

PART 5. USE REGULATIONS

5.1 GENERAL USE RULES

5.1.1 CONFORMITY WITH THE USE TABLE

A principal use may be established only when it is identified as permitted or conditional in Table 5-1 for the applicable base district, except where these regulations expressly provide otherwise for an overlay district.

A use identified as permitted is subject to all applicable district, dimension, site, and supplemental standards of these regulations. Permitted status does not exempt a development from applicable limits on building scale, housing mix, parking, access, or other standards. A conditional use requires approval of a Conditional Use Permit under Part 3 before it may be established.

5.1.2 USE TABLE CONVENTIONS

In Table 5-1:

- P means the use is permitted by right.
- C means the use is allowed only with a Conditional Use Permit.
- - means the use is not permitted.

5.1.3 STATE AND FEDERAL HOUSING PROTECTIONS

Nothing in these Regulations, including a use classification, Use Table entry, definition, district standard, or other zoning requirement, shall be interpreted or applied to exclude a Residential Care Home that qualifies as a group home under K.S.A. 12-736, and amendments thereto, from a zoning district where One-Unit Residential is permitted. Such a Residential Care Home shall not be subject to zoning requirements that do not apply to other One-Unit Residential dwellings in the same zoning district.

A Residential Care Home that qualifies as a group home under K.S.A. 12-736, and amendments thereto, remains subject to nondiscriminatory regulations applicable to other property and buildings in the same zoning district.

This section does not change the classification or applicable standards for a Residential Care Home that does not qualify as a group home under K.S.A. 12-736, and amendments thereto. Nothing in these Regulations limits the City's obligation to consider a reasonable accommodation or comply with another applicable protection under federal or state law.

5.2 USE CLASSIFICATION AND INTERPRETATION

5.2.1 PRINCIPAL AND ACCESSORY USES

A principal use is the primary use of a zoning lot or development site. An accessory use is customarily incidental and subordinate to a permitted principal use and may be established only when a lawful principal use exists or is established at the same time.

5.2.2 MULTIPLE AND COMBINED USES

When a site includes more than one principal use, each use must be separately allowed by the Use Table and comply with all applicable standards.

When a business combines activities, the Zoning Administrator shall classify the business according to its principal character and the activities that are integral to its operation. When a use is specifically included within a Use Catalog definition, that classification controls.

5.2.3 UNLISTED USES

A use that is not listed in the Use Catalog may be classified by the Zoning Administrator as a substantially similar listed use when the use has a similar purpose, operational character, intensity, and potential effects on surrounding property.

A use determination may not create a new use category, expand a listed use beyond its ordinary meaning, or allow a use that is inconsistent with the purpose of the applicable district.

5.2.4 USE DETERMINATIONS

The Zoning Administrator shall issue use determinations in writing. A written determination may be appealed under Section 3.7.

5.3 USE CATALOG

5.3.1 RESIDENTIAL USES

- A. **ONE-UNIT RESIDENTIAL.** A residential use consisting of one principal dwelling unit in a detached building on a zoning lot. Includes a site-built home, Modular Home, or Manufactured Home installed on an individual zoning lot. Does not include an Accessory Dwelling Unit.
- B. **TWO-UNIT RESIDENTIAL.** A residential building containing exactly two principal dwelling units. The dwelling units may be side-by-side, one above the other, or otherwise arranged within an attached building. The units may occupy one zoning lot or separate contiguous zoning lots. A lot line along a common wall does not change the use classification.
- C. **SMALL MULTI-UNIT RESIDENTIAL.** A residential development containing three to six principal dwelling units in one building, or in multiple buildings developed and functioning as one coordinated site. The creation of separate lots or condominium units does not change the classification. This use does not include a conventional subdivision of separate detached homes on individual lots that do not share buildings, access, parking, or common-site improvements.
- D. **MULTI-UNIT RESIDENTIAL.** A residential development containing seven or more principal dwelling units in one building, or in multiple buildings developed and functioning as one coordinated site. The creation of separate lots or condominium units does not change the classification.
- E. **LIVE-WORK UNIT.** A dwelling unit that includes an integrated nonresidential workspace operated by a resident of the unit. The dwelling unit remains part of the applicable One-Unit Residential, Two-Unit Residential, Small Multi-Unit Residential, or Multi-Unit Residential classification. A Live-Work Unit differs from a Home Occupation, which is an accessory activity conducted within a dwelling unit.

- F. **RESIDENTIAL CARE HOME.** A residential care use that provides room, board, supervision, and supportive care for no more than eight residents, excluding up to two live-in caregivers. A Residential Care Home may operate in one or more dwelling units within a One-Unit Residential, Two-Unit Residential, or Small Multi-Unit Residential building or coordinated residential development. When the care home occupies more than one dwelling unit, the units must be contiguous or located within the same coordinated residential development, under common ownership or control, and operated together as one care home. The resident and caregiver limits apply to the entire operation. A Residential Care Home does not include a Residential Care Facility or Health Care Facility.
- G. **RESIDENTIAL CARE FACILITY.** A residential facility that provides room, board, ongoing supervision, personal care, or assistance with daily living and either serves more than eight residents or otherwise does not meet the definition of Residential Care Home. It may include nursing services that support residents. A Residential Care Facility does not include a Health Care Facility.

5.3.2 LODGING USES

- A. **SHORT-TERM RENTAL.** The rental of all or part of a dwelling unit for compensation for periods of fewer than 30 consecutive days. A Short-Term Rental does not change the underlying residential-use classification of the dwelling unit.
- B. **LODGING ESTABLISHMENT.** A building or portion of a building that provides guest rooms or suites to the public for temporary lodging. Includes hotels, motels, inns, and extended-stay lodging. Does not include a Short-Term Rental or a dwelling unit rented as a home.

5.3.3 COMMERCIAL, VEHICLE-ORIENTED, AND OFFICE USES

- A. **RETAIL SALES.** An establishment that sells, leases, or rents goods or merchandise directly to customers for personal, household, or business use. Includes a convenience store without motor-fuel sales. Does not include motor-vehicle sales, rental, or service; a convenience store with motor-fuel sales; or a use in which outdoor storage, display, or processing is a principal component.
- B. **EATING AND DRINKING ESTABLISHMENT.** An establishment that prepares, sells, or serves food or beverages for consumption on or off the premises. Includes restaurants, cafes, coffee shops, bars, taprooms, and brewpubs. Does not include a business where Entertainment is the principal activity.
- C. **PERSONAL SERVICE.** An establishment that provides personal care, grooming, instruction, or minor repair services directly to customers. Minor repair is limited to personal or household items within an enclosed establishment. Does not include motor-vehicle service, medical or dental services, or repair involving outdoor or industrial activity.
- D. **ENTERTAINMENT.** An establishment that provides amusement, recreation, cultural activity, or spectator experiences for patrons. Includes theaters, live-performance venues, indoor amusement establishments, bowling facilities, and similar businesses. Does not include a Parks and Recreation use or a Cultural and Community Facility.
- E. **VEHICLE-ORIENTED SERVICE.** An establishment where motor vehicles are fueled, washed, repaired, maintained, sold, rented, leased, or otherwise accommodated as an integral part of the business. Includes motor-fuel stations, convenience stores with motor-fuel sales, car washes, motor-vehicle sales or rental businesses, repair shops, and similar vehicle-oriented establishments. A business that includes motor-fuel sales is classified as a Vehicle-Oriented Service regardless of the relative floor area or sales volume devoted to convenience goods. Food, beverages, and other merchandise sold within a Vehicle-Oriented Service are accessory to that use.

- F. **OFFICE.** An establishment that provides administrative, financial, governmental, professional, medical, dental, or similar services primarily in an office setting. Includes routine medical and dental offices and outpatient clinics that do not provide emergency care, surgery, or inpatient care. Does not include a Health Care Facility.

5.3.4 CIVIC USES

- A. **EDUCATIONAL FACILITY.** A facility whose principal purpose is providing structured academic, vocational, technical, career, or other instruction. Includes elementary and secondary schools, colleges, trade schools, and training facilities. Does not include a Childcare Facility or religious instruction that is accessory to a Religious Facility.
- B. **CHILDCARE FACILITY.** A facility that provides regular nonresidential care, supervision, or early education for children. Includes daycare and preschool facilities. Does not include childcare provided within a dwelling unit as a Home Occupation.
- C. **RELIGIOUS FACILITY.** A facility used primarily for religious worship, fellowship, instruction, or related activities. Includes customary accessory offices, meeting rooms, and fellowship areas.
- D. **GOVERNMENTAL FACILITY.** A building or facility owned, leased, or operated by a governmental entity to provide public administration, public safety, public meetings, or similar public-facing civic services. Includes administrative offices, police and fire stations, and similar facilities. Does not include a public works maintenance yard, fleet yard, storage yard, utility facility, or another use with substantial outdoor operations.
- E. **CULTURAL AND COMMUNITY FACILITY.** A facility used primarily for cultural, social, library, museum, meeting, or community-service functions. Does not include commercial Entertainment, Parks and Recreation, or a special-event venue as a principal use.
- F. **HEALTH CARE FACILITY.** A facility whose principal services include emergency medical care, surgery, inpatient care, intensive clinical rehabilitation, or other medical services typically provided in a hospital or similar clinical setting. Includes hospitals, emergency rooms, freestanding emergency facilities, surgical centers, and inpatient rehabilitation facilities. Does not include a routine medical or dental office or outpatient clinic without those services.

5.3.5 EMPLOYMENT AND INDUSTRIAL USES

- A. **ARTISAN PRODUCTION.** Small-scale creation, fabrication, assembly, repair, or production of goods conducted primarily within an enclosed building and with limited off-site impacts. Includes maker spaces and similar small-scale production activities. Retail sales directly related to products made or repaired on the site may be accessory. Does not include motor-vehicle repair, Contractor Services, Light Production, or Manufacturing.
- B. **CONTRACTOR SERVICES.** A business that provides construction, maintenance, repair, landscaping, utility, or similar trade services, including the dispatch of crews, equipment, or materials to off-site locations. Customary offices, indoor storage, and employee or fleet parking are included. Principal outdoor storage or operations are also subject to the Outdoor Storage and Operations classification.
- C. **RESEARCH AND DEVELOPMENT.** A facility used for scientific, technological, engineering, medical, or product research, testing, development, or experimentation. Includes laboratories, testing facilities, and incidental prototype fabrication. Does not include Manufacturing as a principal use.

- D. **LIGHT PRODUCTION.** Production, processing, fabrication, assembly, packaging, or repair activities conducted primarily within enclosed buildings and with limited off-site impacts. Does not include industrial-scale Manufacturing or principal Outdoor Storage and Operations.
- E. **MANUFACTURING.** Industrial-scale production, processing, fabrication, assembly, packaging, or refining activities that may generate substantial freight movement, equipment use, outdoor activity, or other operational impacts.
- F. **WAREHOUSING AND DISTRIBUTION.** The storage, handling, fulfillment, distribution, or movement of goods and materials. Includes customary loading, administrative offices, and indoor sales or showroom space that is clearly secondary to goods manufactured, stored, or distributed on the same site. Does not include Manufacturing or principal Outdoor Storage and Operations.
- G. **OUTDOOR STORAGE AND OPERATIONS.** The use of land for the principal outdoor storage, handling, staging, processing, display, or operation of materials, equipment, vehicles, or goods. Does not include routine loading and unloading, customer parking, or accessory outdoor display allowed as part of another use.

5.3.6

AGRICULTURE, OPEN SPACE, AND UTILITY USES

- A. **AGRICULTURAL.** The use of land for growing crops, horticulture, raising livestock, and customary on-site farming activities. Does not include animal boarding, veterinary services, slaughtering, commercial processing, retail sales as a principal use, or salvage-related activities.
- B. **PARKS AND RECREATION.** Land, buildings, or facilities used primarily for public or private recreation, play, sports, trails, or leisure activities. Includes parks, playgrounds, athletic fields, trails, and recreation centers. Does not include spectator entertainment, commercial amusement, or a special-event venue as a principal use.
- C. **CONSERVATION/OPEN SPACE.** Land maintained predominantly in a natural, undeveloped, or landscaped condition for conservation, drainage, flood management, habitat protection, scenic preservation, or passive recreation. May include trails and customary improvements that support passive use.
- D. **MINOR UTILITY FACILITY.** A utility facility, structure, or equipment installation that serves a local area and has limited visual and operational impacts. Does not include transmission-scale, generation, storage, treatment, or regional-distribution facilities.
- E. **MAJOR UTILITY FACILITY.** A utility facility, structure, or equipment installation that provides citywide or regional service; involves transmission, generation, storage, treatment, or regional distribution; or otherwise exceeds the scale of a Minor Utility Facility.

5.4 USE TABLE

Table 5-1. Use Table

P = Permitted By Right | C = Conditional Use Permit Required | - = Not Permitted

USE	AG	LR	NR	CR	NA	CA	IE	IL	OS
RESIDENTIAL									
One-Unit Residential	P	P	P	P	P	P	P	-	-
Two-Unit Residential	-	-	P	P	P	P	P	-	-
Small Multi-Unit Residential	-	-	P	P	P	P	P	-	-
Multi-Unit Residential	-	-	-	P	P	P	P	-	-
Live-Work Unit	-	-	-	P	P	P	P	-	-
Residential Care Home	P	P	P	P	P	P	P	-	-
Residential Care Facility	-	-	-	P	P	P	P	-	-
LODGING									
Short-Term Rental	P	P	P	P	P	P	P	-	-
Lodging Establishment	-	-	-	-	-	P	P	-	-
COMMERCIAL, VEHICLE-ORIENTED, AND OFFICE									
Retail Sales	-	-	P	P	P	P	P	-	-
Eating and Drinking Establishment	-	-	P	P	P	P	P	-	-
Personal Service	-	-	P	P	P	P	P	-	-
Entertainment	-	-	C	C	C	P	P	-	-
Vehicle-Oriented Service	-	-	-	-	C	C	C	P	-
Office	-	-	C	P	P	P	P	-	-
CIVIC									
Educational Facility	-	-	P	P	P	P	P	-	-
Childcare Facility	-	-	P	P	P	P	P	-	-
Religious Facility	-	-	P	P	P	P	P	-	-
Governmental Facility	-	-	P	P	P	P	P	-	-
Cultural and Community Facility	-	-	P	P	P	P	P	-	-
Health Care Facility	-	-	C	C	C	P	P	-	-
EMPLOYMENT AND INDUSTRIAL									
Artisan Production	-	-	-	-	P	P	P	P	-

USE	AG	LR	NR	CR	NA	CA	IE	IL	OS
Contractor Services	-	-	-	-	-	-	-	P	-
Research and Development	-	-	-	-	-	-	P	P	-
Light Production	-	-	-	-	-	-	-	P	-
Manufacturing	-	-	-	-	-	-	-	P	-
Warehousing and Distribution	-	-	-	-	-	-	-	P	-
Outdoor Storage and Operations	-	-	-	-	-	-	-	C	-
AGRICULTURE, OPEN SPACE, AND UTILITIES									
Agricultural	P	P	-	-	-	-	-	-	-
Parks and Recreation	P	P	P	P	P	P	P	-	P
Conservation/Open Space	P	P	P	P	P	P	P	P	P
Minor Utility Facility	P	P	P	P	P	P	P	P	P
Major Utility Facility	C	-	-	-	-	C	C	C	C

Note: Section 5.1.3 may control where a Residential Care Home is allowed when state or federal housing protections apply.