said you could 2 signs spaced 75 feet apart. Tardiff said that was correct, we are taking the street frontage

and dividing it by 15 feet to know how many signs they can have. Aziere stated that is not the indicator, but that 75 feet is the indicator. Williams asked if it was 50 feet, would the 15 feet come into play, or what. Aziere stated no. Coleman mentioned the 15 feet back from the easement.

Coleman asked if this would not pertain at all for example to like sporting events like up at Campus having a football game and the Booster Club putting their signs out. Aziere stated that he would argue that it does pertain to them. Coleman stated they put them out in the evening and then usually take them down that evening. Aziere stated a day or a month it would still be temporary. Coleman said yes. Williams stated the issue is how often is temporary, they would take this one down, and then tomorrow put another new one up. Tardiff stated they would need to apply for another permit, and at the moment we are allowing 6 temporary permits per year, and they have to take it down for a month and then apply for another permit. Williams stated he was ok with that.

Aziere stated he was still confused about the 15 feet. Aziere asked if anybody had some thoughts. Rinke stated that he was not aware of any commercial or industrial that was less than 15 feet of frontage because the typical drive was 10 feet from single. Aziere stated that a typical drive was 24 feet when laid out. Rinke stated that any frontage for a business would be over 15 feet unless you are talking about a storefront like on a smaller lot. Aziere asked what about a corner lot, you have 2 frontages, space them out 75 feet, and max out at 4 signs 2 on each side as long as you have 75 on each side. Aziere stated that he believes the 15 feet is unnecessary and we should strike it if staff is pulling that directly from Wichita he understands, and that they can figure out why that is in there, but he believes that it confuses what the commission is trying to say.

Coleman asked how many signs were the issue, and was there 10 or 15 signs up. Tardiff stated they had not seen anyone with a lot of signs up, but was looking at signs like at Quick Mart how they interchanged signs and theirs are more spaced out, but then if you went by Main Street Liquor, how they had theirs spaced out, we are just trying to control how many signs they are having out at one time. Aziere asked if there was a mechanism for a variance in the sign permit process if he has 68 feet frontage and wants 2 signs, and was 75 feet the hard rule or does it go to someone who can make a decision and override it? Tardiff stated that they could do a variance and override it. Aziere stated ok and would the variance go to Tardiff. Tardiff stated that would come to him or he would bring it before the commission. Aziere stated he was fine with city staff making the decision, but wanted to make sure that this was the policy and the number is the number if it makes sense to do something outside that number because it was close, and just wanted to make sure there was a mechanism to correct it. Tardiff stated yes they could adjust the frontage.

Aziere asked the commission if they wanted to just strike the 15 feet and leave it at 75 feet in between signs with a maximum of 4 signs per lot. Coleman stated she would rather have it stated that way than as the footage or frontage. Aziere stated it is basically saying the same thing and the along the frontage where you want to put a sign, you can have them 75 feet apart, and on a corner, you can have them on both sides as long as they are 75 feet apart in both directions and a maximum of 4 signs. Coleman stated that you are still restricting a booster club from promoting a school event or spirit. Williams asked if by using the example of 68 feet would do you get a sign. Aziere stated you would get 1 sign regardless because you are allowed one sign in front of your frontage but cannot have 2 signs unless you go through the administrative level to get a variance because you are less than 75 feet. Williams stated that is not what he reads the statement as "A maximum

of 75 feet.” Aziere stated that was why he asked the question about whether is there a way if it doesn’t meet this. Williams stated he got that, but believes there should be a way where they don’t have to ask for the variance and you are allowed at least 1 sign, but more than 1 would have to be 75 feet apart, Williams would like to see it worded like that. Aziere stated they would have to leave in the 1 sign per frontage, 75 feet spacing, and a maximum of 4. Williams stated ok. Aziere stated the 15 feet goes away and the rest reads as is. Coleman asked if that would be for both of them, on pages 11 and 13. Aziere stated yes.

Azier stated about the Booster Club and small little white campaign signs and how far apart they are spaced out. Coleman stated they are spaced out about 10 feet apart and they are stacked and was not sure if they still do that. Aziere stated that if they want to, the mechanism would be to get a variance and get through a day, city staff could make that decision that yes you could put them there every 15 feet along the street, and technically it is not in the commercial business, but in front of the school. Coleman stated that was why she was asking for the schools. Tardiff stated that under Exemptions would be the Educational. Aziere asked if when they do Booster Club or Homecoming if they fill out a permit for that. Tardiff stated no, but under Exemptions on page 6, they are exempt from filling out a sign permit for flags or emblems for educational organizations. Coleman stated ok.

Coleman asked about the business that was referenced with sign issues, and how many did they have out. Tardiff stated 6. Coleman asked if they were in a row. Tardiff stated that there were 3 signs on each side of the driveway. Coleman stated she had not noticed all the signs before. Tardiff stated they did rotate them periodically as well, and that staff was trying to make the code clearer about how many signs were allowed.

Rinke stated he was not sure number 1 concerning temporary signs would exempt educational organizations as it concerns flags not to exceed 35 feet in height, and wondered if number 8 on page 7 concerning temporary signs for special events would allow educational organizations to be exempt from a sign permit. Aziere stated that would be more applicable to educational organizations.

Coleman asked about signs inside buildings, or signs painted on windows if they are allowed or not. Tardiff stated that they are allowed. Aziere stated that everything they are reading under exemptions to needing a sign permit. Coleman on page 8 concerning signs. Aziere asked if she meant on page 7 number 8 for public events. Coleman stated she had moved on from that. Aziere stated that would be for public events if it was for homecoming games or events like that, and now that he thought of it don’t they do it in front of the schools for free lunches or breakfast in the summer time? Coleman stated yes they do and in the Historic District for the Farmer’s Market.

Aziere asked if they needed to add educational institute to number 8 on page 7. Tardiff stated yes they could. Blood asked if they would cause an issue under 8-B signs prohibited on public property and the public right-of-way being so far off back from the road. Aziere stated he agreed they should not be in the public right-of-ways and would leave that there. If someone wanted to put a sign up on the other side of the fence that they own that was up to them. Aziere commented about signs are on prohibited on public ground, but that the school is not public property, but that the right-of-way by the fence is public property.

Coleman stated that the signs she is talking about are along the curve right next to the street. Aziere stated then they are in clear violation, and can be excused by the discretion of the sign permit person. Coleman stated that makes it really hard if the sign permit person changes and is really against that. Aziere stated he wasn't sure how he felt about it and asked if political signs prohibited within the right-of-way. Tardiff stated that all signs are prohibited in the right-of-way. Aziere stated not all signs as he has permanent signage for traffic that he is very certain that can go in the right-of-way. Tardiff said that was correct. Aziere stated that temporary signs cannot go into the right-of-way is that not current city code. Tardiff said yes. Aziere stated that he doesn't think that this is 48 hours instead 2 months for a political campaign sign that is a little bit different. Rinke stated that the city has determined that signs must be placed at least 15 feet back from the curb if the road has a curve. Aziere said yes it has to be back at least 15 feet and if it gets any bigger than 2 foot tall it becomes a sight problem for traffic, and wants to keep that part in the code.

Coleman asked about a garage sale sign that is not commercial and is just a sign. Aziere asked Tardiff what they do for garage sale signs. Tardiff stated that they have to be 15 feet back, not in the road right-of-way and on the other side of the sidewalk. Tardiff mentioned the corner of Grand and Main Street that there is no place to place a sign there because of the curb or any grass, and then on the other side where the park is you cannot put anything there as that is City property. Coleman mentioned that there is a sign on Sunset or another street that is an estate sale sign right on the corner. Aziere and Tardiff both said that is not supposed to be there. Coleman asked if this was current City Code and that is not being enforced. Aziere stated that he was not actively enforcing it and was not sure about the city. Williams stated that enforcement is a whole another issue and a lot of things are not being enforced. Coleman stated she knows and if you are going to enforce one, you need to enforce them all in her opinion. Aziere stated that he didn't disagree with Coleman, but does not want to change the code to allow something that is more relaxed than current code and does not believe that is their job. Aziere stated to leave the code how it is, with the issues as they are, and if things continue the way they are maybe that is fine or revisited by code enforcement that is there purview not the commissions.

Coleman asked if to make changes to the sign code. Aziere stated make no changes to putting signs in the right-of-way, but still thinks they should add educational institution to number 8 on page 7 so that is an allowable temporary sign, and make the other changes to the frontage as was discussed.

Aziere asked for a motion.

Motion by Williams. Second by Franken.

To recommend approval of the Appendix: Sign Regulations with discussed changes on pages 7, 8, 11, and 13.

Blood aye, Rinke aye, Franken aye, Aziere aye, Coleman nay, Adkins absent, Williams aye.

Motion carried.

Under new business was the review of the Appendix: Site Development Regulations-Parking.

Tardiff presented the Site Development Regulations-Parking stating that they were just looking at the Off Street Parking Requirements. Tardiff stated that the following changes were made to the parking appendix due to changes in the regulation use chart: Short-term Residential Rental was

added, Day Care-Limited was added, and Day Care Center was changed to Day Care General to match the use chart. Tardiff stated that the staff is recommending approval of the proposed amendments.

Aziere asked if they were adding land uses. Tardiff stated that under land uses they had added the short term residential rental, day care-limited, and changed day care center to day care general. Coleman asked the explanation for short term residential rental would be. Aziere stated that was Air BnB. Aziere stated that short term residential should already fall under the subdivision regulations for off street parking when the house was originally built. Tardiff stated that was correct. Aziere asked if this was more to it. Tardiff stated they were just matching everything with the updated definitions in the zoning regulations that was done the previous month.

Aziere asked if this was how the subdivision code is written 1 per sleeping room and if he builds a two bedroom home would he have to provide 10 parking spots for them. Tardiff stated that he believed Carter had pulled this from either Wichita or Derby subdivision regulations and staff would have to look in our current subdivision regulations to make sure it matches.

Coleman asked what page was the daycare's on. Aziere showed Coleman on what page this was located. Blood asked if single-family and short term residential rental was the same as single-family has 1 per dwelling unit, and a dwelling unit would be a house right? Aziere stated that was correct. Blood asked and not per sleeping room. Aziere stated that he did not believe that matches in the code. Tardiff stated he would take a look at it. Aziere stated that they all should look at this a little closer as he believes they won't be able to sort this out tonight.

Aziere asked if those were the only changes currently. Tardiff stated that was correct. Aziere stated he was looking at Public and Private Educational Facilities and takes those to be schools with 1 per teacher/employer, plus 5 and that Campus High School would not be able to meet that requirement with all the students and not having the required stalls; and if we had to build it again with this requirement, everyone would be taking the bus. Aziere stated that an elementary school needs 1 per teacher/employer, plus 5 and wondered if that was enough for a school. Coleman stated that they don't have the vehicles for an elementary and secondary school because students are not driving. Aziere stated he understood that and employees are covered, but only 5 parking spaces for an entire elementary school seems like it is not enough, and understands that not all parents are there at the same time, but it occurs that there could be a situation where there could be more than 5 parents there. Coleman mentioned about holidays and the holiday parties there. Aziere didn't believe that they could be forced to build a parking lot for one event a year.

Aziere stated that with all the other things discussed, will Tardiff go back through this and he does not believe 1 per dwelling unit coincide with the subdivision regulations. Coleman stated that this was required spaces, so they could have additional spacing. Aziere stated he couldn't remember what the code was and asked if Tardiff had it before him currently and thought it was a minimum of 2 spaces per dwelling unit for single-family residence. Blood noticed that duplexes was 1 per dwelling unit as well. Aziere stated that duplexes is 2 per dwelling unit so that would be 4 spaces.

Aziere motioned to table the Site Development Regulations- Parking, and seconded by Coleman until the next meeting.

Blood aye, Rinke aye, Franken aye, Aziere aye, Coleman aye, Adkins absent, Williams aye.
Motion carried.

There was no old business.

There was no correspondences.

Under off-agenda, Tardiff stated the next meeting would be on August 10 with the review of the Subdivision Regulations, and then send out a Public Hearing scheduled for September 14.

Motion by Coleman. Second by Blood and Franken.

To adjourn tonight's meeting.

Blood aye, Rinke aye, Franken aye, Aziere aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

The meeting adjourned at 6:35 pm.

DRAFT



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-A1

Subject: Review Sign Regulations 2023-02
Meeting Date: August 24, 2023
Presented By: Jonathan Tardiff, Planning & Zoning Administrator
Public Hearing: Does not require a public hearing

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	7/13/2023	Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
Planning Commission	8/24/2023	Explanation of Sign Code Regulations. This recommendation is forwarded to the City Council.
City Council	9/11/2023	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance). Approval, approval with modifications, or denial of final reading of text amendment ordinance if approved.

RELEVANT ZONING CODE SECTIONS

Appendix D	Sign Regulations
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RECOMMENDED ACTION

Recommend approval of proposed amendments to City Council.

BACKGROUND INFORMATION

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

Proposal & Analysis

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

Summary of Major Changes:

- The sign code was moved from 16B to Appendix D and references changed throughout.
- Section D-5 Educational was added to exemptions for temporary signs for special events for public, charitable, religious, educational, or fraternal organizations are subject to certain limitations.

ARTICLE H. APPENDIX D
SIGN REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

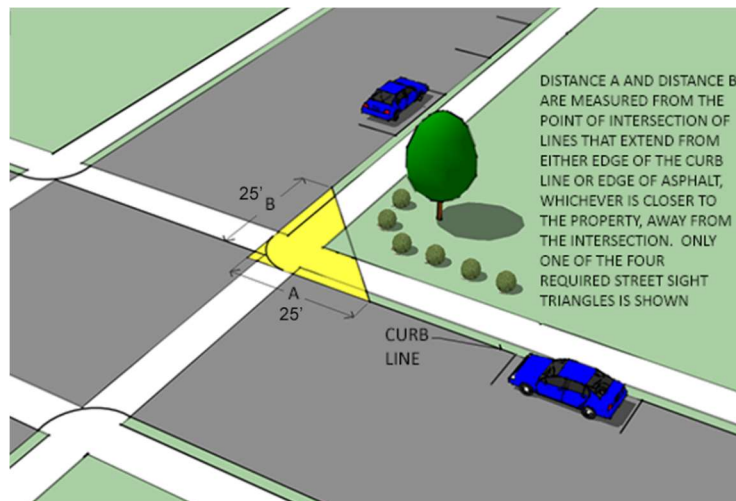
(as) Revolving sign. A sign that has the capability to revolve or spin about an axis.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code 2020)

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

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

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

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

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

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

(5) Holiday decorations.

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

(7) Signs not visible from a roadway

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

(9) Public art approved by the Administrative Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(89) Any sign covered by KSA 25-2711: KSA 25-2711 for example (political signs) allows cities to regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons. The city has determined signs must be placed at least 15 feet behind the back of curb. -If the roadway has no curb, signs must be placed at least 15 feet from the edge of the road surface. -Signs located at the intersection of two roads must be at least 15 feet from both roads. (Code 2023).~~

(~~109~~) Signs customarily associated with residential uses for example (garage sale signs) and having a gross surface area not exceeding three (3) square feet, including but not limited to signs:

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

(Code 20230)

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

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

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

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

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

(1) Temporary signs for charitable, religious, educational, or fraternal organizations, subject to the following limitations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Portable or temporary electronic message center signs.

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

(q) Abandoned signs.

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

(Code 2020)

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

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

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

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

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

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

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

(Code 2020)

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

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

(Code 2020)

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

(Code 2020)

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

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

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

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

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

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

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	2 per subdivision entrance	64 square feet	8 feet	Yes

Temporary	1 per development while under construction	64 square feet	6 feet	No
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(d) Signs permitted for vacant lots in residential zoning districts:

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

(Code 2020)

~~16B-211D-11~~ **SIGNS PERMITTED FOR COMMERCIAL ZONING DISTRICTS**

(a) Signs permitted for all commercial and industrial uses located in the ~~DDHMC~~, OC, ~~DLC~~ and ~~EHC~~ zoning districts are as follows. For residential uses, please refer to Sec. ~~16B-210D-10~~. For public and institutional uses, please refer to Sec. ~~16B-214D-14~~.

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

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

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

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

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

(Code 20203)

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

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

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

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

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

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

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

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

(a) Sign Placement.

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

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

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

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

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

(c) Illumination.

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

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

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

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

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

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

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

(Code 2020)

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

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

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

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

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

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

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

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

(a) A legal nonconforming sign shall not be:

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

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

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

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

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

(Code 2020)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Construction and erection of any temporary sign.

~~(e)~~(e) Sign Permit required.

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

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

~~(e)~~(f) Issuance of permits.

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

(A) Issue the permit;

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

(C) Request additional information pertaining to the permit.

(2) Sign permits may be revoked if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(k)~~(j) Appeals.

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

(A) Denial of a sign permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code 2020)



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-A2

Subject: Review Site Development Regulations - Parking 2023-03
Meeting Date: August 24, 2023
Presented By: Jonathan Tardiff, Planning & Zoning Administrator
Public Hearing: Does not require a public hearing

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	7/13/2023	Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
Planning Commission	8/24/2023	2 nd Review of Site Development Regulations. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
City Council	9/11/2023	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance). Approval, approval with modifications, or denial of final reading of text amendment ordinance if approved.

RELEVANT ZONING CODE SECTIONS

Appendix	Site Development Regulations - Parking
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RECOMMENDED ACTION

Recommend approval of proposed amendments to City Council.

BACKGROUND INFORMATION

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

Proposal & Analysis

Haysville Municipal Code: Site Development Regulations - Parking.

Summary of Major Changes:

- Site Development-Parking was moved from 16B to Appendix E and references were changed throughout.
- Section - Off-Street Parking: Parking for Short Term Residential Rental use was added. This is a new use that was added under Residential this year.
- Section - Off-Street Parking: Parking for Day Care-Limited (home occupation) was added.
- Section - Off-Street Parking: Middle School Facilities was added to Educational. This matches the City of Wichita and Derby parking regulations.
- Section - Off-Street Parking: Parking for Day Care-General. Center was changed to General to match the usage chart.

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

PUBLIC REVIEW

This does not require a public hearing.

ATTACHMENTS

Recommended text amendment redlines.

APPENDIX ~~ARTICLE 5~~ SITE DEVELOPMENT REGULATIONS

500 OFF STREET PARKING REQUIREMENTS

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

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

B. Off-street parking requirements.

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

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

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

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

2. Specific requirements:

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

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

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

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

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

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

exceed three foot-candles measured at the lot line.

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

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

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

LAND USE	NUMBER OF SPACES REQUIRED
RESIDENTIAL	
Single-Family	1 per <u>dwelling</u> unit
Duplex	1 per <u>dwelling</u> unit
Multi-Family	1.25 per one- <u>bedroom dwelling</u> unit; 1.75 per <u>two 2</u> bedroom or larger unit
Bed & Breakfast Inn	1 per sleeping room
<u>Short Term - Residential Rental</u>	<u>1 per sleeping room. Parking of commercial vehicles larger than what is commonly referred to as a 1-ton truck (with a gross vehicle weight rating of 16,001 pounds or more) is not permitted by transient guests. Up to two on-street parking spaces may substitute for required off-street parking if the property contains a frontage of 22 feet or more, not including approaches, sidewalk ramps, and no parking zones.</u>
Hotels & Motels	1 per sleeping room plus additional space for restaurant <u>s</u> , convention centers, and other facilities as may be open to public
Congregate Living & Dormitory Type Dwellings	1 per sleeping room
Developmentally Disabled Group Home	1 per each 2 sleeping rooms
Assisted Living	0.75 per unit
<u>Day Care - Limited</u>	<u>1 per teacher/employee, plus 1 per vehicle used in the center, plus 1 per 10 children based on enrollment above 12 children.</u>
COMMUNITY FACILITIES AND INSTITUTIONAL USES	
Public and Private Educational Facilities	
Elementary	1 per teacher/employee, plus 5 visitor spaces
<u>& Middle School</u> Secondary	<u>1 per teacher/employee, plus 10</u>

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

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

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

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

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

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

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

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

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

501 LANDSCAPING

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

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

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

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



Haysville Planning Commission Staff Report

AGENDA ITEM: V-A

Subject: Review Subdivision Regulations 2023-01
Meeting Date: August 24, 2023
Presented By: Jonathan Tardiff, Planning & Zoning Administrator
Public Hearing: Required, to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	8/24/2023	First review by the Planning Commission before setting a public hearing.
Planning Commission	9/14/2023	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
City Council	10/10/2023	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance). Approval, approval with modifications, or denial of final reading of text amendment ordinance if approved.

RELEVANT ZONING CODE SECTIONS

Subdivision Regulations	1 st Review
-------------------------	------------------------

RECOMMENDED ACTION

Recommend approval of proposed amendments and set public hearing.

BACKGROUND INFORMATION

This is the yearly review of the Subdivision Regulations for changes.

Proposal & Analysis

Haysville Municipal Code: Subdivision Regulations.

Summary of Major Changes:

- Article I, Section 4: Renamed Urban Growth Boundary to Urban Area of Influence as changed by the Metropolitan Area Planning Commission and Sedgwick County Board of County Commissioners.
- Article III, Section 2, Definitions: Site/Vision Triangle was updated to match the Zoning Regulations.

- Article VI, Section 1: Updated the principles of acceptability to reference that all public improvements shall be designed and installed in accordance with design policies, criteria, and specifications established by the City Engineer.
- Article VI, Section 2: Updated Model Floodplain Management Ordinance to the current Ordinance 1104 from May 8, 2023, per FEMA and Kansas Department of Agriculture regulations.
- Article XI, Section 2: Fees were removed and moved to Chapter 17 of the city code.

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

PUBLIC REVIEW

This is a first review of the Subdivision Regulations, and a public hearing has been set for Thursday September 14, 2023.

ATTACHMENTS

Recommended text amendment redlines.

HAYSVILLE SUBDIVISION REGULATIONS

Approved by the Planning Commission on February 13, 2020

Adopted by the City Council on April 27, 2020 by Ordinance # 1069



“OFFICIAL COPY”

City of Haysville

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SUBDIVISION REGULATIONS FOR HAYSVILLE, KANSAS

ARTICLE I. TITLE, PURPOSE, AUTHORITY, AND JURISDICTION AND DEFINITIONS

Section 1. Short Title.

These regulations shall be known as the “Haysville Subdivision Regulations,” and shall hereinafter be referred to as “these regulations.”

Section 2. Purpose.

These Subdivision Regulations are designed and intended to serve the following purposes:

1. To provide for the harmonious development of the City of Haysville and portions of the unincorporated area of Sedgwick County;
2. To provide for the proper location and width of streets, building lines, open spaces, drainage, safety, and recreational facilities and for the avoidance of congestion of population;
3. To provide for the minimum width, depth, and area of lots;
4. To specify the extent to which, or manner in which road ways shall be graded and improved;
5. To specify the extent to which, or manner in which water, sewer, and other utility mains and piping or connections or other physical improvements shall be installed; and
6. To provide for and secure to the proper Governing Body, the actual construction of such physical improvements.

Section 3. Authority.

The requirements and recommendations set forth herein are designed to encourage an orderly municipal growth for Haysville through responsible land subdivision and are adopted under authority established by K.S.A. 12-741, et seq, as amended, 12-742, 12-749, 12-751 and 12-752, 12-760 and 12-761, 12-764, 12-766, 12-3009 through 12-3012, and 12-3301 and 12-3302.

Section 4. Jurisdiction.

These regulations shall apply to all subdivisions of land within the corporate limits of the City of Haysville, as presently exists or are hereafter established, and within the Urban Growth Boundary

Area of Influence as defined by the Metropolitan Area Planning Commission and Sedgwick County Board of County Commissioners.

Section 5. Applicability.

Any owner or owners of land subdividing the same into lots and blocks or tracts or parcels for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or establishing any street, alley or other property intended for public use or for the use of any purchaser or owner of lots, tracts, or parcels of land fronting on or adjacent thereto shall cause a subdivision plat to be made in accordance to these regulations unless exempted under Section 6.

Section 6. Exemptions.

Notwithstanding the requirements of Sections 2 through 5, these regulations shall not apply in the following instances or transactions:

1. For land in the unincorporated area, the division or further division of land into unplatted metes and bounds tracts, each of which contains 20 or more acres, and which:
 - a. Does not involve any new streets or easements of access, as determined by the Planning Commission, and is located adjacent to a public road which has been accepted by the County or a township or which is located adjacent to an existing private road whose right-of-way width conforms to the right-of-way standards of this Regulation.
 - b. In the case of an existing private road, there must be covenants filed of record which provide for the maintenance of the private road. The covenants must provide a mechanism which authorizes the County to maintain the private road, and charge incurred costs to the owners of the land being provided access, if the owners fail to maintain the private road.
 - c. Has land suitable for dwelling purposes which is not located in an area subject to flooding as determined by Section 2 of Article VI of these Regulations. If any portion of unincorporated property lies in a flood hazard area as shown on the Flood Boundary and Floodway Maps published by the Federal Emergency Management Agency or if drainage channels and swales exist on the property which carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar device as may be required by the County Director of Public Works;
 - d. If the property is located adjacent to a public road right-of way which does not conform to the right-of-way width requirements of these Regulations, additional right-of-way shall be granted by dedication or easement as may be required to conform to these Regulations.
 - e. Is to be used for agricultural or single-family residential purposes only; and
 - f. Conforms to any applicable zoning regulations and sanitary code.

2. A change in the boundary between adjoining lands which does not create an additional lot or tract or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations or sanitary code.
3. Land used for street or railroad right-of-way, a drainage easement or other public utility easement subject to local, state or federal regulations; where no new street or easement of access is involved.
4. Land used for highway or other public purposes relating to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use.
5. A correction of a description in a prior conveyance, provided that such a conveyance shall be clearly labeled as a “correction conveyance” and shall clearly identify the proper conveyance that is the subject of correction and the error contained in such prior conveyance.
6. Whenever any lot, parcel, or tract of land located within the area governed by these regulations has been subdivided, resubdivided or replatted prior to the adoption of these regulations.
7. Any lot split approved in accordance with these regulations.
8. Any transfer by operation of law.

It shall be the responsibility of the property owner or their agent to provide to the Zoning Administrator copies of recorded instruments which show the name of the current owner and a complete legal description of the property for which an exemption is requested, including documentation identifying that date upon which the legal description for the property was established.

Any request made in writing for a determination as to qualifications for being exempt from these Regulations shall be answered by the Zoning Administrator either in the affirmative or negative within 30 days after the filing of the request or the exemption shall be considered granted.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 1. Division of Responsibility.

The administration of these regulations is vested in the following governmental branches, agencies, departments or individuals of the city government:

1. Zoning Administrator
2. Office of the City Clerk of Haysville, known as the City Clerk.
3. Haysville Planning Commission.
4. Haysville Governing Body.

Each of the above named governmental branches, agencies, departments or individuals shall have the responsibilities hereinafter set forth.

Section 2. Duties of the Zoning Administrator

The Zoning Administrator, or designee, shall administer the provisions of these regulations and in furtherance of such authority, shall:

1. Inform applicants of procedures required for subdivision approval and vacations, provide application forms and other administrative forms to facilitate the process, and convey to subdividers the decisions of the Planning Commission.
2. Receive and establish files for all sketch plans, preliminary and final plats, replats, final plats for small tracts, lot splits and vacations together with applications therefore.
3. After determining the adequacy of the information submitted as suitable for distribution, forward copies of the preliminary plat and final plats for small tracts, when deemed necessary, to other appropriate governmental agencies and public and private utilities providers for their comments and recommendations.
4. Review and compile a list of comments on all preliminary plats to determine whether such plats comply with these regulations and similarly review and compile a list on all final plats to determine whether they comply with the preliminary plat, if any, and these regulations.
5. Forward preliminary and final plats to the Planning Commission for their consideration, together with the list of comments and recommendations.
6. Following review recommendation by the Planning Commission on all matters reviewed by the Planning Commission, check and assemble all pertinent data and drawings, then forward such recommendation and associated documentation to the Governing Body for final action.
7. Issue determinations of when property divisions are exempt from these Regulations as provided herein.
8. Make such other determinations and decisions as may be required by these regulations.

Section 3. Duties of the Office of the City Clerk Related to These Regulations.

The City Clerk of the City of Haysville shall:

1. File at least one copy of these regulations marked by the Clerk as "Official Copy as Incorporated by Ordinance No. _", (i.e., the ordinance adopting these regulations as approved by the Governing Body). Such copies maintained by the Clerk shall be open to inspection and available to the public at all reasonable business hours.
2. Distribute at cost to the City, official copies of these regulations to the police department, court, planning and zoning administrator, building inspector, city attorney, and all administrative departments of the City charged with the enforcement of these regulations.
3. Process the required filing fees.
4. Provide clerical assistance to the Governing Body so as to facilitate and record their actions in the exercise of their duties relating to these regulations.

Section 4. Duties of the Haysville Planning Commission.

The Haysville Planning Commission shall:

1. Review and approve, approve conditionally, or disapprove preliminary plats.
2. Review and approve, approve conditionally, or disapprove final plats for compliance with the preliminary plat as approved, and approve or disapprove final plat and transmit same to the Governing Body for acceptance of dedications of streets, alleys and other public ways and sites.
3. Make recommendations to the Governing Body on vacations of recorded plats, rights-of-way, easements, and other public reservations.
4. Make such other determinations and decisions as may be required of the Commission from time to time by law or these regulations

Section 5. Duties of the Governing Body.

The Governing Body shall:

1. Accept or not accept dedications of streets, alleys, easements, alleys, easements and other public ways and sites shown on final plats and in cases of disapproval or modification shall inform the subdivider and Planning Commission in writing of the reasons.
2. Approve or not approve vacations of recorded plats, rights-of-way, easements and other public reservations and, in the unincorporated area, to recommend or protest such vacations to be considered by the Board of County Commissioners.

Section 6. Enforcement.

No plat, lot split or vacation request shall be approved which does not comply with the provisions of these regulations.

Section 7. Filing Fees.

For the purpose of defraying costs of proceedings described herein, filing fees shall be paid upon the filing of each application as established by Chapter 17 of the Haysville Municipal Code adopted by the governing body.

ARTICLE III. INTERPRETATION, ~~AND~~ CONSTRUCTION, AND DEFINITIONS

Section 1. Interpretation and Construction.

1. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable local law, ordinance, regulation, resolution, rule or regulation of any kind, the regulation that is more restrictive and imposes higher standards of requirements shall govern.
2. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of this regulation are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
3. No subdivision of land shall be made lawful solely by the adoption of these regulations if such subdivision did not lawfully exist at the time of the adoption of these regulations. If any existing subdivision of land is in conflict with these regulations in any manner, such subdivision shall remain unlawful until the requirements of these regulations have been complied with.
4. The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances therefore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.
5. In the construction of these regulations, the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise:
 - a. The singular number includes the plural and the plural the singular;
 - b. The present tense includes the past and future tenses and the future the present; and
 - c. The word "shall" is mandatory while the word "may" is permissive.
6. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
7. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

Section 2. Definitions.

Any word or phrase that is defined in this Section shall have the meaning assigned to it by said Section wherever the word or phrase is used in these regulations.

1. Access Control. The limitation of public access rights to and from properties abutting streets or highways. Access control is used to preserve high-quality traffic service and to improve safety.

2. Agriculture. The use of a tract of land for growing crops, pasturage, nurseries, dairying or the raising of poultry or cattle and other livestock, including the structures necessary for carrying out farm operations and the residence(s) of those owning and operating the premises such as a member of the family thereof or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables, dog kennels, commercial feedlots or commercial greenhouses; however, woodland and non-producing open space land are considered agricultural.
3. Base Flood Elevation. The highest elevation, expressed in feet above mean sea level, of the level of flood waters having a one percent chance of being equaled or exceeded in any given year (commonly called the 100-year storm).
4. Benchmark. Surveying mark made in some object that is permanently fixed in the ground, showing the height of that point in relation to North American Vertical Datum of 1988 (NAVD 88).
5. Blocks. A tract of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.
6. Building Setback Line. A line indicating the limit beyond which buildings or structures may not be erected. Such line may be more, but not less restrictive than applicable zoning or other regulations.
7. Dedication. Gift or donation of real property by the owner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the governing body.
8. Design Standards. The basic land planning principles established as guides or requirements for the design and layout of subdivisions as described in these regulations.
9. Detention Pond. A storage facility for the temporary storage of storm water runoff designed in such a way to limit the maximum discharge to an amount equal to pre-developed conditions.
10. Developer. The legal or beneficial owner or owners of a lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in the land. (see also Owner; Subdivider)
11. Developer's Agreement. A contractual agreement signed and notarized by the subdivider and the City or County, depending upon the location of the land being subdivided, which is conditioned upon approval of the final plat and acceptance of dedications thereon with primary concern for the installation and guarantees for public improvements.
12. Easement. A grant of specific property rights to land for the use of the public, a corporation or another person or entity.
13. Easement, Drainage. An easement required for the installation of storm water sewers or waterways and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.
14. Encroachment. Any obstruction in a delineated floodway, right-of-way, easement, building setback or adjacent land.

15. Frontage.
- a. Street 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 on side of such street measured from the nearest intersecting street and the end of the dead-end street.
 - b. Lot Frontage. That portion of the lot that lies between the side lot lines and is adjacent to the street serving the lot.
16. Governing Body. The Mayor and City Council of the City of Haysville.
17. Improvements. All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose. Improvements shall include all facilities listed in Article VII of these regulations.
18. Infrastructure. Facilities and services needed to sustain industry, residential, institutional, and commercial activities.
19. Lot. A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by these regulations.
- a. Lot, Double Frontage (a.k.a. Through Lot). A lot other than a corner lot, two opposite lot lines of which abut upon streets which are more or less parallel. On a Double Frontage or Through Lot, both street lines shall be deemed front lot lines, but in the case of two or more contiguous through lots, there shall be a common front lot line.
 - b. Lot, Reverse Frontage. A lot whose rear lot line also serves as the street line for a limited access highway or street.
 - c. Lot, Corner. A lot situated at the intersection of two streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
 - d. Lot, Through. (See Lot, Double Frontage.)
 - e. Lot, Interior. A lot whose side lot lines do not abut upon any street.
20. Lot Split. The dividing or redividing of a lot or lots in a recorded plat of a subdivision into tracts that meets the criteria established within these regulations.
21. 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.
22. Minimum Pad Elevation. The lowest ground elevation completely surrounding a structure or the lowest flood proofed opening into a structure. This elevation is expressed in city datum or mean sea level.
23. Open Space. An area of land or water, or combination thereof, planned for passive or active recreation or for protection, conservation or for preservation of natural resources, but does

not include areas utilized for streets, alleys, driveways, or private roads, off-street parking or loading areas, or required, front, rear or side yards.

24. Original Tract. A tract of land in existence at the time, in 1969, that Sedgwick County adopted Subdivision Regulations. (July 1, 1969)
25. Owner. Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under these regulations. (*See also, Developer; Subdivider*)
26. Pedestrian Way (Crosswalk). A right-of-way across a block or providing access within a block to be used primarily for pedestrian traffic.
27. Petition. A legal instrument which serves as the basis for initiation of a public improvement project. A petition is frequently used during the platting process to guarantee the construction of certain improvements, e.g., street paving, water and sewer lines, drainage, etc. A petition is valid if its signatures are more than 50% either by area within the benefit district or by ownerships. Petitions are also used to initiate the vacation of streets, alleys, easements, other public reservations and plats.
28. Planning Consultant. Any person, firm, partnership, association, or corporation contracted to provide professional planning advice or service to the city.
29. Planned Unit Development (PUD). A platted parcel, subdivision, or district that contains specific zoning rules as a replacement for the adopted city regulations as approved by the governing body.
30. Planned Unit Development Plat. A plat containing additional language and depictions unique to one or more parcels contained therein, superseding zoning and subdivision regulations as approved by the planning commission and city council.
31. Plat. An engineering drawing/map of a tract of land which 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.
 - a. Sketch Plat. A map or plan of a proposed subdivision made prior to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.
 - b. Preliminary Plat. A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.
 - c. Final Plat. A map or plan of a subdivision prepared in accordance with these regulations to be placed on record with the County Register of Deeds.
 - d. Replat. A new plat of a revision to a subdivision or portion thereof for which a final plat has previously been recorded. Such plats are processed as new plats for preliminary and final plat review and approval.
32. 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.

33. Reserve. An area of property within a subdivision that is platted for specific uses, e.g., open space, entry monuments, landscaping, recreational facilities, utilities and drainage, floodway, private street, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant which provides that a homeowner's or lot owner's association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sales to a public body for a public facility.
34. Restrictive Covenants. Contracts entered into between private parties which constitute a restriction on the use of private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Such restrictions may be set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. Restrictive covenants usually run with the land, and are not enforceable by a municipality.
35. Sanitary Sewers. Pipes that carry only domestic, commercial, and industrial sewage and into which storm, surface and ground waters are not intentionally admitted.
36. Septic Tank. An individual sewage disposal system involving a water tight receptacle that receives the discharge of sewage from a building and is designed and constructed to permit settling of solids from liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial firms, at regular intervals. Septic tanks are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a wastewater treatment plant. Approval of a site for use of a septic tank system involves establishing a minimum lot area to provide for the system's operation, determining that the soil has an acceptable percolation rate and ensuring separation of the system from groundwater.
37. Setback Line. The 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.
38. Sewage. The total of organic waste and waste-water generated by residential, commercial and industrial establishments.
39. Sidewalk. That portion of a street or pedestrian way, paved or otherwise surfaced, intended for pedestrian use only
40. Stormwater Detention. Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination of these techniques.
41. Street. The entire right-of-way width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "lane", "place", "avenue", "alley" or other similar designation. Types of Streets include:

- a. Alley. A public right-of-way along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots. An alley is not intended for general traffic circulation.
 - b. Arterial Street. Any street serving major traffic movements that is designed primarily as a traffic carrier between cities or between various sections of the city, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.
 - c. Collector Street. Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.
 - d. Cul-de-Sac. A short street with only one outlet and which is permanently terminated by a vehicular turn-around at its closed end.
 - e. Dead-End Street. A street having only one outlet and which does not benefit from a turnaround at its closed end.
 - f. Freeway. Any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.
 - g. Frontage or Marginal Access Road. A local street which is parallel with and adjacent to a limited access highway or arterial street and which provides access to abutting properties and protection from through traffic on the limited access highway or arterial street.
 - h. Half Street. A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.
 - i. Local 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.
 - j. Parkway Strip. That portion of street right-of-way that is not a part of the roadway driving surface and which is located between the back of the street curb, or edge of the improved roadway surface, and the street right-of-way line. The parkway strip provides unobstructed right-of-way for the installation of public utilities (typically gas and water lines), sidewalks, street signs, street lights, street furniture, street trees, emergency call boxes and other ancillary uses. The parkway strip should not be confused with parking lanes that are often provided as part of street pavement. The parkway strip is sometimes called a street's side strip.
 - k. Private Street. A right-of-way or easement which affords principal means of vehicular access to property abutting thereon, which right-of-way or easement is owned, controlled and maintained by persons other than the public.
 - l. Street Stub. A short section of street right-of-way platted to provide future access to an adjacent unplatted tract of property
42. Subdivider. The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land. *(See also, Developer; Owner)*

43. 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.
44. Turn Around. An area at the closed end of a street with a single common point of ingress or egress (cul-de-sac) within which vehicles may reverse their direction without any backing up movements.
45. Site/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 the right-of-way, and a third side across the lot which connects the ends of the two sides. In all residential districts, the two lot lines establishing the sight triangle shall be a minimum distance of 60 feet. A triangular area in the form of an easement at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection. Dimensions for such vision triangles shall be determined by the standards applicable to vision triangles as defined in the City Zoning Regulations; however~~ However, such standards may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation or intensity of traffic volumes or speed.- (Code 2023)



45.

46. Waterway. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.
47. Wetland. A land area that is saturated by surface water or ground water at frequencies and durations sufficient to support a prevalence of plant life typically adapted for life in saturated soil conditions and as defined in Section 404, Federal Water Pollution Control Act of 1972 as amended, and delineated on maps prepared by the U.S. Fish and Wildlife Service and as field verified by on-site inspection.

ARTICLE IV. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

Section 1. Application for Subdivision Approval.

Any person desiring or required to subdivide land that is subject to the provisions of these regulations shall file with the office of the Zoning Administrator an application that states the name and address of the person making the application, identifies the location of land to be subdivided, and describes the proposed subdivision in general terms, including the approximate number of proposed lots and typical lot widths and depths. A proposed sketch plan of the subdivision may be attached to the application. The appropriate fee shall be paid upon filing the application.

Section 2. Pre-Platting Conference.

Any person desiring to subdivide land into 40 or more lots shall hold a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plat. Owners of proposed subdivisions of less than 40 lots are encouraged to hold a pre-platting conference; however they may proceed with filing a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

The purpose of this pre-platting conference is to inform the Zoning Administrator and City Staff of the possible future subdivision so that the staff may determine and inform the applicant of the effect, feasibility and compatibility of the proposal in relation to the City's utility and street system and the City's development policies and plans. The conference enables the Zoning Administrator to inform owners and their agents of the general conformance or non-conformance of the subdivision proposal with the Subdivision Regulations, additional requirements for further processing of the plan, and to advise them of applicable zoning provisions or conflicts, and special design considerations presented by particular environmental features on or affecting the site (i.e. flood plains, soil problems, high water tables, etc.), as well as the provision of adequate public facilities.

The landowner or his representative may, if he deems desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the Zoning Administrator, which may prove helpful in designing the preliminary plat. The sketch plan should convey the location of the proposed development, the general layout of the proposed subdivision, including the location and size of streets and the orientation, numbers, and dimensions of the lots; plans for water supply and sewage disposal, and any particular design problems posed by the existing natural or manmade conditions and characteristics of the site which could benefit from an early discussion.

The pre-platting conference may include representatives of the City of Haysville and other persons and agencies as applicable. No verbal, written or schematically illustrated statements made during the course of the conference shall be held as legally binding. No fee shall be charged for the pre-platting conference.

Section 3. Filing of Preliminary Plat.

The subdivider shall file with the Zoning Administrator such number of copies and a digital format of the preliminary plat as the Zoning Administrator may deem necessary for proper review.

Section 4. Contents of Preliminary Plat.

The preliminary plat shall contain information and data set out in Section 3, Article V of these regulations.

Section 5. Distribution and Review of Preliminary Plat.

The Zoning Administrator, after the filing of the preliminary plat, shall make arrangements to distribute one or more copies of the preliminary plat to affected and interested governmental and public and private organizations as may be deemed appropriate for the particular proposed subdivision. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Planning Commission, signify approval, unless during this period a written request for an extension of time not to exceed 15 days is submitted to the Planning Commission.

Section 6. Action by the Planning Commission on Preliminary Plat.

The Planning Commission shall review the preliminary plat and consider the report and recommendation of the agencies, departments and persons to whom the preliminary plat has been submitted for review. The Planning Commission may also conduct a public discussion, at which time interested persons may attend and offer evidence in support of or against such preliminary plat.

1. The Planning Commission shall thereupon determine on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the development plan of the City and the zoning regulations of the City, other applicable provisions of the ordinances of the City, or the applicable zoning regulations of the unincorporated area.
2. If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat.
3. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions it may suggest modifications to satisfy such conditions and in such event;
 - a. The subdivider may amend the preliminary plat to incorporate such modifications and re-submit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
 - b. If the subdivider rejects the suggested modifications or takes no action within the time allowed for Planning Commission action, the Planning Commission will disapprove the preliminary plat, and furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

4. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately furnish the subdivider a statement in writing setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations. Notification of disapproval must be provided within 60 days after the preliminary plat was filed.
5. The subdivider may appeal the disapproval of the preliminary plat to the Governing Body. Such appeal shall be made in writing and filed with the City Clerk within 60 days after the date the Planning Commission issues its statement setting forth its reasons for disapproval of the preliminary plat.

Section 7. Failure of Planning Commission to Act on Preliminary Plat.

If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date it is filed, or from the date the subdivider files the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented to extend or to waive such time limitations.

Section 8. Effect of Approval of Preliminary Plat.

1. Approval of the preliminary plat shall signify the general acceptability of the proposed subdivision and shall be considered permission to prepare the final plat and such other items as are needed or required for submission with the final plat.
2. Such approval shall be effective for no more than two (2) years from the date approval was granted, unless, upon an application of the subdivider, the Planning Commission grants an extension of time beyond such period. If the final plat has not been approved and recorded as required by the provisions of this regulation within such two (2) year period, or any extensions granted thereto, the preliminary plat must be re-submitted to the Planning Commission as if no such plat had ever been approved. If there are no substantive changes from the preliminary plat which was originally approved, no additional fee shall be charged for such re-submission.

Section 9. Filing the Final Plat.

The final plat shall be filed with the Zoning Administrator's office within two (2) years after the date the preliminary plat is approved. The subdivider must provide both paper and digital copies of the final plat, such number and format to be designated by the Zoning Administrator to allow for proper review and government records.

Section 10. Action by the Planning Commission on the Final Plat.

The Planning Commission shall review and act upon the final plat within 60 days after it has been submitted for final approval. The Planning Commission shall approve the final plat if it is:

1. Substantially the same as the approved preliminary plat.
2. There has been compliance with all conditions, restrictions, and requirements of this regulation and of all other applicable ordinances of the city.
3. There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.

The Planning Commission shall approve or disapprove the final plat within 60 days after it has been submitted for final approval. If the Planning Commission disapproves the final plat, the subdivider shall be advised in writing of the reasons for such disapproval.

Section 11. Failure of Planning Commission to Act on the Final Plat.

If the Planning Commission fails to act on the final plat within 60 days, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitations.

Section 12. Submission to the Governing Body.

Before a final plat is recorded, it shall be submitted to the Governing Body for approval and acceptance of dedications for streets and other public ways, access controls, public utility easements, and any land being dedicated or established for public use. The Developers Agreement for construction and payment of streets and utilities shall also be submitted at this time

Section 13. Action of Governing Body.

The Governing Body shall approve or disapprove the dedication of land for public purposes and the Developers Agreement within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modification to comply with the requirements established by the Governing Body. If the Governing Body disapproves or defers action on the final plat, it shall advise the Planning Commission and the subdivider in writing the reason for disapproval or deferment.

Section 14. Disapproval or Deferment by the Governing Body.

In the event the Governing Body disapproves or defers action on the final plat, as referred to in Section 13, the Planning Commission shall meet with the subdivider to modify the final plat or Developers Agreement to comply with the requirements of the Governing Body.

Section 15. Failure of the Governing Body to Act on the Final Plat.

If the Governing Body fails to act on the final plat within the time period specified in Section 13 above, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

Section 16. Approval of Plats and Acceptance of Dedications by the County Commission.

All Final Plats outside the corporate limits of the City shall also be submitted to the Board of County Commissioners for their review and approval and for the acceptance of dedications for public rights-of-way, access controls, utility easements, and other public uses.

Section 17. Recording of Final Plat.

The Final Plat with all required signatures and in the exact form as approved by the Governing Body and Planning Commission shall be recorded with the County Register of Deeds within 30 days after approval of the Final Plat by the Governing Body, including the developer's agreement, any required restrictive covenants and any required separate instrument(s). Approval of the Final Plat by the Planning Commission and the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds. The cost of recording the plat and associated instruments shall be paid by the subdivider.

Section 18. Phased Developments.

An approved Preliminary Plat may be Final Platted in pieces rather than as a whole, provided the following conditions are met:

1. Each Final Plat shall contain an area of sufficient size to install improvements economically. The Final Plat should, if possible, contain at least 20 lots.
2. Each phase must consist of one or more geographically contiguous areas.
3. The approval of the Planning Commission is obtained. The decision of the Planning Commission to authorize the Final Plat shall be based on the advice of the City Engineer and Public Works Director regarding the feasibility of installing required improvements.
4. At least one Final Plat shall be submitted for approval within each 12 months period from the date of approval of the overall Preliminary Plat. All Final Plats for the overall Preliminary Plat shall be submitted for approval within five years from the date that the overall Preliminary Plat was approved. The Planning Commission, on written request of the subdivider, may, from time to time, grant extensions of time for submitting such Final Plats. Each such extension of time shall be for no more than one year.
5. All steps required for the approval of a Final Plat, including the recording of the plat, shall be complied with.

Section 19. Approval of Final Plats for Small Tracts.

If a proposed plat complies with the requirements of this section, then the Planning Commission may approve a Final Plat without first approving a Preliminary Plat.

1. Requirements. In order to qualify for approval in the manner provided for in this section, a proposed Final Plat shall comply with the following requirements:
 - a. For single-family and two-family developments the plat shall contain no more than 20 lots or exceed 10 acres. For multi-family or nonresidential uses involving areas not previously platted, the plat shall be not more than five (5) acres and involve no more than 2 lots. For previously platted properties, for which the present plat was recorded not more than 24 months prior to the filing of the application for a replat of that subdivision or portion thereof, the proposed plat shall not exceed five (5) acres nor include more than five (5) lots.
 - b. No public street is sought to be dedicated across the property or is contemplated to be projected through (as opposed to adjacent to) the property subject to the plat.
 - c. The proposed subdivision plat shall be in the form required by Section 3 of Article V of these Regulations and shall contain all the information and certificates required as part of a Final Plat, including all supplemental information.
 - d. Submission of a filing fee.
 - e. Submission of a vicinity map drawn to scale indicating existing topography, the location of existing utilities on or adjacent to the property, the location of existing buildings on the property and the names of owners of adjacent properties including zoning of the adjacent properties. The number of copies of the vicinity map which are required to be submitted with the Final Plat shall be determined by the Zoning Administrator.
2. Procedures
 - a. Final Plats submitted for approval pursuant to this section shall be filed with the Zoning Administrator and transmitted to the Planning Commission and affected and interested governmental, public and private organizations.
 - b. The approval of Final Plats by the Planning Commission pursuant to this section shall be subject to the same requirements for a Final Plat except insofar as said requirements require prior approval of, or compliance with, an approved Preliminary Plat.

ARTICLE V. CONTENTS OF PLANS AND PLATS

Section 1. Engineering Accuracy.

Plats shall be prepared with the following accuracy:

1. Preliminary plats shall be drawn to scale with such accuracy as to determine the location of a lot, block, property and boundary lines, utility and other facilities, to the nearest foot.
2. Final plats shall be prepared with the accuracy required for traverse data. The following sheets or drawings shall be submitted with the final plat:
 - a. Traverse data, for the plat, including the coordinates of the boundary of the subdivision with the error of closure. The error of closure for a perimeter distances less than ten thousand (10,000) feet in length, the error of closure shall be less than one (1) in ten thousand (10,000).
 - b. The computation of all distances, angles and courses that are shown on the final plat.
 - c. All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.

Section 2. Contents of Preliminary Plat.

The preliminary plat shall be drawn at a scale of one inch equals 100 feet. A variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. The following general information shall be shown on the preliminary plat:

1. The proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the area subject to these regulations.
2. Date of preparation, north point, and scale of drawing.
3. An identification clearly stating that the map is a preliminary plat.
4. Location of the subdivision by measured distance to a section corner to define the location and boundaries of the tract that will be subdivided.
5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
6. The name and address of the owner, the subdivider, and the registered land surveyor or engineer who prepared the plat.
7. The following existing conditions shall be shown on the preliminary plat:
 - a. The location, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way and other important features such as section lines and corners, city boundary lines and monuments.

- b. Contour lines or spot elevations based on North American Vertical Datum 1988 (NAVD88) having the following intervals:
 - i. Two-foot contour intervals for ground slopes less than 10 percent
 - ii. Five-foot contour intervals for ground slopes exceeding 10 percent
 - iii. Spot elevations where the ground is too flat for contours.
 1. The date of the topographic surveys shall be shown.
 - c. The location and direction of all water-courses and areas subject to flooding, including floodway and flood fringe areas, and base flood elevations, where required by Section 2 of Article VI.
 - d. Natural features such as rock outcroppings, marshes, lakes, wooded areas, and isolated preservable trees.
 - e. Existing use of the property including the location of all existing structures showing the location of those that will be removed and those that will remain on the property after the final plat is recorded.
 - f. The horizontal location, within the subdivision and in the adjoining streets and property, of existing sanitary and storm water sewers including flow lines, water mains, culverts, drain pipes, underground wiring, and gas lines proposed to serve the property to be subdivided.
 - g. Zoning on and adjacent to the tract, if any.
 - h. Location, elevation and description of the benchmark controlling the vertical survey.
8. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:
- a. Streets and sidewalks, showing the location, width and names and approximate grades thereof. The preliminary plat shall show the relationship of all streets and sidewalks to any projected streets and sidewalks shown or to any related Master Plan adopted by the Planning Commission, or Governing Body; or if no such Master Plan has been completed, then as suggested by the Planning Commission.
 - b. Easements showing width and purpose.
 - c. Lots showing approximate dimensions, minimum lot sizes, and proposed lot and block numbers.
 - d. Sites, if any, to be allocated for development with other than single-family dwellings.
 - e. Sites, if any, to be dedicated or reserved for park, playground or other public purposes.
 - f. Proposed building setback lines, if any, but not less than current applicable zoning regulations.
 - g. Location and type of utilities to be installed including provision for storm-water drainage.

- h. Street names which do not duplicate any heretofore used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes which provide relative direction and type of street should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the applicable City's or County's Street Naming and Property Numbering Policy, if adopted. Property numbers are assigned by the City or County depending upon the agreed upon jurisdictional policy.
9. Additional data and information to be submitted with the preliminary plat. The following data and information shall be submitted in separate statements and/or maps accompanying the preliminary plat, or, if practical, such data and information may be shown on the preliminary plat:
- a. A vicinity map showing existing subdivision, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets. Such vicinity map shall also include a location map that identifies the area of the municipality in which the tract to be subdivided is to be located.
 - b. A copy of any existing or proposed deed restrictions or covenants that affect the property, in outline form.
 - c. A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g., petition, actual construction, fiscal guarantee, etc. If other than by petition, the approximate time that such improvements will be completed should be indicated. If by petition, the statement shall contain sufficient detail with respect to the proposed improvements to permit a determination to be made with respect to whether such improvements will comply with this regulation and other applicable statutes, ordinances and regulations. If the nature of the improvement is such that it is not practical to prepare and submit all necessary details prior to the approval of the preliminary plat, then the Planning Commission may waive the submission of such details provided that the additional data is submitted at least 30 days prior to the date that approval of the final plat is requested.
 - d. A drainage concept showing the means by which storm waters shall be accepted from adjacent properties, handled internally and drained from the tract, to include an analysis of adjacent properties.
 - e. A traffic impact study may be required at the discretion of the Zoning Administrator or the Planning Commission.

Section 3. Contents of Final Plat.

The final plat shall be prepared by a registered land surveyor and drawn in waterproof black on Mylar or its equivalent. Alternatively, a final plat may be prepared with a photographic process provided it is submitted on .004 inch polyester photographic film such as Mylar or its equivalent. The page or sheet size shall be 24 by 36 inches or smaller. Larger sizes will not be accepted. The scale shall be 100 feet to one inch. A variation in scale may be allowed where the Planning

Commission determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notion showing the whole number of sheets in the plat and its relation to other sheets (e.g., 1 of 3 sheets.) Linear dimensions shall be given in feet and decimal of a foot. The following information shall be shown on the final plat:

1. The name of the subdivision.
2. The date of preparation, scale, north point, legend and controlling topography; and physical features such as water courses, highways and railroads.
3. A legal description of the tract boundary.
4. The name of the owners and the registered land surveyor.
5. Reference points of existing surveys identified, related to the plat by distances, angles and bearings.
 - a. Section corners and/or adjoining corners of all adjoining subdivisions, or corners of existing plats, when a replat.
 - b. Section, township and range.
 - c. When the city or county has established the centerline of the street adjacent or within the proposed subdivision, the location of such centerline and monuments found or reset shall be shown.
 - d. All other monuments required to be installed by the provisions of these regulations.
6. Tract boundary, block boundary, street and other right-of-way lines with distances and angles and/or bearings. Where these lines follow a curve (all curves must be circular). The central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown.
7. Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block of tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
8. The width of the portion of the streets being dedicated and the width of any existing right-of-way. The centerline of streets which are adjacent to the perimeter of the subdivision shall be indicated.
9. All easements shall be denoted by fine dash lines, clearly identified as to purpose, and if already on record, the recorded reference of such easements. If an easement is not definitely located of record a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of identification. Rear easements shall be labeled as drainage and utility easements when necessary.
10. Lot numbers beginning with the number one, and numbered consecutively in each block. The numbers shall be solid and of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.

11. Block letters continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
12. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale. If the plat proposes the creation of reserves, the text shall state the purposes of the reserve, as well as, who will own and be responsible for the maintenance of reserves. Future ownership and maintenance responsibilities for a reserve may also be documented by a restrictive covenant filed with the register of deeds that provides that a homeowners association, or similar entity, will hold title to the reserve and therefore be responsible for the reserve's maintenance.
13. Building setback lines, if any.
14. The name of each street shown on the subdivision plat or adjacent to its perimeter.
15. The location and elevation of permanent on-site and off-site benchmarks if the plat is establishing minimum building pad or lowest floor elevations. When the establishment of minimum building pad or lowest floor elevations are required, the required elevations shall be referenced in NAVD88 on the face of the plat. The platting of the minimum building pad or lowest floor elevations shall also be noted in the plat's text.
16. If street rights-of-way, building setbacks, access controls, minimum building pad elevations, public easement or other public reservations are being vacated by the plat, proper reference to K.S.A. 12-512b, amended, shall be made in the plat's text.
17. The following certificates, which may be combined where appropriate:
18. All names required on plat certificates must be typed or clearly printed below the signature.

A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.

- a. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants. If the subdivision abuts or is within 100 feet of any FEMA-regulated floodplain or regulatory floodway, the dedicating certificate shall also recite that, "FEMA floodplain and regulatory floodway boundaries are subject to periodic change, and such change may affect the intended land use within the subdivision."
- b. A certificate signed by the registered land surveyor responsible for the survey and final map. The land surveyor shall not sign the plat until all monuments, irons, or benchmarks required by these regulations, have been set. The signature of the surveyor shall be accompanied by his seal and shall state the month and year the survey was made.
- c. The acknowledgment of a notary in either of the following forms:

- i. For acknowledgement in an individual capacity:

State of Kansas, County of Sedgwick, SS:
This instrument was acknowledged before me on (date) by name(s) of person(s).
Seal or stamp _____, Notary Public
(Signature of Notarial Officer)
My commission expires: _____

- ii. For an acknowledgement in a representative capacity:

State of Kansas, County of Sedgwick, SS
This instrument was acknowledged before me on (date) by name(s) of person(s) as (type of authority, e.g., officer, trustee, president, etc.) of (name of party on behalf of whom instrument was executed) on behalf of (company, partnership, trust, etc.)
Seal or stamp _____, Notary Public
(Signature of Notarial Officer)
My commission expires: _____

- d. The certificate of the Planning Commission in the following form:

This plat was approved by the Haysville City Planning Commission on _____, 20__.
Dated Signed: _____, 20__
Haysville Planning Commission
_____, Chairperson
(Typed Name)
ATTEST:
_____, Secretary
(Typed Name)

- e. The approval of the City Attorney as required for additions to or within the City of Haysville under K.S.A. 12-401 et. seq in the following form.

This plat is approved pursuant to the provisions of K.S.A. 12-401.
Date Signed: _____, 20__
_____, City Attorney
(Typed Name)

- f. The approval and acceptance of dedications by the Governing Body in the following form:

This plat approved and all dedications shown hereon, if any, are accepted by the City Council of Haysville, Kansas, this ____ day of _____, 20____.	
(SEAL)	_____, Mayor (Typed Name)
	ATTEST:
	_____, City Clerk (Typed Name)

- g. The acceptance of dedications by the Board of County Commissioners of Sedgwick County for plats outside of the city limits in the following form:

The dedications shown hereon, if any, are accepted by the Board of County Commissioners of Sedgwick County, Kansas, on _____, 20____.	
(SEAL)	_____, Chairman (Typed Name)
	ATTEST:
	_____, County Clerk (Typed Name)

- h. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this ____ day of _____, ____.	
	_____, County Clerk (Typed Name)

- i. The certificate of the Register of Deeds in the following form:

State of Kansas, County of Sedgwick, SS
This is to certify that this instrument was filed for record in the Register of Deeds Office on the ____ day of _____, _____, at ____ o'clock and is duly recorded.
_____, Register of Deeds (Typed Name)
_____, Deputy (Typed Name)

- j. Provision for all other certifications, approvals and acceptances that are now, or that may hereafter be, required by any statute, ordinance or regulation.
- k. The form of certificates may be modified as necessary with the approval of the Planning Commission and the City Attorney to meet Kansas State requirements.
- l. Subdivisions which lie outside the City limits for which requests have been made for the extension of one or more City utility services shall agree to a waiver of protest of potential future annexation by a statement reading, "Owners of lands within this subdivision do hereby bind themselves to waive any protest to annexation by the City of Haysville", which shall be shown on the final plat, and shall be restated by a restrictive covenant.
19. Supplemental information to be submitted with final plat. The following additional data shall be submitted with the final plat.
- a. A title report by an abstract or title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or any encumbrance on the plat. The consent of all such persons shall be on the plat.
 - b. A certificate showing that all taxes due and payable have been paid in full, or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such officials or governing bodies to meet this requirement.
 - c. A copy of any deed restrictions or covenants applicable to the subdivision.
 - d. A developer's agreement to be approved, accepted and recorded.
 - e. A drainage plan shall be submitted to the appropriate engineer prior to, or at the time of, submitting the final plat for approval, to include analysis of surrounding properties.

The Subdivision plat shall clearly state that a drainage plan has been developed for the subdivision and that all drainage easements, rights-of-way, or reserves shall remain at the established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.

ARTICLE VI. DESIGN STANDARDS

Section 1. Principles of Acceptability.

~~The subdivision shall be in conformity with any development plans of the City of Haysville or of Sedgwick County, and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform to the requirements of state laws and the standards established by these regulations.~~

All subdivision of land subject to these regulations shall conform to the minimum design standards of this article and the requirements of State law. Furthermore, all subdivisions outside the City shall conform to the zoning, stormwater, sanitary sewer, road, and other applicable standards of the County and the road construction standards of the applicable Township. All public improvements shall be designed and installed in accordance with design policies, criteria and specifications established by the City Engineer.

Section 2. Land Subject to Flood.

1. Whenever a subdivision of land, including platting for manufactured home parks and other developments on one-lot plats, is located on flood-prone land identified on a Flood Insurance Rate Map(s) (F.I.R.M.) prepared by the Federal Emergency Management Agency, the following requirements shall apply: (See Ordinance [912 1104](#) for Model Floodplain Management.)
 - a. Show on the preliminary and final plats the boundary lines and elevations for both floodway, if any, and base flood (100-year flood level); and
 - b. Assure that (a) all such subdivisions are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, water, gas and electrical systems are located, elevated and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards.
2. All plats should be designated in North American Vertical Datum 1988 (NAVD88) and City Datum to conform to the National Flood Insurance Program Studies.
3. Where a subdivision is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a drainage reserve conforming substantially to the lines of the watercourse and such further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses may be required. Watercourses will be concreted or vegetated with adapted perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water. Drainage reserves shall be the responsibility of the individual lot owner or subdivider homeowners association until such time as the applicable Governing Body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage within said floodway or reserve provided further, that no building shall be constructed on or within said reserve nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the applicable Governing Body exercising jurisdiction and applicable state agencies. The plat shall clearly indicate ownership and maintenance responsibilities.

Section 3. Access.

1. All lots located in any subdivision shall be served directly by a public street, except that private streets may be permitted as a part of a plat approved by the governing body. Private streets may be permitted to serve an unplatted tract, parcel or platted lot if there is an irrevocable covenant of record to provide for the perpetual ownership, continuance, and maintenance of the private street. The covenant must be approved by the governing body whose engineer approves streets.
2. Compliance with access control methods consistent with published KDOT standards shall be required for any subdivision or plat located adjacent to South Broadway (US-81).
3. All lots located in any subdivision must contain at least 30 feet of frontage for driveways directly connected to an opened public street and not across the land of others. Flag lots are not permitted, unless warranted by an unusual shape of the land or the ownership of property.
4. All street, alley, and driveway access connections made to arterial streets must be limited and approved by the City Engineer.

Section 4. Parks, Playgrounds, Open Space, Schools, Streets and Public Facility Sites.

Proposed subdivision land should provide open spaces suitably located and of reasonable size for parks, playgrounds, play lots, and other recreational areas as well as reservation of land for school sites, fire stations, other public facilities, and future streets (such as freeways or expressways).

1. Land for Public Facility Sites. Public agencies using the Comprehensive Plan as a guide may use the following procedure for acquiring sites for public facilities which does not preclude voluntary dedication and mutual negotiations for land or the use of the condemnation laws of the State:
 - a. The subdivider offers to sell to the appropriate public body, agency or authority, lands, sites, and locations for parks, recreational areas, schools, fire stations or other public facilities. As soon as the preliminary plat has been received and reviewed, the Planning Commission shall give 45 days' notice to the public body, agency or authority that it appears that lands should be considered for public acquisition. If within that 45 days the body receiving notice fails to act or submits a negative report on acquisition, then the subdivision and design thereof shall be treated as if no such request for land had been made.
 - b. If the body receiving notice replies in writing that they desire to acquire land within the subdivision, they shall have an additional 45 days after making such reply to make arrangements for such land acquisition.
 - c. The time allocated for making the above determination may be extended with the mutual consent of the subdivider and the agency involved.
2. Land for Open Space. The following conditions may be required as part of the approval of any subdivision plat:

- a. That said subdivider shall dedicate to the appropriate public body, agency, or authority, an area of land not to exceed 10 percent of the tract being subdivided, for parks, playgrounds, open space, or other public facilities.
- b. The subdivider may make payment to the city in lieu of dedicating 10 percent of the subdivided land, providing this payment is equal in value to the estimated acreage value of 10 percent of the total subdivision. Determination of the land value for making in lieu of payments will require an appraisal to be presented to the Planning Commission for their concurrence. The fund that accumulates from payments in lieu of dedication shall be expended by the Governing Body for the acquisition of public land in accordance with the City's Master Plan related to open space or public facilities. The method of payments in lieu of dedication of land shall be established prior to final approval of the plat. The need for public open space is related to population density, an area of higher density requires a greater percentage of land for uses such as parks and other public facilities. Therefore, the decision reached by the Planning Commission regarding whether to accept an in lieu of payment should be based in large part on the number of lots (proposed dwelling units) being proposed in the subdivision. Adequate provisions should be made to allow for public open space displaced throughout residential areas of the city.
- c. The subdivider may choose to include private parks, playgrounds, and/or open space as a part of the residential subdivision. These regulations do not include any minimum requirements regarding acreage or level of improvement for such facilities. However, in order to help meet the recreation needs of the future residents, subdividers are encouraged to provide such private facilities in their developments, or alternatively, to enter into partnership agreements with the applicable governing body, with the costs of providing land and making improvements to public parks, playgrounds and/or open space within the subdivision being shared equitably between the subdivider and the governing body.

Section 5. Land Subject to Excessive Erosion by Wind or Water.

On land subject to excessive soil movement by the forces of wind and/or water ~~and~~ that may cause environmental health hazards, necessary preventive measures shall be a part of the subdivision plat. Conservation standards adopted by the County Conservation District shall be adhered to.

Section 6. Specific Standards. Streets Layout and Design.

1. The arrangement, character or type, extent, and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown on the Master Plan, the arrangement of streets in a subdivision shall meet the following criteria or standards:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or,
 - b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.
2. Local streets shall be laid out so that their use by through traffic will be discouraged.
3. If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with access control provisions along the rear property line, deep lots with rear service alleys such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic shall be provided.
4. If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
5. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the applicable Governing Body under conditions approved by the Planning Commission.
6. Street jogs on arterial and collector streets must conform to the requirements of the Kansas Department of Transportation (KDOT) Access Management Policy. On local streets with a right-of-way of 64 feet or less, centerline offsets of less than 150 feet shall be avoided.
7. When a proposed subdivision is adjacent to unplatted property, the platting of stub streets, to provide future access to the adjacent unplatted tract, shall be provided. If the adjacent unplatted tract is planned for development of a use not compatible with the property being subdivided, the requirement for stub street dedications may be waived. If the length of the stub street is greater than 150 feet, a temporary turnaround shall be platted or established by separate instrument. If platted, the platator's text shall indicate that the turnaround will be automatically vacated upon extension of the street.
8. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees.
9. Street right-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of even feet, even numbers only. The components involved shall be as follows depending upon the urban or rural type of characteristics of the street needed based on land use, traffic and density:
 - a. Moving or traffic lanes may be variable from 9 to 12 feet depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc., and on design speed of the roadway. A moving lane may utilize a portion of the surface of certain types of curb construction.

- b. Parking lanes for on-street storage of vehicles shall be at least 8 feet in width. For computation purposes, up to two feet for curb or shoulder may be included as part of the parking lane.
- c. Curbs shall be considered to require 2.5 feet irrespective of construction type.
- d. Shoulders for rural type roadways shall be not less than 3 feet in width.
- e. Parking strips for streets shall be at least 14 ½ feet in width from the back of curb to the right-of-way line. This area shall be used for the installation of utilities, street signs, street lights, traffic control devices, fire hydrants, sidewalks, driveways, street furniture, street trees from an approved City list and to provide a transition area in grades, if necessary, between the roadway and the property adjacent to the right-of-way. Ditches and border strips for rural type roads shall be variable in width based on drainage, utility installations and other needs.
- f. Based on the above general criteria, street right-of-way and roadways shall be calculated from the following guidelines:

URBAN AREA	Street Right-of-Way	Roadway Width*
Section Line Roads, US Highways, and Arterials	120 feet, except that 150 feet of the right-of-way shall be required within 350 feet from the intersection of a section line or centerline with any other street.	48 feet and up Or per County Engineer for areas located outside the City Limits.
Major Local Arterial	120 feet except that 150 feet of the right-of-way shall be required within 350 feet from the intersection of the centerline of an arterial street with any other street.	48 feet and up
Minor Local Arterial	100 feet except that 150 feet of the right-of-way shall be required within 350 feet from the intersection of the centerline of an arterial street with any other street.	48 feet and up
Collector	80 feet	35 feet

Local, Residential: Single, two, three and four-family dwellings on continuous street more than 3 blocks in length.	64 feet	35 feet
Local, Residential: Street to be no more than 3 blocks in length with a maximum of 24 single-family lots (12 each side) per block and a covenant providing for 4 off-street parking spaces per dwelling unit on each lot	58 feet	29 feet
Local Residential: Street to be no more than 1 block in length with a maximum of 24 single-family lots (12 each side). Cul-de-sacs no longer than 300 feet to the center of the turnaround radius. A covenant providing for 4 off-street parking spaces per dwelling unit on each lot shall be submitted	50 feet	21 feet
Local, for business commercial and industrial areas	64 feet	35 feet
Alley (if required)	25 feet	25 feet
Sidewalks	N/A	6 feet
RURAL AREA	Street Right-of-Way	Roadway Width*
Collector, or industrial or Commercial – two moving lanes (17.5) plus shoulder, ditches and border area	80 feet	47 feet including shoulder
Residential – two moving lanes (12.5) plus shoulder, ditches and border area	70 feet	35 feet including shoulder

* Face to Face Curb

NOTE: These widths may be modified by the Planning Commission on a showing that special conditions exist such as drainage and utility requirements, safe and efficient traffic and pedestrian movement, intersection design, etc. In applying these standards, workable street systems must be established. When a pattern of widths based on function for a given area has been established, the pattern shall be followed until another system can be established or ties into a collector or arterial system. Access control and acceleration and deceleration lanes may be required to properly handle traffic flow and to protect the carrying capacity of the street.

10. For streets and roadways on the Functional Classification System of the County, prevailing design standards shall apply.
11. Dead-end streets, designed to be so permanently, shall not be longer than seven times the average lot width or 500 feet, whichever is less, and shall have a turnaround at the closed end that has an outside roadway diameter of at least 80 feet and a street property line diameter of at least 110 feet. In the unincorporated areas of jurisdiction the turnaround at the closed end of a street shall have an outside roadway diameter of at least 75 feet and a street property line diameter of at least 150 feet (as per standards set forth by the County Engineer.)
12. Roadway grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

Roadway Type	Percent Grade
Arterial	3%
Collector	4%
Local	5%
Marginal Access	5%

No roadway grade shall be less than 0.4 percent unless approved by the appropriate engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.

13. Half-streets shall be avoided, except for arterial streets and collector streets where applicable, or where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided. Whenever a half-street, or portion thereof, exists and is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. No construction of the roadway shall occur until the full right-of-way is provided.

Section 7. Alleys.

1. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking spaces

consistent and adequate for the uses proposed. Alleys in residential districts are to be discouraged.

2. When provided, the width of an alley should be 25 feet.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
4. Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end.

Section 8. Blocks.

1. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable for the special needs of the type of use contemplated.
 - b. Zoning requirements as to lot sizes and dimensions, off-street parking and loading, etc.
 - c. Need for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.
2. A block should not exceed 1,200 feet in length, unless such block is adjacent to a limited access highway or arterial street or unless the previous adjacent layout or topographical conditions justify a variation of this requirement.
3. All blocks should be so designed so as to provide two tiers of lots, unless a different arrangement is required by other physical limitation such as railroads, streams, etc.
4. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and development plan requirements.
5. In blocks of 800 feet or more in length, a pedestrian access easement for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. The pedestrian access easement shall have a right-of-way not less than 10 feet, and extend entirely across such block at approximately the mid-point of the length of such block. A sidewalk shall be placed along the length of such right-of-way and constructed in accordance with the requirements for sidewalk improvements.

Section 9. Lots.

1. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. The maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other lots, the depth shall not exceed three times the width.
3. The minimum widths of residential lots measured as that required by zoning regulations.

4. Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, the minimum lot widths set forth in Subparagraph (3) above, shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontages, as measured on the arc of such right-of-way line, is not less than 50 percent of the required lot width measured at the building setback line.
5. The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these regulations or of any zoning ordinance applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the zoning ordinance.
6. There shall be no double frontage lots for individual dwellings (e.g., single and two family units); except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
7. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
8. Corner lots for residential use shall have extra width to permit appropriate building setback from the side street.
9. For lots adjacent to or near local platted floodways, or in areas of inadequate drainage, the platting of a minimum building opening elevation shall be required. For lots in the mapped floodplain, the platting of the lowest floor shall be required. The minimum building opening elevation shall be expressed in NAVD88. The elevation requirement shall be indicated on the face of the plat as well as referenced in the platting text.
10. Lots located at an arterial street intersection or at an intersection with an acute angle, which in the opinion of the Planning Commission is likely to be dangerous to traffic movement, shall have a radius of 50 feet at the intersection of street rights-of-way.
11. For lots adjacent to railroad tracks, "complete access control" shall be dedicated across the lot's street frontage for a minimum distance of 150 feet from the centerline of the nearest railroad track.
12. Access issues including driveway distance from intersections, spacing standards for driveways along section line roads, median length at intersections, traffic impact studies, and cross lot access shall be in accordance with the requirements of the Sedgwick County Access Management Policy and approved by the Planning Commission.
13. For lots located adjacent to an arterial street, access control shall be dedicated across the lot's frontage to the arterial street. The number of permitted access points shall be determined by the Planning Commission based upon the recommendations of the engineer having jurisdiction and the Zoning Administrator. Staff recommendations on the number of permitted access points and distance between access points, shall be a function of the amount of lot frontage, the arterial street operating speed, and the traffic carrying capacity of street improvements. For commercial or industrial subdivisions along arterial streets,

subdividers are encouraged to establish shared access points to the arterial street and provide access easements between lots to reduce the number and frequency of driveways onto the major street. Based upon the recommendations of the engineer having jurisdiction and Zoning Administrator, the Planning Commission may require the platting of access controls that establish:

- a. Joint access points along common property lines; or
- b. A cross-lot access agreement provided by the subject plat to the benefit of the adjoining property, whereby the adjoining property would subsequently, upon platting, be required to dedicate complete access control. In both above instances, a Cross-Lot Circulation Agreement would be required to ensure internal access among the lots.

Section 10. Easements.

Easements shall be provided for utilities and drainage, where necessary, and centered on rear or side lot lines and shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines, except that easements for street lighting purposes shall not in any event be required to exceed 10 feet. If a subdivision is traversed by a water course, drainage way, channel or stream, then storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection herewith. Pedestrian access easements may be required on plats when an access easement is needed to provide a connecting link to public or private parks or school site.

Section 11. Business, Commercial and Industrial Subdivisions.

1. Streets. Notwithstanding the other provisions of this regulation, the minimum width of streets adjacent to areas designed, proposed or zoned for business-commercial or industrial use may be increased by the Planning Commission to such extent as they may deem necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.
2. Blocks. Blocks intended for business, commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.
3. Frontage Road. When lots or blocks in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street the subdivider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.
4. Sidewalks. When lots in a proposed business, commercial or industrial subdivision front on any highway or arterial street, the subdivider shall be required to dedicate and improve sidewalks in accordance with the City's design standards. Sidewalks shall run parallel to such highway or street. The responsibility of maintenance for sidewalks shall be provided either in the plat's text or by separate instrument.

Section 12. Planned Unit Developments.

A comprehensive group development including, the townhouses, garden apartment complexes and condominiums together with necessary drives and ways of access may be approved by the Planning Commission although the design of the project does not include standard streets, lot and subdivision arrangements; provided that departure from the standards of the regulations can be made without destroying their intent.

Condominium plats shall conform to the following:

1. The plat must be in three-dimensions relating vertical control to NAVD88.
2. A bench mark must be set on or near the building site at ground level for future reference in locating units in the plat.
3. Each floor plan of the permanent structure must be shown, as well as basement and roof levels and area of plot plan. The dimensions and ties shown for each parcel must be definite enough with respect to both vertical and horizontal control so that the boundaries of each apartment may be accurately located by the use of standard survey methods.
4. All unit or apartment property lines shall be the interior surfaces of the perimeter walls, ceiling, windows and doors thereof.
5. A condominium plat must contain all of the certifications and approvals required for any plat. There must also be an approval by the official authorized to issue building, zoning or occupancy permits indicating that the building plan has been approved by his office and certification by the architect that the plat is in agreement with the building plan. If not within the city, a copy shall be submitted to the County Engineer and the Township Trustee of the Township in which located.

Section 13. Drainage

1. Drainage concepts and drainage plans, as required by Article 5 of these regulations, shall be submitted to the engineer having jurisdiction. Plans for the mitigation of stormwater pollution may also be required by the engineer.
2. If the drainage plan for a multiple-family, commercial or industrial subdivision calls for the passage of storm-water runoff from one proposed lot onto another proposed lot, the subdivider shall submit a cross-lot drainage agreement for recording with the plat. The cross-lot drainage agreement shall clearly state which lots within the proposed subdivision are to accept storm waters from other lots within the subdivision.
3. If the drainage plan for a subdivision calls for the passage of storm water runoff from the proposed subdivision onto property that is outside the perimeter of the plat, the platting engineer and/or surveyor shall work with the engineer having jurisdiction. Based upon a determination by the engineer having jurisdiction, the subdivider may be required to provide for on-site detention of storm waters and/or acquire an off-site drainage easement or agreement. Any off-site drainage easement or agreement shall clearly state that the proposed subdivision may continue to drain onto the property that is beyond the subdivision's perimeter.

4. If the drainage plan for a subdivision calls for the proposed subdivision to accept drainage from property that is outside the perimeter of the proposed subdivision, the subdivider shall provide either specific drainage easements to handle the passage of storm-water onto the plat or, by separate instrument, establish a drainage agreement or covenant with the owner of adjacent properties. The drainage agreement or covenant shall clearly state that the proposed subdivision will continue to accept drainage from the affected adjacent properties. The choice between whether a specific drainage easement or a drainage agreement/covenant is needed shall be at the discretion of the engineer having jurisdiction.
5. When a subdivider proposes the dedication of right-of-way for drainage purposes, the subdivider shall also guarantee the construction of an improved channel or swale within the dedication, if necessary. The design of the channel or swale shall be approved by the engineer having jurisdiction.
6. A detailed drainage plan shall be submitted for urban-scale, multi-lot subdivisions and shall specify existing contour lines, finish grade elevations at all corners, and, if the lot is crowned to drain two or more directions, the direction of storm-water flow by arrows. For lots in the federal flood management areas, the required building pad elevations will be the lowest floor level, and for lots in the local flood area, it will be the elevation of the lowest opening. The detailed drainage plan shall be marked "approved by the applicable Engineer."

The submitting of the detailed drainage plan does not have to occur prior to the review of the final plat by the Planning Commission. The detailed plan shall, however, be on file in both the appropriate engineer's office and the office of the appropriate building permit issuing official prior to the release of the plat for recording. Modifications may be made to the plan by the appropriate engineer after the plat-plan has been approved.

ARTICLE VII. INSTALLATION OF REQUIRED IMPROVEMENTS

Section 1. Required Improvements.

The subdivider of a proposed subdivision shall provide by one of the methods set out in these regulations in Article VIII for the installation of the following facilities and improvements:

1. When within the City of Haysville:
 - a. All roadways, alleys, curbs, gutters, and street drainage facilities in accordance with the standards set by the City Engineer.
 - b. All sidewalks located within the public areas, in accordance with the standards set by the City Engineer under the following conditions:
 - i. Sidewalks may be required on one or both sides of the street when needed to service pedestrian traffic flow leading to schools, parks, shopping areas or places of public assembly and where heavy traffic would warrant sidewalks for safety purposes. Sidewalks shall be required to extend or complete connecting links in the sidewalk system.
 - ii. In general, sidewalks shall be 6 feet wide and constructed with the inside edge of the sidewalk adjacent to the property line; an approved sidewalk plan can provide for an alternate placement.
 - iii. All sidewalks shall provide handicap access in conformity with K.S.A. 58-1301 et seq. and the federal Americans with Disabilities Act of 1990, 42 USCA 12101, as may be amended.
 - c. A water supply system for each lot in the proposed subdivision in conformity with the requirements of the City Engineer. In addition thereto and where feasible, such water supply system shall be connected to the size of the city water main at such point and the expected demand of the proposed subdivision.
 - d. Fire hydrants, which are in accordance with the standards of the City Engineer and County Fire Chief.
 - e. A sanitary sewer system for each lot meeting all specifications of the City Engineer, and when required by law, the State Board of Health and/or local Health Department authorities. Such sanitary sewer system shall be connected to the sanitary sewer system of the city at such point or points as the City Engineer shall determine, based upon the location and size of the City's engineered system in relation to the estimated flow of the sanitary system of the proposed subdivision.
 - f. A storm sewer system, separate and independent of the sanitary sewer system, meeting all of the specifications of the City Engineer. Such approved storm sewer system shall be connected to any existing storm sewer system of the City if such system is available and has adequate capacity. If such connection or capacity is not available, other adequate means for the discharge of such storm sewer system shall be provided by the subdivider. Plans for mitigating stormwater pollution may be required by the engineer.
 - g. A street lighting system meeting the requirements of the City Engineer.

- h. Street signs of such location, type and size as shall be approved by the City Engineer, giving due regard to the prevailing type, size and pattern of location utilized throughout the city.
- i. Monuments shall be placed at all block corners, angle points, points of curves in streets and at points as shall be required by the City Engineer. The monuments shall be of such material, size, and length as may be approved by the City or County Engineer.
- j. Underground wiring in residential subdivisions, including both electrical power and communication service, except:
 - i. For lines rated over 12,000 volts.
 - ii. Appurtenances serving such lines which may be mounted on the ground, such as transformers, transformer pads and telephone service pedestals.
 - iii. For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type of distribution system.
 - iv. All such construction and installation shall be under contract with the applicable utility company. Construction or installation shall occur after sanitary sewer lines, if any, are in place.
 - v. Nothing in this section shall be construed as to requiring underground installation of lines beyond the boundaries of the area contained in the preliminary plat.
- k. Concrete, masonry and/or decorative iron fences or walls 6' in height and/or landscaping shall be constructed or provided where proposed residential subdivisions abuts arterial and / or other such street having relatively high traffic volumes and where abutting lots do not have access to such a street, provided that:
 - i. Walls, iron fences, and landscaping shall not be placed in the vision triangle or otherwise impair the vision of motorists.
 - ii. Walls, iron fences and landscaping shall be maintained by the developer, property owner or homeowner's association.
 - iii. Walls or iron fences shall be constructed within a wall easement that is at least 5 feet in width and is located adjacent to the street right-of-way.
 - iv. Utilities may cross wall easements, but walls or iron fences shall not be constructed in a utility easement unless such construction is approved by the City Engineer. Based on a recommendation of the City Engineer, the construction of walls or iron fences over a utility easement may require execution of a Hold Harmless Agreement, a commitment for special wall or fence construction provisions, i.e., removable sections, or the making of satisfactory arrangements with affected utility companies. Any special arrangements made necessary by proposed perimeter wall or iron fence construction for a subdivision shall be completed prior to submitting the plat for scheduling before the Planning Commission.

- v. Wall and iron fences shall not exceed 6 feet in height unless authorized by the Planning Commission.
- 1. Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water and to mitigate stormwater pollution as required by City Code and further subject to the regulations of Kansas Department of Health and Environment.
- 2. When outside the City of Haysville:
 - a. All roadways, alleys, curbs, gutters and street drainage facilities in accordance with the standards set by the County Engineer.
 - b. A water supply system for each lot in the proposed subdivision in conformity with the requirements of the appropriate jurisdiction. In addition thereto, and where feasible, such water supply systems shall be connected to the city water system, at the most advantageous points, taking into account the size of the water main at such point and the expected demand of the proposed subdivision. Where reasonable practical dead-end water mains shall be avoided.
 - c. A sanitary sewer system for each lot in conformity with all specifications of the City of Wichita Department of Environmental Health/Sedgwick County Code Enforcement, as applicable.
 - d. A storm sewer system, separate and independent of the sanitary sewer system meeting all of the specifications of the County Engineer.
 - e. Street signs of such location, type and size as shall be approved by the County Engineer, giving due regard to the prevailing type, size and pattern of location utilized throughout the county.
 - f. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the County Engineer.

Section 2. Exceptions for Existing Improvements

- (1) Where the proposed subdivision is a resubdivision and concerns an area presently having any or all required improvements set out in the preceding section, and where such improvements meet the requirements of said section, no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet the requirements of the preceding section, the subdivider shall repair, correct, or replace such improvements so that all improvements will then meet the aforesaid requirements.
- (2) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing an existing public street of less than the minimum required right-of-way or roadway width, land shall be dedicated so as to provide the minimum required street width, except as designated by the Planning Commission, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by the appropriate engineer. The appropriate engineer shall determine what adjustment to make where the

aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The foregoing provisions requiring the widening of pavement shall not apply when the length of such pavement is less than 120 feet, or two dwelling units deep, whichever is less.

Section 3. Waiver of Required Improvements or Guarantees of Installation of Same.

Any waiver of the required improvements may be made only by the Haysville Governing Body on a showing that such improvement is technically not feasible.

Section 4. Agreement And Guarantees For Installation Of Required Improvements.

Except for monuments and landscaping, one of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications. This does not preclude the possibility that the Governing Body or the Board of County Commissioners may, at their discretion and in recognition of their financial position, share in the cost of oversized improvements which may benefit other related areas or the City or County-at-large:

1. Petitions to the Governing Body of the City or County as applicable shall be submitted for all phases of improvements within the proposed subdivision as a means of guaranteeing to the Governing Body the authority to install improvements. All of the following conditions shall be met:
 - a. The petitions (to be secured from the applicable engineer) must be valid as provided under Kansas law.
 - b. The petitions must be concurred in by the applicable engineer and accepted and approved by the applicable governing body concurrently with the approval of the final plat.
 - c. The initiating resolution for such improvement must be adopted by the applicable Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be borne by the subdivider.
 - d. Documents must be filed with the Register of Deeds showing either the petitions or a certificate signed by the petitioners stating that such petitions have been filed and approved by a governing body and that certain lands as described will be liable in the future for special assessments for the required improvements which are to be listed on the certificate.
2. As an option to special assessments, the owner/subdivider may elect to install required improvements without City financing. The following procedures shall apply:
 - a. The owners and/or the subdivider of the land proposed to be subdivided shall enter into a developer's agreement with the City or County (depending on the area in which the subdivision is located), under which the owners and/or subdivider agree to install such required improvements at their own expense in accordance with the approved plans and specifications, within the time prescribed by the provisions of

these regulations. Such agreements shall constitute a contract between the City and the subdivider and all appropriate parties to the agreement shall have their signatures acknowledged. A developer's agreement shall be conditioned upon the approval of the final plat and filed either with the City Clerk or County Clerk depending upon the location of the land being subdivided.

- b. Simultaneously with the execution of the agreement provide for in the Subsection above, the owner and/or the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier check, escrow account, or irrevocable letter of credit in favor of the City, in the amount of the cost as estimated by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements as aforesaid. Such bond shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within two years from the date that the final plat is approved by the Planning Commission.

ARTICLE VIII. IMPROVEMENT PROCEDURES

Section 1. Petitions.

If the subdivider intends to submit petitions to the governing body as the means to guarantee improvements required by Article VII of these regulations, the subdivider shall so advise the appropriate engineer at the time of the preliminary plat. If the petition method is authorized by the appropriate engineer, petitions shall be submitted to that engineer for forwarding to the appropriate governing body. For petitions to be acceptable guarantees, they must be approved by the governing body concurrently with the final plat. If petitions are rejected by the appropriate governing body, then a platting requirement has not been met and the subdivision shall not be approved by the governing body. In this instance, the plat shall be placed on hold until such time as the applicant has resolved his financial obligations, or has selected another acceptable guarantee method (i.e., cash deposit, actual construction, letter of credit or performance bond).

Section 2. Final Improvement Plans

When the use of petitions has not been authorized by the appropriate engineer, or proposed petitions have been rejected by a governing body, the subdivider shall have a licensed professional engineer prepare engineering drawings for the required improvements. The engineering drawings shall contain all data and information specified in Section 3 below. Such drawings shall be certified by a licensed professional engineer, and shall be submitted in duplicate to the City Engineer or County Engineer, if appropriate, at least thirty days prior to the date that approval of the final plat is requested. Failure to do so will be considered automatic consent to an extension of, or waiver, by the subdivider of any time limitation for plat approval. The subdivider may contract with any governmental agency or public utility company to prepare the required engineering drawings.

The engineer having jurisdiction may waive the requirement for submission of final improvement plans, prior to the plat being considered by the governing body if, in the engineer's opinion, adequate substitute information has been submitted. In this instance, information shall be submitted that permits a determination of expected costs for both the preparation of final improvement plans and the installation of required improvements. The guarantee submitted shall be of a sufficient dollar amount to cover the costs of plan preparation and improvement construction.

Section 3. Content of Engineering Drawings.

Engineering drawings for required improvements shall contain the following data and information:

1. Plans, details, specifications and cost estimates for roadway and sidewalk (if any) construction, including plans, survey indicating existing topography and elevation, including curb and sidewalk elevation, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. This information shall be shown on standard plan and profile sheets unless otherwise required by the appropriate engineer.

2. Plans, profiles, details, specifications, and cost estimates of proposed storm drainage improvements.
3. Plans, profiles, details, specifications, and cost estimates of proposed water distribution systems and proposed water supply facilities and fire hydrants, if any.
4. Plans, profiles, details, specifications and cost estimates of sewage systems and of sewage treatment plants, if any.
5. Grading plans for all lots and other sites in the subdivision.
6. When unusual site conditions exist, the Planning Commission may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
7. All plans shall be based on North American Vertical Datum of 1988 (NAVD 88) for vertical control.
8. All plans for underground and overhead wiring and gas lines shall be prepared by, or at the direction of, the utility involved.

Section 4. Review of Plans.

The appropriate engineer, either city or county, shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with their design standards. If such drawings are consistent and so comply, the engineer shall forward to the Planning Commission, a notice that they so conform and comply. In the event that the drawings do not so conform or comply, the engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and he may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Planning Commission, a notice as to the items of nonconformity or noncompliance.

Section 5. Approval of Planning Commission.

The Planning Commission shall approve a final plat only when the approval of the engineer has been received that the plans and engineering drawings have been approved or that the appropriate petitions, if authorized, have been filed with the Governing Body.

Section 6. Construction of Improvements.

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved and there shall have been compliance with all of the requirements relating to an agreement, bond and deposit specified in Article VIII, of these regulations.

Section 7. Inspection.

All improvements constructed or erected shall be subject to inspection by the appropriate engineer. The cost attributable to all inspections required by this regulation shall be charged to and paid by

the subdivider. Before any construction or required inspections take place, the subdivider shall post a deposit with the City or County Engineer or such agency entrusted to keep such security for the official, to cover the cost of such inspections. The subdivider shall give at least 48 hours written notification to such official prior to the performance of any of the following work:

1. All phases of roadway and sidewalk construction.
2. All phases of construction, including, but not limited to water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvement.

Section 8. Inspection Procedures.

After notice is received as specified in Article VII, the official designated in Article VII may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If in the opinion of the engineer, such work does not comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the official as provided in the preceding subsection.

Section 9. Final Inspection.

Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the appropriate engineer, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider in writing of such defects, deficiencies, or deviations and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six months of the date and notification.

When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the engineer that the improvements are again ready for final inspection. After the final inspection is made and before acceptance of the improvement by the governing body, the subdivider shall execute and file an affidavit with the appropriate engineer certifying that all obligations incurred in the construction of the improvement involved have been properly paid and settled.

Section 10. Report to Governing Body.

If a final inspection indicates that all improvements as installed contain no defects, deficiencies, or deviations, within 10 days from the completion of such inspection, the official shall certify to the Governing Body that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat. The receipt of such notification by the Governing Body shall constitute the date on which the six month period specified in Section 10, Article IV shall commence.

Section 11. Acceptance of Improvements.

Upon the receipt by the Governing Body of the certificate of the appropriate engineer that all improvements have been installed in accordance with the engineering drawings, as approved and in conformity with the requirements of this regulation and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution or utility by letter formally accept such improvements. The improvements shall become the property of the Governing Body.

Section 12. Vacation of Undeveloped Subdivision.

When no lots on a plat of subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and when such plat is vacated, all fiscal sureties shall be returned to the subdivider.

ARTICLE IX. BUILDING AND OTHER PERMITS

Section 1. Permits.

No building permit, zoning certificate or occupancy certificate, except for the situations indicated shall be issued for a building or structure on any lot of any subdivision that is subject to the provisions of these regulations until a certified copy of the duly recorded or registered plat of subdivision has been filed with the official charged with issuing building permits and/or zoning certificates. No such permits or certificates shall be issued until there has been compliance with all of the provisions of these regulations, including but not limited to provisions of these regulations related to the approval of plans and specifications for required improvements and the posting of bonds and establishment of escrows to secure the completion of such improvements.

No occupancy certificate for the use of any structure or use within a subdivision approved for platting, replatting or lot splitting shall be issued until required utility facilities have been installed and made ready to service the property; roadways providing access to the subject lot or lots have been constructed or are in the course of construction; or guarantees have been provided to ensure the installation of such utilities and roadways.

For existing structures or uses on an unplatted tract or on a portion or portions of platted lots, building permits may be issued for purposes of repair and maintenance of such structures or the continuation of the existing use. Additions to or expansion of principal structures or the addition of an accessory use when a principal structure already exists shall be allowed only if the involved property would otherwise be in compliance with the area's zoning and all normal requirements of that zoning such as setbacks, lot coverage, height limitations and so forth. In no case shall a non-residential use, multi-family use involving four or more dwelling units or continuation of an existing use be allowed to expand, make additions, and/or add accessory structures that would exceed 50% of the gross square footage of the existing principal structure or structures or use on the site without such site first complying with the above noted requirements.

ARTICLE X. APPEALS AND VARIANCES

Section 1. Appeals General.

The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these regulations by the Planning Commission, to the Governing Body of the City of Haysville. Any such appeal shall provide a hearing de novo (hearing of new evidence). In the event the Governing Body sustains the Planning Commission, the action of the Planning Commission shall be final, except, as otherwise provided by law. If the Governing Body over rules the Planning Commission, the Governing Body shall make its decision, in writing, stating the reason therefore and return such decision and plat to the Planning Commission for reapproval as required by law.

Section 2. Variances.

In cases in which there is unwarranted hardship in carrying out the literal provisions of these regulations as to design criteria, e.g. lot width, lot depth, block length, etc., the Planning Commission may grant a variance from such provision.

1. The Planning Commission shall not grant a variance unless it shall find that the strict application of these regulations will create an unwarranted hardship and unless the proposed variance is in harmony with the intended purpose of these regulations and that the public safety and welfare will be protected.
2. Variances permitted under the provisions of this Article shall not include variances from the requirements of making improvements required in Article VII, unless approved by the Governing Body as provided for in the preceding Section. Consideration of an application for a variance pursuant to this condition does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the city or county relating to variances.
3. When used in this Section, the term “unwarranted hardship” shall mean the complete deprivation of use as distinguished from a mere inconvenience.

Section 3. Variance – Planned Unit Development.

When a plat or subdivision is prepared in connection with a planned unit development authorized by any legally adopted zoning regulation regulating the same area, then the Planning Commission may vary the design standards contained in this regulation to such extent as may be necessary to permit the preparation of a planned development plan in accordance with the standards, conditions and restrictions of such zoning regulation.

ARTICLE XI. LOT – SPLITS

Section 1. General Intent and Purpose

In order to provide a less time consuming and costly procedure for the division of existing platted lots, resulting in the creation of additional building sites, the Planning Commission hereby delegates to the Zoning Administrator, authority for approving or disapproving lot splits in accordance with the following regulations. Lots zoned residential, office, or commercial may be split to create a maximum of four (4) lots; industrially zoned lots may have unlimited lot splits subject to the approval guidelines listed below. A lot split is required before a building permit can be issued for any property that is the remainder of an original lot from which other portions have been split or replatted.

Section 2. Application Procedure.

Requests for lot split approval shall be made by the owner of the land to the Zoning Administrator. The request for approval shall consist of the following:

1. A completed lot split application form.
2. The appropriate filing fee as established [by the Governing Body in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application.](#)
3. ~~Two~~~~Four~~ (24) copies of a drawing to scale shall be submitted of the lot(s) involved if there are no structures present; and if structures exist on any part of the lot(s) being split, ~~two~~~~four~~ (42) copies of a survey, prepared by a licensed land surveyor of the lot(s) showing the precise location of structures thereon shall be submitted. The drawing or survey shall depict or provide the following:
 - a. The precise nature, location and dimensions of the proposed split;
 - b. The legal description(s) for the proposed split;
 - c. The amount of square footage contained in each portion of the original lot;
 - d. All existing easements and, if any, access control. If the easements or access control were granted by separate instrument, the recording information shall be indicated;
 - e. All platted building setbacks;
 - f. All platted easements, building setbacks, access control or public rights-of-way that have been previously vacated. The Vacation Ordinance number or recording information for the Vacation Order shall be referenced; and
 - g. The following certificate of Approval.

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)

) ss

CITY OF HAYSVILLE)

I hereby certify that this lot split has been examined by Haysville City Zoning Administrator and found to comply with the Subdivision Regulations of the City of Haysville, Kansas, and is, therefore, approved for recording.

Date Signed: _____, 20____.

_____, (Printed Title)
(Print Name)

STATE OF KANSAS)

) ss

CITY OF HAYSVILLE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____.

(SEAL)

_____, Notary Public

My appointment expires _____.

4. Two (2) copies of a drawing that indicates the location of existing municipal water mains, water meters and sanitary sewer laterals that serve the lot split site.

Section 3. Approval Guidelines.

Approval or disapproval of lot splits shall be made based on the following guidelines:

1. A lot split shall **not** be approved unless **all** the following requirements have or can be satisfied:
 - a. A new street or alley is needed or proposed.

- b. A vacation of streets, alleys, setback lines, access control or easements is required and has not been satisfied.
 - c. Such action will result in significant increases in service requirements, e.g., utilities, drainage, schools, traffic control, streets, etc.; or will interfere with maintaining existing services, e.g., additional curb cuts, repaving, etc.
 - d. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - e. All easement requirements have not been satisfied.
 - f. Such split will result in a landlocked tract. (Access easements are an appropriate means to provide access to lots without public road frontage.)
 - g. A substandard sized lot or parcel will be created or an existing structure will not be able to meet all yard requirements according to applicable zoning regulations or sanitary code.
 - h. The lot is subject to periodic flooding which cannot be feasibly corrected by fill.
2. Review of lot splits by affected and interested governmental and public and private organizations as appropriate may be required for lot splits that may result in significant increases in service requirements (e.g., utilities, schools, traffic controls, etc.), interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.) or propose private easements for access and/or utilities. Such determination shall be made by the Zoning Administrator. If a review by these organizations is necessary, 25 additional copies of the lot split drawing or survey shall be provided by the applicant along with information regarding the location of existing utilities.
3. The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, the installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other land owner (s) in the original subdivision.
4. The Zoning Administrator shall, in writing, either approve with or without conditions or disapprove the lot-split within 30 days of application. If approved, and after all conditions have been met, the appropriate Zoning Administrator shall sign the certificate of approval on the lot split drawing or survey. A certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, the official files of the Planning Commission, and a copy shall be furnished to the applicant.

ARTICLE XII. AMENDMENTS

Section 1. Procedure.

Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The Planning Commission shall prepare its recommendations and by a majority vote adopt the proposed subdivision regulations and shall submit them in writing with a written summary of the hearing to the Governing Body.

The Governing Body either may approve, override or return amendments for reconsideration to the Planning Commission. The Planning Commission may resubmit original, new or amended recommendations to the Governing Body. Upon return from the Planning Commission to the Governing Body, the Governing Body by simple majority may adopt, revise, or amend and adopt or take no further action. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning Commission's next regular meeting, the Governing Body shall consider it as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the respective adopting ordinance.

ARTICLE XIII. SEVERABILITY AND EFFECTIVE DATE

Section 1. Severability.

If any provisions of these regulations are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these regulations so as to be completely severable and the remaining provisions of these regulations shall remain in full force and effect.

Section 2. Effective Date.

These regulations shall take effect and be in force from and after their adoption by the Planning Commission, approval by the City Council of an ordinance incorporating these regulations by reference and publication of such ordinance in the official City newspaper.