

**ZONING REGULATIONS**  
**JACKSON COUNTY, KANSAS**

**ARTICLE I**

**TITLE**

**SECTION 1.** These Regulations, including the Zoning District Maps incorporated by reference as if more fully set out herein, shall be known and may be cited as the "Zoning Regulations" for Jackson County, Kansas, and shall hereinafter be referred to as "these Regulations".

**ARTICLE II**

**PURPOSE AND INTENT**

**SECTION 1.** These Regulations are adopted for the general purpose of promoting the health, safety, morals, and general welfare of the citizens of Jackson County through maintenance of a viable rural area with encouragement of proper development of incorporated cities in the County. Within this general purpose, these Regulations are intended to:

1. Promote the health and general welfare of the citizens.
2. Provide for adequate light, air and acceptable noise levels.
3. Conserve good agricultural land by protecting it from the intrusion of incompatible uses.
4. Prevent the overcrowding of land and undue concentration of population.
5. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
6. Protect property values and conserve energy resources.
7. Regulate and restrict the location and use of buildings and the uses of land within each district for residential, commercial, industrial, and other purposes.
8. Regulate and restrict the height, number of stories, and size of buildings; the percentage of the lot that may be occupied by buildings and other structures; and the size of yards and other open spaces.
9. Prevent loss of life and destruction of property through periodic flooding conditions.
10. Preserve features of historical significance and the conservation of natural resources.
11. Implement goals, policies, and proposals of the comprehensive plan for the zoning jurisdiction.

## ***ARTICLE III***

### ***AUTHORITY AND JURISDICTION***

**SECTION 1.** AUTHORITY: The Regulations set forth herein are adopted under authority of state statutes and in accordance with the adopted Land Use Plan for Jackson County, Kansas.

**SECTION 2.** JURISDICTION: These Regulations shall apply to all structures and land within the unincorporated area of Jackson County, Kansas, except areas of the County within the boundaries of the Prairie Band Potawatomie Reservation.

**SECTION 3.** NOTICE OF AMENDMENTS TO CITIES: Whenever amendments to the text of these Regulations or to the Zoning District Map are proposed within three (3) miles of any incorporated city within the County, written notice of such proposed action shall be given to the governing body of such city at least twenty (20) days prior to the proposed action.

## ARTICLE IV

### INTERPRETATION AND CONSTRUCTION

**SECTION 1. RULES OF INTERPRETATION:** In interpreting the provisions of these Regulations, the following shall govern:

1. *Minimum Requirements.* In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of Jackson County.
2. *Overlapping or Contradictory Regulations.* Where the conditions imposed by the provisions of these Regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. *Private Agreements.* The provisions of these Regulations are not intended to abrogate any easement, covenant, or other private agreement provided that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these Regulations shall govern.
4. *District Boundary Lines.* Interpretation of zoning district boundary line locations shall be governed by the following:
  - A. Where district boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
  - B. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.
  - C. Where a boundary of a district appears to follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.
  - D. Where a district boundary line divides a lot or un-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.

**SECTION 2. RULES OF CONSTRUCTION:** Except where clearly required to be otherwise by the context, rules of construction shall include:

1. Words or numbers used singularly or plurally shall include both singular and plural interpretation.
2. The word "may" is permissive; the word "shall" is mandatory.
3. The present tense includes the past and future tenses and the future the present.
4. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
5. The word "person" includes individuals, firms, corporations, associations, governmental bodies, and other legal entities.
6. The words "use," "used," "occupy," or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.
7. Unless otherwise specified, all distances shall be measured horizontally.

## ARTICLE V

### DEFINITIONS

**SECTION 1. DEFINITIONS:** For the purpose of interpreting the provisions of these Regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. **Accessory Building.** A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises. For the purposes of this Resolution, the term accessory building shall include accessory dwelling, storage sheds and similar structures. See Dwelling, Accessory below.
2. **Accessory Use.** A use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.
3. **Adult Entertainment.**
  - A. **Adult Entertainment Establishment.** Any business, premises or establishment including without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, adult live performance theaters which has any of the following:
    - 1.) Thirty percent or more of its annual gross receipts derived from: (a) the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of specified sexual activities" or of "specified anatomical areas" as herein defined, or (b) the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or
    - 2.) Thirty percent or more of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or
    - 3.) Thirty percent or more of its floor area at any time allocated to (a) entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or (b) the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined, and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined.
  - B. **Specified Anatomical Areas:** Any of the following:
    - 1.) Less than completely or opaquely covered human genitals, pubic region, buttocks, anus, or female breast area below a point immediately above the top of the areola; or
    - 2.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. *Specified Sexual Activities:* Any of the following:

- 1.) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- 2.) Actual or simulated acts of sexual intercourse, masturbation, sodomy, or oral copulation; or excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 and 2 of this definition.
4. *Agriculture.* The use of a tract of land 5 acres or larger, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, and cattle or other livestock, including commercial feed lots. Such definition includes the structures necessary for carrying on farming operations and, as accessory uses, the dwelling(s) of those owning and/or operating the premises, including single-wide manufactured homes. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming.
5. *Alley.* A strip of land 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.
6. *Alley Line.* The line of division between the public travelway comprising the alley and the private lot.
7. *Alteration.* Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
8. *Animal Hospital or Clinic.* An establishment where animals are admitted principally for examination and treatment by a Doctor of Veterinary Medicine. Boarding of animals shall be limited to that necessary for the treatment of the sick animal. This does not include open kennels or runs.
9. *Apartment.* A room or suite of rooms in an apartment house or other building intended, designed, used, or suitable for use by one or more persons as a place of residence with culinary accommodations.
10. *Apartment House.* A building or portion thereof intended, designed, used, or suitable for use as a residence for three (3) or more families living in separate apartments.
11. *Automobile Service Station.* A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and/or for accessory uses, such as the sale of lubricants, accessories, or supplies; the incidental washing of motor vehicles, and the performing of minor repairs; but not including tire recapping, body repairs, major overhaul, provision of rental equipment, or open sales lots.
12. *Basement.* A story of a building having more than one-half (1/2) of its height below grade and which serves as substructure or foundation for the remainder of the building.
13. *Block.* A series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, park, greenstrips, open land, or waterways.
14. *Board of Zoning Appeals.* Referred to herein as the "Board" which has been created by the Governing Body and which has the statutory authority to hear and determine appeals, variances, and exceptions (special use permits) to these zoning Regulations.
15. *Boarding Home for Children.* A residential facility where children not related to the family by blood, marriage, or adoption are cared for twenty-four (24) hours a day by adult supervision which is licensed by the Kansas Department of Health and Environment.

16. *Boarding House.* A building or place, other than a hotel, where by pre-arrangement and for compensation, lodging and meals for a definite period are provided for three (3) or more persons, and such accommodations are not furnished to transient or overnight customers. Individual cooking facilities shall not be provided.
17. *Buildable Area.* That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these Regulations.
18. *Building.* A structure having a roof supported by columns or walls intended, designed, used, or suitable for use for the support, enclosure, shelter, or protection of persons, animals, or property; and when separated by fire walls each portion of such structure so separated shall be deemed a separate building.
19. *Building Height.* The vertical distance measured from the average elevation of the finished lot grade to the highest point of a coping or a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge of gable, hip, curved, or gambrel roof.
20. *Building – Main.* A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in a residential district is a main building.
21. *Building Site.* The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these Regulations.
22. *Bulk Regulations.* Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yard and setbacks.
23. *Business and Professional Office.* The office of an engineer, dentist, doctor, attorney, real estate or insurance agent, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration.
24. *Campgrounds.* Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground for a period exceeding thirty (30) days on a temporary basis. The term campgrounds does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection, or sale.
25. *Canopy.* Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
26. *Car Wash.* An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
27. *Child Care.* The process of caring for unrelated minor children as a service with or without financial arrangements. Child care shall include the term “baby-sitting” but shall not include preschools. Subject to the Kansas Department of Health and Environment licensing requirements and approval.
28. *Child Care Center.* A day nursery providing care and educational activities for children for part or all of a day or night away from the home of the parent or legal guardian. Such centers shall meet all requirements of the Kansas Department of Health and Environment for licensing and approval.
29. *Child Care Home.* A child care facility in which care is provided for children under 16 years of age and younger. Usually issued for the provider's own home but may be issued at a location other than the provider's home such as a commercial setting. Such facilities shall meet all requirements of the Kansas Department of Health and Environment for licensing and approval.

30. *Clinics.* An establishment where patients who are normally not lodged overnight are admitted for examination and treatment. This does not include Animal Hospitals or Animal Clinics.
31. *Club or Lodge – Private.* A nonprofit association or organization formed for either fraternal, social, educational, philanthropic, or other similar purpose, including professional organizations, unions, and other similar organizations.
32. *Comprehensive Plan.* The duly adopted comprehensive plan for the development of the County.
33. *Conditional Use.* A use that is permitted subject to compliance with a set of conditions or requirements set forth by the County Commission by way of the Planning Commission recommendation. This is non-transferable between property owners. A new owner must apply to continue the use.
34. *Density.* Restrictions on the number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.
35. *Developer.* The legal or beneficial owner or owners of all of the land proposed to be included in a planned development or the duly authorized agent thereof. The holder of an option or contract of purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these Regulations.
36. *District.* A section or sections of the County and/or cities specifically declared within which the regulations governing the use of buildings and premises are uniform.
37. *Drive-in Service.* A type of retail sales establishment which encourages, recognizes, or permits patrons or customers to call for service by the flashing of lights or by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.
38. *Dump.* A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
39. *Dwelling.* Any building or portion thereof which is designed and used primarily for residential purposes, including modular homes and residential-design, multiple-width manufactured homes at least twenty-two (22) feet wide when the latter is placed on a permanent foundation and has a peaked roof and exterior siding somewhat similar in appearance to site-built, single-family dwellings.
40. *Dwelling, Accessory.* A small (limited to 800 square feet or 75 percent of the owner-occupied principle dwelling square footage, whichever is less) detached secondary dwelling unit that is intended to provide living quarters for non-paying personal guests of the primary dwelling owner(s). Such quarters shall be a single unit only and shall not have separate utility meters. See ARTICLE XXIX for full requirements.
41. *Dwelling, Attached.* A residential building which is joined to another dwelling at one or more sides by a party wall or walls
42. *Dwelling, Detached.* A residential building which is entirely surrounded by open space on the same lot.
43. *Dwelling, Multiple-Family.* A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses but does not include hotels, motels, and tourist courts.
44. *Dwelling, Seasonal.* A residence intended for occasional occupancy.

45. *Dwelling, Single-Family.* A detached building or portion thereof designed for or occupied exclusively by one (1) family.
46. *Dwelling, Two-Family.* A building or semi-detached building or portion thereof designed or occupied exclusively by two (2) families living independently of each other.
47. *Dwelling Unit.* One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one (1) family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
48. *Exception.* An exception shall mean the allowance of a use by special use permit within a given district by the Board of Zoning Appeals. Exceptions shall be limited to only those specifically authorized and listed in this zoning resolution.
49. *Family.* Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; plus in either case, domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.
50. *Fence.* A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.
51. *Floodplain.* A watercourse and land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent as identified on an official FEMA flood hazard map.
52. *Floor Area.* Floor area shall mean the gross floor area of the building of the several floors in the building.
53. *Fraternal and/or Service Clubs.* An association formally organized for either fraternal, social, educational, philanthropic, or other similar purposes, including union and professional organizations, and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all federal, state, county, and local laws.
54. *Frontage.* The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
55. *Garage, Private.* Any accessory building designed or used only for the housing and storage of automobiles which are the property of, or provided for the exclusive use of, the occupants of the lot or premises upon which such building is located and having no provisions for the commercial repair or equipping of such vehicles.
56. *Garage, Public.* Any building, portion of a building, or premises designed, operated, or used for commercial purposes in the storage, sale, hiring, care, or repair of motor vehicles.
57. *Garage, Storage.* A building, or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.
58. *Governing Body – (Legislative Body).* The Board of County Commissioners of Jackson County, Kansas, unless otherwise identified.

59. *Group Homes.* Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state.
60. *Home Occupation.* Any use customarily conducted entirely upon the premises and carried on by a member of a family, related by marriage or blood, residing in the dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and which use neither changes the character thereof nor adversely affects the uses permitted in the district of which it is a part. No signs are displayed, except as permitted in this resolution, no commodity is sold at wholesale or retail upon the premises except that which is prepared on the premises, no outdoor display or storage of materials or supplies, no more than one (1) person is employed, and no mechanical equipment is used that makes any loud, unnecessary, or unusual noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. (Also see the provisions of ARTICLE XXIX.)
61. *Hospital.* An establishment used primarily for inpatient care and to provide health, medical, mental, and surgical care of the sick or injured, excluding animal hospitals.
62. *Hotel or Motel.* A commercial building used as a temporary abiding place for persons who are being lodged for compensation with or without meals.
63. *Institution of Higher Learning.* A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses, and other student housing, which are constructed on campus, shall be considered accessory buildings.
64. *Institution (Nonprofit).* A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
65. *Kennel.* Any place, area, building, structure, or enclosure where more than four domesticated animals, commonly considered to be household pets, more than six months old, are boarded, cared for, housed, fed, trained, or bred. This definition includes both private and commercially operated facilities.
66. *Landscaping.* The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
67. *Laundry (Self-Service).* An establishment equipped with individual coin-operated washing, drying, or dry cleaning machines.
68. *Laundry.* An establishment where commercial laundry and dry-cleaning work is undertaken.
69. *Lodging House.* A residential building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, or for three (3) or more persons in contra-distinction to hotels open to transients.
70. *Lot.* A parcel of land shown as a unit on a recorded subdivision plat.
71. *Lot Area.* The total horizontal area within the lot lines of a lot.
72. *Lot, Corner or External.* A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.

73. *Lot, Depth Of.* A mean horizontal distance between the front and rear lot lines, measured in the general direction of the sidelines of the lot.
74. *Lot, Double Frontage.* An internal lot having a frontage on two (2) streets.
75. *Lot, Internal.* Any lot which does not constitute a corner lot.
76. *Lot Line, Front.* A boundary line of a lot which coincides with street boundary lines. The word "street" as used in this definition shall not include alley.
77. *Lot Line, Rear (Internal).* A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.
78. *Lot Line, Side (Internal).* A boundary line of a lot which does not coincide with a street boundary line. The word "street" as used in this definition does not include alley.
79. *Lot of Record.* A lot which is a part of a subdivision, the map of which has been recorded in the office of the register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds.
80. *Lot, Reversed Corner.* A corner lot, the rear lot line of which either abuts upon or is directly across an alley from the side lot line of another lot or parcel.
81. *Lot Width.* The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front lot line be less than thirty-five (35) feet in width.
82. *Manufactured Home.* A structure which is subject to the Federal Manufactured Home Construction and Safety Standards established pursuant to 42 U.S.C. § 5403, and constructed on or after June 15, 1976.
83. *Manufactured Home, Dependent.* A manufactured home which does not have a flush toilet and bath or shower.
84. *Manufactured Home, Independent.* A manufactured home which has a flush toilet and a bath or shower.
85. *Manufactured Home Park.* Any area, parcel, or tract of ground equipped as required for support of manufactured homes and used or intended to be used by two (2) or more occupied manufactured homes. Such manufactured home park shall be under one ownership and control, but under no circumstances shall the manufactured home spaces be sold or offered for sale individually. The term does not include a sales area on which unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale. A manufactured home may, however, remain on a space for purposes of sale by the resident owner or the manufactured home park owner. No more than fifteen (15) percent of the manufactured homes may be for rent at any one time.
86. *Manufactured Home, Residential Design.* A manufactured home that meets the following design criteria:
  - A. The manufactured home shall have minimum dimensions of 22 feet in width and 40 feet in length.
  - B. The pitch of the roof of the manufactured home shall have a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the County.

- C. All roof structures shall provide an eave projection of no less than 12 inches, exclusive of any guttering.
- D. The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint, wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the County).
- E. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, or poured concrete wall, un-pierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home.
- F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground.
- G. A residential Design-Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

87. *Mobile Home.* A transportable structure larger than 320 square feet in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15, 1976.

88. *Modular Home.* A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the International Building Code (IBC) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated on a concrete foundation.

89. *Motel.* A group of buildings including either separate cabins or a row of connected cabins or rooms, which contain individual sleeping accommodations for transient occupancy and have individual entrances.

90. *Motor Vehicle Repair Shop.* A building or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles.

91. *Nonconforming Lot of Record.* A platted lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.

92. *Nonconforming Structure or Use.* A lawfully existing structure or use at the time these Regulations or any amendments thereto became effective which does not conform to the requirements of the zone in which it is located.

93. *Nursing Home.* An establishment or agency licensed by the State of Kansas for the reception, board, care, or treatment of three (3) or more unrelated elderly individuals.

94. *Parcel.* All contiguous lands (including lots and parts of lots) held in one (1) ownership.

95. *Parking Area, Public or Customer.* An area other than a private parking area, street, or alley, used for parking of automobiles and available for public or semi-public use.

96. *Parking Space*. A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building, suitable in size and location to store one standard automobile.
97. *Paved Parking*. A vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free, all-weather condition.
98. *Permanent Foundation*. A foundation of formed and poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.
99. *Person*. Any natural individual, firm, trust, partnership, association, or corporation.
100. *Planned Development*. A tract of land meeting specified minimum site size whereon all elements of development may be designed as inter-related aspects of an overall improvement concept in accordance with the provisions of this Ordinance.
101. *Plat*. A layout of a subdivision indicating the location and boundaries of individual properties.
102. *Premises*. A parcel together with all buildings and structures thereon.
103. *Principal Structure*. The main use of land or structures as distinguished from a subordinate or accessory use.
104. *Private Club*. An association, other than fraternal or service club, organized and operated either for or not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided that such sale or service is in compliance with all applicable federal, state, county, and local laws.
105. *Public Utility*. Any business which furnishes the general public telephone service, electricity, cable television, natural gas, or water and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
106. *Restaurant*. A public eating establishment, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants, and soda fountains, but not a drive-in establishment, unless otherwise specified.
107. *Rooming House*. A building or portion thereof other than a hotel, where lodging of three (3) or more persons is provided for compensation.
108. *Salvage Yard*. Any land or building used for the collection, storage or sale of wastepaper, trash, rags, fibrous material, scrap metal, or other discarded material; or for collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof; or materials from the demolition of buildings or structures. In the agricultural and residential districts, no more than two (2) licensed or unlicensed motor vehicles which are in the process of restoration to operating condition may be stored; provided, however, such vehicles are stored inside a structure or screened from public view.
109. *Sanitary Landfill*. A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, trash, refuse, junk, or other waste and which is in conformance with the requirements of the Kansas Department of Health and Environment.

110. *School.* A public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a Parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.
111. *Setback.* The distance between the lot line and building line.
112. *Sign.* Any words, numerals, figures, devices, designs, or trade marks by which anything is made known, such as are used to designate an individual firm, profession, business, or a commodity and which are visible from any public street or air. For various types of signs see ARTICLE XXV.
113. *Site.* See "Parcel."
114. *Special Event Permit.* A Special Event Permit is a written permit issued by the Governing Body upon recommendation from the Planning Commission which provides permission under specific conditions to conduct special events on a temporary basis on land located in certain zoning districts as stipulated in each of the district zoning regulations. (Also see ARTICLE XXIX for detailed requirements.)
115. *Special Event Land Use.* A permanent open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public or private events that attract groups of people. Typical uses include convention and exhibition halls, sports arenas, race tracks, concerts, seasonal group events, and amphitheaters. (Also see ARTICLE XXIX for detailed requirements.)
116. *Special Use.* An authorization from the County Commission by recommendation from the Planning Commission which is allowing a use otherwise disallowed by the Zoning Regulations because the approved use is viewed to be supportive of the existing land use in a certain zoning district. This is non-transferable between property owners. A new owner must apply to continue the use.
117. *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
118. *Story, Half.* A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
119. *Street.* A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.
120. *Street Line.* A dividing line between a lot, tract, or parcel of land and the contiguous street.
121. *Street Network.*
  - A. *Arterial Street.* A street which provides for through traffic movement between and around areas and across the City with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
  - B. *Collector Street.* A street which provides for traffic movement between arterial and local streets with direct access to abutting property.
  - C. *Local Street.* A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial, or residential areas.
122. *Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences, driveways, hard surfaced walk and terraces, or public items, such as utility poles, street light fixtures, and street signs.

123. *Structural Alterations.* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Resolution, the following shall not be considered structural alterations.

- A. Attachment of a new front where structural supports are not changed.
- B. Addition of fire escapes where structural supports are not changed.
- C. New windows where lintels and support walls are not materially changed.
- D. Repair or replacement of non-structural members.
- E. Alterations for the safety of the building and normal repairs and maintenance.

124. *Subdivision.* The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term subdivision includes re-subdivision, and the term "re-subdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purpose which varies from the latest, approved subdivision of the same. See the land Subdivision Regulations.

125. *Subdivision Plat.* A plan or map prepared in accordance with the provisions of the duly adopted Subdivision Regulations and recorded with the Register of Deeds.

126. *Tavern.* An establishment in which the primary function is the public sale and serving of cereal malt beverages.

127. *Temporary Use.* A use or structure, when used as a temporary dwelling, on improved or unimproved real estate, which is of impermanent nature, incidental to construction work, and is used for no greater than eighteen (18) months. Such structure shall not be used as a permanent dwelling after the end of the permitted period or after the end of the construction period, whichever occurs first, unless a renewal of the permit is approved by the County Commission. Structures to include but are not limited to.

- A. Prefabricated Shed/Cabin
- B. Recreational Vehicle/Camper
- C. Tiny Home
- D. Shipping Container

128. *Theater, Moving Picture.* A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

129. *Theater, Outdoor Drive-In.* An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.

130. *This Resolution.* The document duly approved and adopted by the Planning Commission and the County Commission of Jackson County, Kansas, which establishes zoning requirements.

131. *Tourist Cabins.* See "Motel."

132. *Tourist Home.* A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

133. *Tract.* A plot or parcel of land other than a lot in a subdivision which is recorded in the office of the Register of Deeds.

134. *Use.* Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

135. *Use Regulations.* The provisions of these Regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.
136. *Variance.* A modification or variation of the provisions of these Regulations, as applied to a specific parcel of property, as distinct from rezoning.
137. *Way.* A street or an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
138. *Yard.* An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the depth of the front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
139. *Yard, Front.* A yard extending along a full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard. On a corner lot, each yard that abuts a street shall be considered a front yard.
140. *Yard, Rear.* A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard.
141. *Yard, Side.* A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of a required minimum side yard, but excluding any area encompassed within a front yard or rear yard.
142. *Zone or District.* A portion, area, or section of Jackson County, Kansas, for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.

**SECTION 2.** Words or terms not herein defined shall have their ordinary meaning in relation to the context.

## ARTICLE VI

### GENERAL PROVISIONS

**SECTION 1. DISTRICT CLASSIFICATIONS:** In order to classify and regulate the use of land, the height and bulk of buildings, and the density of development and population, the jurisdictional area of Jackson County, Kansas, is hereby divided into zoning districts which are designated as follows:

“A – 1”	General Agriculture District
“A - 2”	Commercial Agricultural District
“F – P”	Floodplain District
“L – P”	Lake Protection District
“G – 1”	Recreation District
“R – C”	Rural Center District
“R – R”	Rural Residential District
“R – 1”	Single-Family Dwelling District
“R – 2”	Two and Three - Family Dwelling District
“R – 3”	Multiple Family Dwelling District
“P – D”	Planned Unit Development District
“M – P”	Manufactured Housing Park District
“B – 1”	Neighborhood Commercial District
“B – 2”	Central Business District
“B – 3”	General Commercial District
“B – 4”	Highway Service District
“I – 1”	Light Industrial District
“I – 2”	Heavy Industrial District
“W – C”	Wind Energy Conversion Systems (WECS) Overlay District
“FRD”	Floodwater Retarding Dam Breach Impact Overlay District
“H – C”	Highway Access Control District

**SECTION 2. ZONING DISTRICT MAPS:** The boundaries of the zoning districts are shown on the official Zoning District Maps of Jackson County, Kansas. The Zoning District Maps, with all notations, references, and other information shown thereon, are as much a part of these Zoning Regulations as if such Zoning District Maps with all notations, references, and other information was specifically set forth herein.

**SECTION 3. RULES WHERE UNCERTAINTY MAY ARISE:** Where uncertainty exists, with respect to the boundaries of the various districts on the zoning maps, the following rules shall apply:

1. Where boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
2. Where boundary lines are indicated as approximately following lot lines, or section, half-section, or quarter-section lines, such lines shall be construed to be said boundaries.
3. Where a boundary follows a river, stream, lake, or other body of water, such boundary line shall be deemed to be at the centerlines thereof, unless otherwise indicated.
4. Where a boundary line divides a lot, or un-subdivided property, and the dimensions are not shown on the zoning map, the location of such boundary shall be determined by using the scale appearing on such map.

**SECTION 4. ZONING OF RIGHTS-OF-WAY.** All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

**SECTION 5. APPLICATION OF REGULATIONS:** In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements where these Regulations impose a greater restriction upon the use of land or buildings, or upon the height or bulk of buildings, or require larger building site areas, yards, or open spaces than are imposed or required by any such other law, resolution, easement, covenant, or agreement, then the provisions of these Regulations shall control. Wherever the provisions of any other statute or local ordinance or regulation requires a greater width or size of yard, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by these Regulations, the provisions of such statute, local ordinance, or regulation shall govern.

1. *Permitted Uses.* No building, structure, or land shall hereafter be used or occupied, and no part of any building or structure or land thereof shall hereafter be built, erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the Regulations herein specified for the district in which it is located.
2. *Special Uses.* No use of a structure or land that is designated as a special use in any zoning district shall hereafter be established, and no existing special use shall hereafter be changed to another special use in such district unless a special use permit is secured in accordance with these Regulations.
3. *Bulk Regulations.* No building or other structure shall hereafter be erected or altered to exceed height or bulk requirements of this resolution. Where the maximum structure height is given in both stories and feet, the lesser of the two requirements shall govern.
4. *Structural Alterations.* If any structure is hereafter structurally altered as defined in ARTICLE V:
  - A. The entire structure as remodeled shall comply with the use regulations of these Regulations.
  - B. Any alterations of, enlargements of, or additions to the structure shall comply with the bulk regulations of these Regulations, except as permitted by ARTICLE XXIX.
  - C. The off-street parking facilities shall not be reduced below or if already less than shall not be further reduced below the requirements applicable to a similar new structure or use.
5. *Yard Regulations.* No part of a yard or other open space required about or in connection with any building for the purpose of complying with the provisions of this resolution shall be included as a part of a yard or other open space similarly required for any other building. Such yard shall be maintained for open space. No parking shall be allowed in the front yard of any lot located in a residential district. Accessory structures shall be located only in rear yards.
6. *Lot Regulations.* Unless otherwise provided for in these Regulations, no structure or part thereof shall hereafter be built or moved or remodeled, and no structure or land shall hereafter be used, occupied, or arranged or designed for use or occupancy of a lot which is:
  - A. Smaller in area than the minimum area, or minimum lot area per dwelling unit required;
  - B. Narrower than the minimum lot width required; or
  - C. Shallower than the minimum lot depth required.
  - D. Where a lot or tract is used for other than a single-family dwelling, two-family dwelling, or manufactured home outside of a manufactured home park, more than one principal use and structure may be located upon the lot or tract, but only when the building or buildings conform to all requirements for the district in which the lot or tract is located.

7. *Use Limitations.* No permitted or special use hereafter established, altered, modified, or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is, or will be, located. No permitted or special use already established on the effect date of these Regulations shall be altered, modified, or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located.
8. *Accessory Structures or Uses.* No accessory structures or uses as defined in these Regulations shall hereafter be built, moved or remodeled, established, altered, or enlarged unless such accessory structure or use is permitted by these Regulations. Accessory structures shall be located only in rear yards.
9. *Temporary Structures or Uses.* No temporary structure or use shall hereafter be built, established, moved, remodeled, altered, or enlarged unless the temporary structure or use is permitted by these Regulations.
10. *Home Occupations.* No home occupation, as defined herein, shall hereafter be established, altered, or enlarged in any residential district unless it complies with the conditions, restrictions, and permitted uses as provided for in these Regulations.
11. *Signs.* No sign shall hereafter be built and no existing sign shall be moved or remodeled unless it complies, or will thereafter comply, with the restrictions imposed by ARTICLE XXV.
12. *Off-Street Parking and Loading.* No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied, or designed for use or occupancy unless the minimum regulations shall be provided. No structure or use already established on the effective date of these Regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by these Regulations are provided for the whole structure or use as enlarged.
13. *Determination of Building Setback Line.* The building setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure. If a recorded subdivision plat imposes a building or setback line for a lot which is less than the minimum setback or front yard required by the applicable section of these Regulations, then notwithstanding any other provision of these Regulations, the minimum setback or minimum front yard change shall be the setback required in these Regulations.
14. *Exemptions.* The following structures and uses shall be exempt from the provisions of these Regulations:
  - A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas, or water or the collection of sewage or surface water which is operated or maintained by a public or quasi-public agency, but not including substations located on or above the surface of the ground.
  - B. Railroad track, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
  - C. Agricultural structures or land used for agriculture, except in defined floodplain areas. In the event that any exempt structure or land ceases to be used only for agriculture, then such structure or land shall be subject to the applicable regulations of these Regulations.
  - D. Drilling for oil or gas wells except in residential or rural center districts.
  - E. Structures or land used by the federal government.
15. *Prohibited Uses.* Adult Entertainment Establishments are hereby prohibited in all zoning districts within the County and no building, structure, premises or land shall be used, constructed, reconstructed, altered or expanded as or for an Adult Entertainment Establishment.

## **ARTICLE VII**

### ***"A – 1" GENERAL AGRICULTURAL DISTRICT***

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The "A – 1" General Agricultural District is established for the purpose of protecting agricultural land in the county by restricting and regulating the density, coverage, and type of land use.

**SECTION 2. DISTRICT REGULATIONS:** In the "A – 1" District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. Agricultural uses including farming, animal husbandry, poultry, fur-bearing animals, and other livestock, truck gardening, orchards, bee keeping, and the sale of food products grown in agricultural districts
2. Single-family dwelling units, including residential designed manufactured housing, on three (3) or more acres for agriculture related use.
3. Group homes on three (3) or more acres.
4. Accessory uses for agricultural and single-family dwelling units.
5. Churches and similar places of worship and parish houses.
6. Greenhouses, nurseries, and garden centers.
7. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
8. Public and semi-public parks, playgrounds, campgrounds, fishing preserves, or other recreational areas and community buildings owned and operated by a public agency or non-profit organization.
9. Temporary structures incidental to construction work, but only for a maximum of eighteen (18) months from the application approval, unless a renewal of the permit is approved by the County Commission. Basements and cellars may not be occupied for residential purposes until the building is completed. Subject to Northeast Kansas Environmental Services septic/lagoon approval. The structure may stay on property after temporary use only if it is uninhabitable. Documentation is required.
10. Utility lines and facilities necessary for public service, and excluding sanitary landfills, public and semi-public storage and repair facilities, water supply and treatment facilities, dams, and power plants.
11. Water sheds wildlife habitats, wildlife production areas, and game management areas or other conservation uses.
12. Private, non-commercial recreation areas, including country clubs, swimming pools, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracks, or similar commercial recreational businesses.
13. Home occupations provided that such occupations take place within the principal dwelling, or, on lots of eighty thousand (80,000) square feet or more, in an accessory building that shall be no larger than fourteen (14) feet by twenty (20) feet, or two hundred (280) square feet. One sign shall be permitted, no greater than sixteen (16) square feet. Business shall be run by no more than one (1) employee and one (1) assistant..
14. Fire and police stations.

15. Oil and gas exploration, drilling, and production providing these operations are conducted in accordance with the requirements of the State of Kansas, and provided further that upon abandonment of these operations, the land shall be returned as nearly as practicable to its original condition.
16. Temporary and permanent special events subject to the provisions and requirements of ARTICLE XXIX, Section 23 – Special Event Regulations.
17. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission and subject to conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Single-wide and other non-residential design manufactured housing built within twenty (20) years of the current date with permanent foundations on three (3) acres or more.
  - B. Any public building erected or land used by any department of the City, County, or State Government which is not permitted above.
  - C. Airport or heliport.
  - D. Cemetery, crematory, or mausoleums.
  - E. Private Cemetery/Burial Plot, if:
    - i. Body (bodies) may be buried in a private cemetery/burial plat as determined by the owner of the private cemetery/burial plot, and may be related by blood, marriage, adoption, friendship, or other private reasons. There shall be no purchase or fee required or allowed to be buried in a private cemetery/burial plot; and
    - ii. The death did not result from a contagious, infectious, or communicable disease as required by K.S.A. 65-1713(b); and Any bodies transported from the property for any reason prior to burial shall be transported in accordance with State Law (K.S.A. 65-2438); and
    - iii. The owner must designate, by map, plat or metes and bounds description, the exact location of the private cemetery/burial plot on the property, and once so designated, no alteration to the location may be made, and all burials performed on the property must be in the designated area, with said map, plat or description being filed of record with the County Register of Deeds; and
    - iv. All graves are to be marked with a headstone or ground plaque. The body is to be buried a minimum depth of six (6) feet; and
    - v. No site shall be larger than one quarter (1/4) of an acre; and
    - vi. No burial sites shall be located within one hundred (100) feet of a water line, sewer line or similar easement.
  - F. Hospitals, nursing homes, rest homes, convalescent homes, and homes for the aged on a tract of land three (3) acres or larger.
  - G. Licensed day care facilities.
  - H. Radio, television, navigation or military control station, transmitter, or tower.
  - I. Animal hospital or kennel (Eleven (11) animals or more), provided that no animal hospital shall be located closer than three hundred (300) feet from any neighboring residential dwelling, and that no kennel may be located closer than one thousand (1,000) feet from any neighboring residential dwelling.
  - J. Animal kennel (Ten (10) animals or less), provided that no animal kennel shall be located closer than five hundred (500) feet from any neighboring residential dwelling.
  - K. Fur-bearing animal farms.
  - L. Reservoirs, wells, towers, filter beds, or water supply plants.

- M. Riding stables, not closer than five hundred (500) feet to any residential zone.
- N. Sanitary landfill operations, subject to the requirements of state statutes and the regulations of the Kansas Department of Health and Environment.
- O. Seasonal dwellings.
- P. Sewage disposal facilities, subject to the requirements of state statutes and the regulations of the Kansas Department of Health and Environment.
- Q. Electrical substations.
- R. Service Industry, such as auto or machinery repair, may be allowed by special use permit; provided that, they shall be found to be non-manufacturing in nature and not associated with on-site sales, other than for ancillary goods associated with the service; and further provided that, the bulk and form of structures associated with such service industries are in proportion with structures customarily found in the A – 1 District, such as farm residences and barns that are used to store farm equipment typically used in small-scale farming.

**SECTION 4. INTENSITY OF USE REGULATIONS.** Tracts in this district shall be twenty (20) acres or larger; except that, smaller-lot development may be platted from tracts of record that are legal as of the date of these amendments, which smaller-lot development shall average no less density than one residence per 20 acres for the entire original tract from which it is platted, and meet all county sanitary codes and other regulations.

**SECTION 5. HEIGHT REGULATIONS:** Except as otherwise provided in the height, area, bulk, and dimensional requirements of this Resolution, no building or structure shall exceed the following height restrictions:

- 1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, said building or structure shall not exceed thirty-five (35) feet in height.
- 2. When a building or structure is more than one hundred fifty (150) feet from a dwelling district zone, said building or structure shall not exceed eighty (80) feet in height. Buildings and structures used for non-agricultural purposes shall not exceed thirty-five (35) feet in height.

**SECTION 6. YARD REGULATIONS:**

- 1. *Front Yard.*
  - A. There shall be a front yard having a depth of not less than forty (40) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations.)
  - B. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
  - C. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
- 2. *Side Yard.* There shall be a side yard on each side of every building or structure which said yard shall not be less than fifteen (15) feet.
- 3. *Rear Yard.* Except as hereinafter provided in the additional height, area, and use regulations of this resolution, there shall be a rear yard having a depth of not less than forty (40) feet.

**SECTION 7. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 8. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

## **ARTICLE VIII**

### **"A – 2" COMMERCIAL AGRICULTURAL DISTRICT**

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The "A – 2" Commercial Agricultural District is established for the purpose of protecting agricultural resources of the County while providing for establishment of certain agricultural-related uses which are essentially commercial in nature, but yet are generally compatible with an agricultural setting.

**SECTION 2. DISTRICT REGULATIONS:** In the "A – 2" District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. All uses permitted in the "A – 1" District.
2. Roadside stands for sale of agricultural products by an operator other than the producer of the agricultural product.
3. Livestock sale barns.
4. Grain elevators and storage bins, including the sale of related items, such as seed, feed, fertilizer, and insecticides.
5. Campgrounds on a minimum of two (2) acres, subject to the following regulations:
  - A. Campgrounds shall be utilized only for the accommodation of camping trailers, tents, and other similar camping vehicles, excluding manufactured housing.
  - B. Campgrounds shall have a maximum density of twenty (20) camping spaces per gross acre, a minimum area of one thousand two hundred fifty (1,250) square feet for each space, and maintain a setback of not less than twenty (25) feet from any public street, highway right-of-way, or property line.
  - C. The campgrounds shall have an accessible, adequate, safe, and potable water supply, and if a public water supply is reasonably available to the campgrounds, it shall be used. Also, it must have an adequate method for on-site sewage disposal as provided for in these Regulations; however, if a public sewer system is reasonably available, it shall be used.
  - D. The campground and any service buildings must be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants or the public or constitute a nuisance.
  - E. Where the campground is within one thousand (1,000) feet of any residential development, screening consisting of a solid fence at least six (6) feet high and/or a landscape buffer of at least twenty (20) feet in width may be required.
6. Drive-in theaters.
7. Feed manufacturers, such as alfalfa products.
8. Fertilizer plants.
9. Fraternal and/or service clubs.
10. Private clubs.

11. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission and subject to conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. All special uses permitted in the "A – 1" District.
  - B. Commercial storage and/or sale of anhydrous ammonia or propane and the wholesale storage of gasoline and other manufactured petroleum products above ground level.
  - C. Commercial development of natural resources and extraction of raw materials, such as rock, gravel, or sand, provided that all operations are in conformance with state statutes and the regulations of the Kansas Department of Health and Environment. Provided further, that the application for a special use permit shall be accompanied by the following information:
    - 1.) A plan showing the boundary of the entire tract, vehicular access routes and surfacing, prevailing wind directions, existing, and proposed street rights-of-way, easements, water bodies, mining area, and proposed fencing.
    - 2.) A general plan of operation, including blasting hours, removal plan, and hours of operation.
    - 3.) A plan showing the finished topography of the restored areas including grades and slopes.
    - 4.) A general timing for restoring the various excavation pits and overburden for a continuing use.
    - 5.) A general description of the methods and materials proposed to provide for a continuing use.
    - 6.) Amount and type of planting to be done on the restored area or other approved restoration uses or methods.
  - D. Salvage yards, subject to the following conditions:
    - 1.) Located on a tract of land at least three hundred (300) feet from a residential district.
    - 2.) The operation shall be conducted wholly within an enclosed, noncombustible building or within an area completely surrounded by a fence or wall at least eight (8) feet high but not more than ten (10) feet high. Such fence or wall shall be of uniform texture and color and shall be properly maintained by the owner.
    - 3.) No salvage materials shall be loaded, unloaded, or otherwise placed temporarily or permanently outside the enclosed building, fence, wall, or within the public right-of-way.
    - 4.) No salvage materials shall be piled higher than the top of the required fence or wall.
    - 5.) Burning of salvage materials shall be subject to any applicable county, state, and federal laws.

**SECTION 4. INTENSITY OF USE REGULATION:** Tracts in this district shall be three (3) acres or larger.

**SECTION 5. HEIGHT REGULATIONS:** Except as otherwise provided in the height, area, bulk, and dimensional requirements of this Resolution, no building or structure shall exceed the following height restrictions:

1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, said building or structure shall not exceed thirty-five (35) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a dwelling district zone, said building or structure shall not exceed eighty (80) feet in height. Buildings and structures used for nonagricultural purposes shall not exceed thirty-five (35) feet in height.

**SECTION 6. YARD REGULATIONS:**

1. *Front Yard.*
  - A. There shall be a front yard having a depth of not less than forty (40) feet except as required for arterial and collector streets or roads.
  - B. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
  - C. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
2. *Side Yard.* There shall be a side yard on each side of every building or structure which said yard shall not be less than fifteen (15) feet.
3. *Rear Yard.* Except as hereinafter provided in the additional height, area, and use regulations of this Resolution, there shall be a rear yard having a depth of not less than forty (40) feet.

**SECTION 7. SIGN REGULATIONS: See ARTICLE XXV.**

**SECTION 8. PARKING AND LOADING REGULATIONS: See ARTICLE XXVI.**

## **ARTICLE IX**

### **"F – P" FLOODPLAIN DISTRICT**

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The "F – P" Floodplain District is intended for application in those areas of the County which are subject to inundation from surplus storm water as defined by a FEMA (Federal Emergency Management Agency) Flood Insurance Study and accompanying Floodway Map, and any subsequent additions or amendments thereto, prepared for Jackson County or any subdivision therein, by the Federal Insurance Administration. This zone is intended for application throughout the zoning jurisdiction in locations where such official floodplain delineation has been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods within reasonable limits by regulating and restricting areas of development along or in natural water courses and drain-ways.

**SECTION 2. DISTRICT REGULATIONS:** In the "F – P" District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the permitted uses in the parent district, to which this district is made a part, provided that such uses and structures shall meet the minimum requirements of SECTION 3 of these Regulations.

**SECTION 3. SPECIAL USE REGULATIONS:** Notwithstanding the requirements of the parent district, the other requirements of this zoning regulation, and any other floodplain regulations of the County, the following regulations shall supplement the requirements of the parent district, of which this district is made a part. These Regulations shall supersede those of the parent district where there is a conflict among regulations.

1. Whereby reason of flooding potential and where the special flood studies and map indicate the possibility of detrimental or limiting conditions for development, no person, firm, or corporation shall initiate any development or substantial improvement, or cause the same to be done without first obtaining a separate permit for development for each such building or structure in accordance with the detailed requirements of the County. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the Zoning Administrator. The application shall be accompanied by explanatory background information as required by the Zoning Administrator, which shall include as a minimum:
  - A. Identification and description of the work to be covered in the permit.
  - B. Description of the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
  - C. Indication of the use or occupancy for which the proposed work is intended.
  - D. Provision of plans and specifications for proposed construction.
  - E. Signature of the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
  - F. Provision of other information as reasonably may be required by the Zoning Administrator.

In areas within the county zoning jurisdiction which are designated as "F – P" Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by Jackson County Resolution No. 2000 – 27, "Floodplain Management".

**SECTION 4. INTENSITY OF USE REGULATIONS:** The lot coverage and intensity of use of the parent district, of which this district is made a part, shall be the maximum allowable.

**SECTION 5. HEIGHT REGULATIONS:** The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements subject to additional requirements as prescribed by these Regulations.

**SECTION 6. YARD REGULATIONS:** The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements subject to additional requirements as prescribed by these Regulations.

**SECTION 7. SIGN REGULATIONS:** The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for sign regulations.

**SECTION 8. PARKING AND LOADING REGULATIONS:** The parking and loading regulations of the parent district, of which this district is made a part, shall be the minimum requirements subject to additional requirements as prescribed by these Regulations.

## ARTICLE X

### ***“L – P” LAKE PROTECTION DISTRICT***

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “L – P” Lake Protection District is intended for application as an overlay zone in areas surrounding major surface water impoundments, streams and water supply well fields for the purpose of protecting water quality through regulation of potential sources of environmental pollution in the immediately adjacent watershed.

**SECTION 2.** DISTRICT REGULATIONS: In the “L – P” District, no building or land shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the permitted uses in the parent district, of which this district is made a part, provided that such uses and structures shall meet the minimum requirements of SECTION 3 of these Regulations.

**SECTION 3.** SPECIAL USE REGULATIONS: Notwithstanding the requirements of the parent district, the other requirements of these zoning regulations and any other regulations of the County, the following regulations shall supplement the requirements of the parent district, of which this district is made a part. These Regulations shall supersede those of the parent district where there is a conflict among regulations.

1. *Erosion Control.* To prevent soil erosion and siltation of the adjacent water body, all uses of land in the “L – P” Lake Protection District shall provide erosion and sediment control measures for all features of development, including provision for temporary measures during construction. Such erosion control measures shall conform to the standards of the Jackson County Soil Conservation District.
2. *Sewerage Systems.* All uses shall be provided with sanitary sewerage disposal systems meeting the standards and specifications of the Jackson County environmental sanitation code. No system shall be allowed to discharge inadequately treated sewerage onto the surface of the ground or into ditches or water courses so as to produce odors, vector breeding conditions, contamination, or any other effect detrimental to maintenance of environmental quality.
3. *Solid Waste Disposal.* All solid waste disposal practices shall conform to the standards and criteria of the Kansas Department of Health and Environment. Disposal of solid wastes in the “L – P” Lake Quality Protection District shall be limited to brush, limbs, and similar agricultural wastes.
4. *Potable Water.* All potable water supply systems shall be installed and operated in accordance with the standards and guidelines of the Kansas Department of Health and Environment (KDHE), and shall be protected and maintained in such a condition so as to prevent pollution of underground and/or surface water supplies. All abandoned wells or other bore holes shall be plugged and sealed as required by KDHE.
5. *Maintenance of Surface Vegetation.* For all uses, conservation and maintenance of surface vegetation is encouraged. All land parcels shall be appropriately landscaped with surface vegetation established, as necessary, to prevent water and wind erosion. Wherever possible, natural vegetation shall be retained and protected.
6. *Prohibited Uses.* The following uses and activities shall be prohibited in the “L – P” Lake Protection District:
  - A. Disposal of solid wastes other than brush, limbs, and similar agricultural wastes.
  - B. Subsurface storage of petroleum and other refined petroleum products.
  - C. Disposal of liquid or leachable wastes except residential subsurface sewerage disposal systems.
  - D. Rendering impervious (pavements and/or roofs) more than twenty (20) percent of any lot, parcel or tract.

- E. Industrial uses, which discharge process waters on-site.
- F. Use or storage of road salt or other de-icing chemicals.
- G. Dumping of snow containing de-icing chemicals brought from outside the district.
- H. Commercial feed lots and kennels.
- I. Mining of land, including sand and gravel extraction.
- J. Storage and disposal of hazardous wastes.
- K. Automotive service and repair shops, junk and salvage yards.

**SECTION 4. INTENSITY OF USE REGULATIONS:** The lot coverage and intensity of all items of development in combination, including all pavements and roof areas, shall not render impervious more than twenty (20) percent of the total lot area.

**SECTION 5. HEIGHT REGULATIONS:** The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements subject to the additional requirements as prescribed by the Regulations.

**SECTION 6. YARD REGULATIONS:** The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements subject to additional requirements as prescribed by these Regulations.

**SECTION 7. SIGN REGULATIONS:** The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for sign regulations.

**SECTION 8. PARKING AND LOADING REGULATIONS:** The parking and loading regulations of the parent district, of which this district is made a part, shall be the minimum requirements subject to additional requirements as prescribed by these Regulations.

## **ARTICLE XI**

### **"G – 1" RECREATION DISTRICT**

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The "G – 1" Recreation District is established for the purpose of protecting the quality, type of use, and density of development in those areas around public and private water reservoirs, ponds, and lakes which are developed for intensive recreation.

**SECTION 2. DISTRICT REGULATIONS:** In the "G – 1" District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. Public parks, playgrounds, and recreation areas.
2. Temporary and permanent special events subject to the provisions and requirements of ARTICLE XXIX, Section 23 – Special Event Regulations.
3. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission and subject to conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Private recreational areas including golf courses, driving ranges and miniature golf.
  - B. Boat rentals and supplies, including tackle, bait, marine gas services, and related services.
  - C. Seasonal dwellings.
  - D. Campgrounds for trailers, overnight and permanent.
  - E. Motels, hotels, and motor hotels.
  - F. Restaurants.
  - G. Other similar uses after approval of the Board.

**SECTION 4. INTENSITY OF USE REGULATIONS:** Tracts in this district shall be five (5) acres or larger.

**SECTION 5. HEIGHT REGULATIONS:** Except as otherwise provided in the height, area, bulk, and dimensional requirements of this Resolution, no building or structure shall exceed the following height restrictions:

1. Buildings and structures shall not exceed thirty-five (35) feet in height.

#### **SECTION 6. YARD REGULATIONS:**

##### **1. *Front Yard:***

- A. There shall be a front yard having a depth of not less than forty (40) feet except as required for arterial and collector streets or roads. (See Supplementary District Regulations.)
- B. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.

- C. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
2. *Side Yard:* There shall be a side yard on each side of every building or structure which side yard shall not be less than fifteen (15) feet.
3. *Rear Yard:* Except as hereinafter provided in the additional height, area, and use regulations of this Resolution, there shall be a rear yard having a depth of not less than forty (40) feet.

**SECTION 7. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 8. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

## **ARTICLE XII**

### **“R – C” RURAL CENTER DISTRICT**

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The “R – C” Rural Center District is established for the purposes of protecting the quality of the living environment in small, unincorporated communities, and to encourage the continued existence of such settlements as places of residence, limited commerce and industry, and community convenience.

**SECTION 2. DISTRICT REGULATIONS:** In the “R – C” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the following uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. Single-family residential units, including manufactured homes and residential design manufactured homes on permanent foundations, two- and three-family units, and multi-family residential units.
2. Group homes.
3. Agricultural commercial; the sale of farm machinery and the repair of equipment.
4. Churches, chapels, temples, and synagogues.
5. Financial institutions and offices.
6. Food stores.
7. Grain storage elevators and feed mills.
8. Package sales, taverns, and bars.
9. Community meeting or group meeting facilities.
10. Public and private schools: primary, intermediate, and secondary.
11. Home occupations.
12. Temporary structures incidental to construction work, but only for eighteen (18) months from the application approval, unless a renewal of the permit is approved by the County Commission. Basements and cellars may not be occupied for residential purposes until the building is completed. Subject to Northeast Kansas Environmental Services septic/lagoon approval. The structure may stay on the property after temporary use only if it is uninhabitable. Documentation is required.
13. Restaurants, including drive-in establishments.
14. Service stations, including painting and body work.
15. Welding shops and small machine shops.
16. Temporary and permanent special events subject to the provisions and requirements of ARTICLE XXIX, Section 23 – Special Event Regulations.
17. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission and subject to conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Public buildings erected or land used by any agency of a city, a township, the County, or State government.
  - B. Public and private utility substations, pumping stations, and water and communication towers.

- C. Licensed day care facilities.
- D. Wrecking, salvage, or junk yard, providing the storage yard is completely enclosed and obstructs the view of the site with at least a six (6) foot solid fence or wall and located not less than three hundred (300) feet from a residential district zone and subject to the following:
  - 1.) The operation shall be conducted completely within the enclosed area. The fence or wall shall be of uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the area. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
  - 2.) No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosing fence or wall or within public right-of-way
  - 3.) Burning of salvage materials shall be subject to any applicable county, state and federal laws.
- E. Exploration and extraction of oil and natural gas.
- F. Other uses not specifically listed as a permitted or special use, but, which in the opinion of the Board of Zoning Appeals, are in keeping with the spirit and intent of the Rural Center District regulations.

**SECTION 4. INTENSITY OF USE REGULATIONS:** Lots and tracts in this district shall have a minimum area meeting the following size restrictions:

- 1. Where individual wells and septic systems are used, the minimum lot size shall be eighty thousand (80,000) square feet.
- 2. Where a state approved sanitary sewer is available, the minimum lot size shall be twenty thousand (20,000) square feet.
- 3. Where both state-approved public water and sewer are available, the minimum lot size shall be seven thousand (7,000) square feet.

**SECTION 5. HEIGHT REGULATIONS:** No building shall exceed thirty-five (35) feet in height.

**SECTION 6. YARD REGULATIONS:**

- A. *Front Yard:*
  - 1.) There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in Article XXIX.
  - 2.) Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - 3.) Where a lot or tract is located at the intersection of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
- B. *Side Yard:* There shall be a side yard on each side of every building or structure which side yard shall not be less than eight (8) feet.
- C. *Rear Yard:* Except as hereinafter provided in the additional height, area, and use regulations of this resolution, there shall be a rear yard having a depth of not less than twenty-five (25) feet.

**SECTION 7. SIGN REGULATIONS:** See Article XXV.

**SECTION 8. PARKING AND LOADING REGULATIONS: See Article XXVI.**

## **ARTICLE XIII**

### ***“R – R” RURAL RESIDENTIAL DISTRICT***

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The “R – R” Rural Residential District is established to provide for single-family rural residential development at a low density and to allow certain public facilities. It is the intent of the district regulations to protect the health, safety, and general welfare of persons residing in the district; to prevent uses which would devalue property; to regulate population density; and to provide adequate open space around buildings and structures.

**SECTION 2. DISTRICT REGULATIONS:** In the “R – R” District, no building or land shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. General farm operations excluding animal husbandry. This shall not include or permit:
  - A. Any activity within three hundred (300) feet of a residence which activity is noxious or offensive by reason of dust, odor, or noise.
2. Single-family non-farm dwellings including residential designed manufactured homes.
3. Group homes.
4. Temporary structures incidental to construction work, but only for a maximum of eighteen (18) months from the application approval, unless a renewal of the permit is approved by the County Commission. Basements and cellars may not be occupied for residential purposes until the building is completed. Subject to the Northeast Kansas Environmental Services septic/lagoon approval. The structure may stay on the property after temporary use only if it is uninhabitable. Documentation is required.
5. Golf courses, except miniature golf courses or driving tees.
6. Public parks, playgrounds, recreational areas owned and operated by a public agency.
7. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces.
8. The following non-farm uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and under such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Accessory buildings on the rear half of non-farm residential building sites used as private storerooms, wood sheds, work shops, laundries, playhouses, greenhouses, poultry or animal shelters, and other similar or related accessory uses; provided, however, that there shall be not more than three (3) buildings allowed in addition to private garages as accessory to any non-farm, single-family residence, subject to limitations specified in “C” below
  - B. Raising and care of livestock for show and pleasure.
- C. The following limitations are applicable to issuance of special use permits in “a” and “b” above:
  - 1.) When an “R – R” District or a portion thereof is reclassified to another more restrictive residential zone, all those uses granted by special use permit for animal shelters or similar related uses in “a” above and those uses granted under “b” above shall be completely discontinued within a period of six (6) months from the date of reclassification.
  - 2.) Uses permitted in “c” above shall not be kept for commercial purposes.

- 3.) Livestock permitted in "c" above shall be properly sheltered and proper sanitation shall be maintained at all times.
- 4.) Livestock cages or pens permitted in "c" above shall not be closer than fifty (50) feet from any residence.

- D. Churches and similar places of worship.
- E. Home Occupations
- F. Hospitals for people on a lot, plot, or tract of land three (3) acres or larger
- G. Nursing home, sanitarium, rest home, homes for the aged, or convalescent home on a lot, plot, or tract of land three (3) acres or larger.
- H. Licensed day care facilities.
- I. Raising of trees, shrubs, and grasses not sold on the premises.
- J. Schools: public or parochial, elementary, junior high and high schools, and private schools with equivalent curriculum.
- K. Cemetery
- L. Any public building erected or land used by any department of the City, County, or State Government.
- M. Electric substations.
- N. Oil and gas exploration.

**SECTION 4. INTENSITY OF USE REGULATIONS:** Where a state approved and acceptable sanitary sewer system is available, a lot area of not less than twenty thousand (20,000) square feet is required. Where state approved sanitary sewer systems are not available, a lot size shall be eighty thousand (80,000) square feet or larger, unless it can be shown that an acceptable percolation rate is present and that the soils test is compatible with on-site disposal, then the minimum lot area shall be forty thousand (40,000) square feet exclusive of road dedication or easement. Lots shall have an average tract or lot width of not less than eighty (80) feet.

**SECTION 5. LOT COVERAGE:** The principal building and accessory buildings shall not cover more than thirty (30) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:** No building shall exceed thirty-five (35) feet in height.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:*
  - A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX.
  - B. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - C. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this resolution, shall not be reduced to less than thirty-five (35) feet. No accessory building shall project beyond the front yard line on either street.

2. *Side Yard:* Except as hereinafter required in the additional height, area, and use regulations of this Resolution, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of eight (8) feet on each side of the principal building.
3. *Rear Yard:* There shall be a rear yard having a depth of not less than twenty (25) feet.

**SECTION 8.** SIGN REGULATIONS: See ARTICLE XXV.

**SECTION 9.** PARKING AND LOADING REGULATIONS: See ARTICLE XXVI.

## **ARTICLE XIV**

### ***"R – I" SINGLE-FAMILY DWELLING DISTRICT***

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The "R – I" Single-Family Dwelling District is established to provide for single-family rural residential development at a higher density than is allowable in the "R – R" District. This zone is intended for application in developing areas adjacent to incorporated cities and is intended to minimize conflicts of incompatible uses of land; to protect the public health and welfare until the area is annexed; and to provide for compatible private and public facilities with appropriate open spaces.

**SECTION 2. DISTRICT REGULATIONS:** In the "R – I" District, no building or land shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

**SECTION 3. USE REGULATIONS:**

1. Single-family dwellings, including residential design manufactured homes.
2. Group homes.
3. Churches and similar places of worship and parish houses.
4. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
5. Hospitals for people only on a lot, plot, or tract of land three (3) acres or larger.
6. Nursing homes on a lot, plot, or tract of land three (3) acres or larger
7. Public parks, playgrounds, recreational areas.
8. Raising of crops, trees, shrubs, and grasses not sold on the premises.
9. Schools – public or parochial, elementary, junior high and high schools, and private schools with equivalent curriculum.
10. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces.
11. Temporary structures incidental to construction work, but only for a maximum of eighteen (18) months from the application approval, unless a renewal of the permit is approved by the County Commission. Basements and cellars may not be occupied for residential purposes until the building is completed. Subject to Northeast Kansas Environmental Services septic/lagoon approval. The structure may stay on the property after temporary use if it is uninhabitable. Documentation is required.
12. General farm operations excluding activities which are noxious or offensive by reasons of dust, odor, or noise.
13. Cemeteries.
14. Any public building erected or land used by any department of the City, County, or State Government.
15. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Licensed day care facilities.
  - B. Home occupations.
  - C. Electrical substations.

D. Oil and gas exploration.

**SECTION 4. INTENSITY OF USE REGULATIONS:** Where a state approved and acceptable sanitary sewer system is available, a lot area of not less than ten thousand (10,000) square feet is required. Where a state approved sanitary sewer system is not available, a lot size of eighty thousand (80,000) square feet or larger is required unless it can be shown that an acceptable percolation rate is present and that the soils test is compatible with on-site disposal, then the minimum lot area shall be twenty thousand (20,000) square feet exclusive of road dedication or easement. Lots shall have an average tract or lot width of not less than seventy (70) feet.

**SECTION 5. LOT COVERAGE:** The principal building and accessory buildings shall not cover more than thirty (30) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:** No building shall exceed thirty-five (35) feet in height.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:*

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX.
- B. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- C. Where a lot is located at the intersection of two (2) or more streets or roads, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this resolution, shall not be reduced to less than thirty-five (35) feet. No accessory building shall project beyond the front yard line on either street or road.

2. *Side Yard:* Except as hereinafter required in the additional height, area, and use regulations of this Resolution, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of six (6) feet on each side of the principal building.
3. *Rear Yard:* There shall be a rear yard having a depth of not less than twenty-five (25) feet.

**SECTION 8. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 9. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

## **ARTICLE XV**

### **“R – 2” TWO- AND THREE-FAMILY DWELLING DISTRICT**

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “R – 2” Two- and Three-Family Dwelling District is intended for the purpose of allowing a slightly higher density than in the “R – 1” District, yet retaining the residential qualities. This district allows three-family units, duplex uses, single-family homes, certain community facilities, and certain special uses.

**SECTION 2.** DISTRICT REGULATIONS: In the “R – 2” District, no building or land shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. Uses permitted by right in the “R – 1” District.
2. Two-family (duplex) units and three-family units.
3. Boarding, rooming, and lodging houses.
4. Institutions of higher learning, including dormitory accommodations.
5. Nonprofit institutions of an educational, philanthropic, or eleemosynary nature, but not penal institutions.
6. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. All special uses allowed in the “R – 1” District.

**SECTION 4.** INTENSITY OF USE REGULATIONS: Except as hereinafter provided, all structures hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

1. Where a state approved and acceptable sanitary sewer system is available:
  - A. Single-family dwelling — eight thousand (8,000) square feet.
  - B. Two-family dwelling — three thousand seven hundred fifty (3,750) square feet per family.
  - C. Three-family dwelling — three thousand (3,000) square feet per family.
  - D. Dormitories, lodging houses, nursing homes, and boarding houses — five hundred (500) square feet per person.
  - E. All other uses — eight thousand (8,000) square feet.
2. Where a state approved and acceptable sanitary sewer system is not available, minimum lot size for all uses shall be eighty thousand (80,000) square feet unless it can be shown that an acceptable percolation rate is present and that the soils test is compatible with on-site disposal, then the minimum lot area shall be twenty thousand (20,000) square feet exclusive of road dedication or easement..

**SECTION 5.** LOT COVERAGE: The principal building and accessory buildings shall not cover more than forty (40) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:** No building shall exceed forty-five (45) feet in height.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:*

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX.
- B. Where a lot or lots have double frontage, the required front yard shall be provided on both streets or roads.
- C. Where a lot is located at the intersection of two (2) or more streets or roads, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Resolution shall not be reduced to less than thirty (30) feet. No accessory building shall project beyond the front yard line on either street or road.

2. *Side Yard:*

- A. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of eight (8) feet.
- B. Where more than one principal building is constructed on a tract of land for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.
- 3. *Rear Yard:* There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

**SECTION 8. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 9. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

## ARTICLE XVI

### ***“R – 3” MULTIPLE-FAMILY DWELLING DISTRICT***

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “R – 3” Multiple-Family Dwelling District is intended for the purpose of allowing high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities, and certain special uses, yet retaining the basic residential qualities.

**SECTION 2.** DISTRICT REGULATIONS: In the “R – 3” DISTRICT, no building shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. Any use permitted in the “R – 2” Two-Family District.
2. Multiple-Family Dwellings.
3. Private clubs, fraternities, sororities, and lodges, except those where the chief activity is a service, customarily carried on as a business.
4. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. All special uses allowed in the “R – 2” District.

**SECTION 4.** INTENSITY OF USE REGULATIONS: Except as hereinafter provided, all structures hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

1. Where a state approved and acceptable sanitary sewer system is available:
  - A. Single-family dwelling — six thousand (6,000) square feet.
  - B. Two-family dwelling — three thousand seven hundred fifty (3,750) square feet per family.
  - C. Three-family dwelling — three thousand (3,000) square feet per family.
  - D. Multiple-family dwelling — two thousand five hundred (2,500) square feet per family.
  - E. Dormitories, lodging houses, nursing homes, and boarding houses — five hundred (500) square feet per person.
  - F. All other uses — six thousand (6,000) square feet.
2. Where a state approved and acceptable sanitary sewer system is not available, minimum lot size for all uses shall be eighty thousand (80,000) square feet unless it can be shown that an acceptable percolation rate is present and that the soils test is compatible with on-site disposal, then the minimum lot area shall be twenty thousand (20,000) square feet exclusive of road dedication or easement..
3. Where a single lot of record, as of the effective date of this resolution, as defined in the definitions section of these Resolutions, has less area than that specified for multiple-family dwellings and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this resolution, and have not since been changed, such lot may be used only for single-family dwelling purposes or for any other non-dwelling use permitted in this district provided the structure conforms with other yard and height requirements of this district.

**SECTION 5. LOT COVERAGE:** The principal building and accessory buildings shall not cover more than forty (40) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:** No building shall exceed forty-five (45) feet in height.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:*

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX.
- B. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
- C. Where a lot is located at the intersection of two (2) or more streets or roads, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Resolution, shall not be reduced to less than thirty (30) feet. No accessory building shall project beyond the front yard line on either street or road.

2. *Side Yard:*

- A. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of six (6) feet.
- B. Where more than one principal building is constructed on a tract for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi-public uses, the spacing between principal buildings shall not be less than the average height of adjacent buildings.
- 3. *Rear Yard:* There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

**SECTION 8. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 9. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

## **ARTICLE XVII**

### ***“P – D” PLANNED UNIT DEVELOPMENT DISTRICT***

**SECTION 1.** PURPOSE: The purpose of the Planned Development District (“P – D”) is to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

Although the specific conditions within the “P – D” District shall be predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. As such, each application for “P – D” zoning shall include a development plan in accordance with the provisions and conditions that follow.

**SECTION 2.** USE OF THE “P – D” DISTRICT: With the exception of standard single-family and two-family residential subdivisions, zoning proposals which are intended to be subdivided into multiple lots should seek the “P – D” zoning district classification. Planned developments are groupings of structures or sites that are planned as an integrated unit or cluster on property under unified control at the time of zoning. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards and other conditions that were committed to at the time of rezoning.

**SECTION 3.** PERMITTED USES: All uses may be permitted in the Planned Development District subject to Plan approval; however, each use included in a particular “P – D” must be specified on the Plan.

#### **SECTION 4. USE REGULATIONS:**

1. The proposed development shall provide adequate access in such a way that the traffic generated by the development will not cause an unreasonable hazardous condition or inconvenience in the area..
2. Structures and traffic shall be arranged so that all principal structures are accessible to emergency vehicles.
3. Parking shall be provided in a manner that reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.
4. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
5. A Planned Unit Development shall be consistent with the general standards for use of land, and the use, type, bulk, design, and location of buildings, the density or intensity of use, open space, public facilities and the development by geographic division of the site as set out in these regulations.
6. In the case of residential Planned Development, the Planning Commission may permit in each unit or phase deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.

7. A minimum of 30% of the net area of that part of a Planned Unit Development reserved for residential development shall be provided for open space as defined by these regulations. At least one-half of this open space or 20% of the net area devoted to residential development shall be provided for common open space for the leisure and recreational use of all "P – D" residents and owned and maintained in common by them, generally through a homeowner's association. The common open space shall be developed for appropriate recreational facilities, and a minimum of 50% of the proposed recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.
8. The "P – D" shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing Body if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned development or of the entire community.
9. Any modifications of the zoning or other regulations that would otherwise be applicable to the site may be permitted, providing the design of the Planned Development and the amenities incorporated in it are not inconsistent with the interest of the public generally.
10. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the Planned Unit Development.
11. All signs must conform to the Sign Ordinance.
12. Approval of the Final Development Plan may be conditioned by the Planning Commission to minimize any negative impact on the community.

**SECTION 5. APPLICATION FOR REZONING:** A petition to change to a "P – D" Planned District shall be filed with the County, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The public hearing and public notice requirements shall be the same as for any rezoning as provided by these regulations.

**SECTION 6. PRELIMINARY DEVELOPMENT APPROVAL PROCEDURE:**

1. Action by Planning Commission: After a Preliminary Development Plan per the requirements of this article is filed with the County and has been reviewed by staff and found to contain all of the required information as set out within these regulations, the Planning Commission shall, hold a public hearing on said development after giving public notice. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Governing Body and the applicant a report with respect to the extent which the Preliminary Development Plan complies with these regulations, together with its recommendations in respect to the action to be taken on the Preliminary Development Plan. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
2. Action by Governing Body: The Governing Body shall either approve, disapprove, or approve with amendments, conditions or restrictions the Preliminary Development Plan and authorize the submitting of the Final Development Plan. If the Governing Body disagrees with the Planning Commission's initial recommendation, the application shall be returned to the Planning Commission with written comments for reconsideration.
3. Substantial or significant changes in the Preliminary Development Plan shall only be made after rehearing and reapproval as required for the initial approval of the Preliminary Development Plan.

4. For unplatted tracts or tracts being replatted, the approval of the Preliminary Development Plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations and may be submitted with or incorporated with the Final Development Plan. The Planning Commission may review the Final Development Plan and the final plat concurrently.

**SECTION 7. PRELIMINARY DEVELOPMENT PLAN:** Copies of the Preliminary Development Plan shall be prepared and submitted in accordance with the County's Application and Review Schedule at a scale dimension of not more than 1"-100'. In addition to all data required for Preliminary Plats per the Jackson County Subdivision Regulations, plans shall include.

1. Proposed land use patterns within the development.
2. Phases of final development
3. Proposed schedule of construction
4. General landscape information including landscaping easements, dedicated open space, pedestrian circulation, buffering and fencing, and general design concepts.
5. Conceptual exterior building elevations including materials and color palettes to be used.
6. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure and landscape materials to be used and other similar development requirements and/or restrictions in the form of the conditions of the Planned Development zoning.
7. A description of any deviations from any other provision of these regulations and the reason for such.
8. Compliance with other sections of these regulations, such as "Overlay District" requirements.

**SECTION 8. FINAL DEVELOPMENT PLAN APPROVAL PROCEDURE:**

1. After approval of a Preliminary Development Plan by the Governing Body, the landowner shall file with the Register of Deeds a statement that such a plan has been filed with the Governing body and has been approved and that such Planned Development is applicable to certain specified legally-described land and that copies of said plan are on file with the County. Such statement recorded with the Register of Deeds shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan. The recorded statement shall specify that the Preliminary Development Plan shall become binding upon all successors and assigns unless amended in conformance with this act.
2. Prior to the issuance of any building permit or zoning certificate for construction on or use of the property the applicant shall submit an application for final approval. The final application may include the entire Planned Development or may be for a phase thereof as set forth in the approval of the Preliminary Development Plan. The application shall include copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the Preliminary Development Plan and in accordance with the conditions established in the zoning regulations for Planned Development.
3. The Planning Commission shall approve the Final Development Plan if such plan meets the requirements of this article and is in substantial compliance. With the approved Preliminary Development Plan. Final Development Plans shall be deemed to be in substantial compliance with the approved Preliminary Development Plan provided any modification to the plan does not:

- A. Vary the proposed gross residential density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, nor:
- B. Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission:
  - 1.) Pedestrian or vehicular traffic flow.
  - 2.) The juxtaposition of different land uses.
  - 3.) The relation of open space to residential development.
  - 4.) The proposed phasing of construction.
  - 5.) The exterior appearance of buildings and/or structures.
- 4. In the event that the Final Development Plan submitted contains substantial changes from the approved Preliminary Development Plan, the applicant shall submit a revised Preliminary Development Plan for approval per the Preliminary Development Plan Approval Procedure requirements. This resubmittal shall require a new public hearing in the same manner prescribed in this article for original Preliminary Development Plan approval.

**SECTION 9. FINAL DEVELOPMENT PLAN:** Following Preliminary Development Plan approval and platting, if necessary, copies of the Final Development Plan shall be submitted in accordance with the County's Application and Review Schedule and shall include the following information:

- 1. All residential development other than multi-family residential shall include the following:
  - A. All requirements of the Preliminary Development Plan (up-dated to show final sizes, dimensions and arrangements)
  - B. Contour lines showing finished grading only
  - C. A landscaping plan per Article 8, Landscaping and Buffering, in addition to any additional requirements of the Preliminary Development Plan approval.
  - D. The location, height, size, materials and design of all proposed signage.
  - E. Conceptual exterior building elevations including materials and color palettes to be used.

**SECTION 10. AMENDMENTS:** A Planned Development District ordinance or an approved preliminary or Final Development Plan may be amended in the same manner prescribed in this article for approval of a preliminary or Final Development Plan. Application for amendment may be made by the homeowner's association or 51% of the owners of property within the "PUD".

**SECTION 11. BUILDING PERMITS:** On final approval by the Planning Commission, the owner shall provide copies of the approved Final Development Plan to the County. Building permits shall be issued only in accordance with the approved Final Development Plan.

## **ARTICLE XVIII**

### **“M – P” MANUFACTURED HOUSING PARK DISTRICT**

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: It is the intent of the “M – P” Manufactured Housing Park District to permit low density manufactured housing in a park-like atmosphere. The Manufactured Housing Park District is intended for those areas where the owner proposes to develop and rent or lease individual sites, and is intended to be appended to any of the standard residential zones.

**SECTION 2.** DISTRICT REGULATIONS: In the “M – P” District, no building shall be used and no building shall be erected, altered, or enlarged which is arranged, intended, or designed for other than uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. Independent manufactured homes located on a well-drained concrete slab.
2. Parks and playgrounds.
3. Manufactured housing service buildings, such as coin-operated washers and dryers, for exclusive use of residents of the manufactured home park.
4. Office for manager of the manufactured home park.
5. Storage building for vehicles used to tow manufactured housing units.
6. Storage building for blocks, skirts, pipe, and other material and equipment required to set up a manufactured house.
7. Accessory uses and buildings, including swimming pools, bath houses, patios, etc., for exclusive use of manufactured housing residents.
8. Home Occupations
9. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Licensed day care facilities.

#### **SECTION 4. PARK REQUIREMENTS:**

1. A tract to be used for a manufactured housing park shall be large enough to accommodate twenty-five (25) or more manufactured units.
2. Each manufactured housing park space shall be not less than thirty-five (35) feet wide.
3. Manufactured housing parks shall have a maximum density of eight (8) manufactured units per gross acre, and each space shall have not less than three thousand (3,000) square feet.
4. The manufactured housing park shall be located on a well-drained site properly graded to insure rapid drainage.
5. Manufactured housing parks designed to accommodate fifty (50) or more units shall be located on or near major roads that provide a hard surface (concrete or blacktop).
6. Manufactured housing parks shall provide screening when they abut residential property.

7. Each manufactured housing park having more than ten (10) lots for rent shall reserve an area for child recreation according to the following schedule:

NUMBER OF MANUFACTURED HOUSING UNITS	MINIMUM AREA OF PLAYGROUND
0 – 10	none required
10 – 20	1,500 square feet
21 – 25	2,500 square feet
25 and over	100 square feet per lot

8. The recreation area shall be located so as to be free from hazards and provided with play equipment.

9. All new manufactured housing parks shall provide a storm shelter for the occupants. All existing manufactured housing parks (at the date of the adoption of this Resolution) are encouraged to provide storm shelters.

10. The manufactured housing shelter shall be approved, after the submission of plans by the applicant, by the Zoning Administrator. The shelter shall be constructed below ground level as a concrete structure and provided with heavy metal doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.

11. Manufactured housing units shall be located so that there is at least a twenty (20) foot clearance between manufactured houses; provided, however, with respect to manufactured houses parked end-to-end, the clearance shall not be less than ten (10) feet. No manufactured housing unit shall be located less than ten (10) feet from the front driveway.

12. No manufactured housing unit shall be located less than twenty-five (25) feet from any property line of the manufactured housing park or from any community building within the park, including any washroom, toilet, laundry facilities, or office.

13. All manufactured housing spaces shall abut on an internal driveway that is not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to twenty-eight (28) feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to thirty-six (36) feet. Such driveways shall have unobstructed access to a public street or highway and shall have, as a minimum, a gravel surface or be paved and well maintained and lighted.

14. Manufactured housing parks containing more than twenty (20) units shall provide each lot with a concrete pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) feet in depth. In parks containing less than twenty (20) units, the parking space may be constructed of crushed rock finished to a depth of eight (8) inches.

15. All roadways and walks within the manufactured housing park shall be hard surfaced or gravel surfaced and provided with night lighting using lamps spaced at intervals of not more than one hundred (100) feet.

16. All electrical distribution systems and telephone service systems to each manufactured housing space, except outlets and risers, shall be underground. Each manufactured housing space shall be provided with a 110-volt and 220-volt service with a minimum 100-ampere individual service outlet.

17. Whenever master television antenna systems are to be installed, the complete plans and specifications for the system must be submitted for approval. Distribution to individual manufactured housing spaces shall be underground and shall terminate adjacent to the electrical outlet.

18. Laundry facilities for the exclusive use of the manufactured housing occupants may be provided in a service building.

19. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured housing spaces within the park. Each manufactured housing space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.
20. All manufactured housing units within the "M – P" District shall be connected to an approved public water supply and an approved sanitary sewer system with at least a four (4) inch sewer connection to each manufactured housing unit. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the manufactured housing drain and the sewer connection. Such individual unit connections shall be so constructed that they can be closed when not linked to a manufactured housing unit and shall be trapped in such a manner as to maintain them in an odor-free condition.
21. Each manufactured housing unit shall be secured by anchoring the superstructure against uplift, sliding, rotation, and overturning.
22. Outdoor laundry drying space of adequate area and suitable location shall be provided and indicated upon required plan.
23. The owner or operator shall include with the required plan the method of refuse collection and the location of refuse containers.
24. If only independent manufactured housing spaces are to be provided, no service building will be required; however, when such service building is required, it shall comply with the following regulations:
  - A. Be located twenty (20) feet or more from any manufactured housing unit.
  - B. Be adequately lighted.
  - C. Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.
  - D. Provide at least one (1) lavatory, water closet, and shower for each sex; one (1) laundry tray, one (1) floor drain, and hot and cold water.
  - E. Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.
  - F. Have all rooms well ventilated with all openings effectively screened.
25. The Owner or operator shall include with the required plan a budget for financing the proposed improvements.

#### **SECTION 5. APPLICATION PROCEDURE:**

1. The applicant for a manufactured housing park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present ten (10) copies of the plan for review by the Planning Commission. The development plan shall show topography and the location and size of:
  - A. Manufactured housing sites.
  - B. Service buildings.
  - C. Off-street parking areas.
  - D. Electrical outlets.

- E. Sewer outlets.
- F. Water outlets.
- G. Water lines.
- H. Sewer lines.
- I. Recreational areas.
- J. Landscaped areas and walls or fences.
- K. Roadways.
- L. Sidewalks.

2. Following a rezoning hearing, as required by law and preliminary approval of the development plan, the Planning Commission shall submit the plan together with a record of the hearing plus its formal recommendations to the Governing Body for final approval.
3. When final approvals have been obtained, the Zoning Administrator shall issue a permit to operate the manufactured housing park.
4. After the effective date of this Resolution, no new manufactured housing park may be operated and no existing park expanded, except in accordance with these Regulations and under permit from the Zoning Administrator.

## **ARTICLE XIX**

### ***“B – 1” NEIGHBORHOOD COMMERCIAL DISTRICT***

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “B – 1” Neighborhood Commercial District is established for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for air, light, open space, and off-street parking are made than are provided for in other business districts.

**SECTION 2.** DISTRICT REGULATIONS: In the “B – 1” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in SECTION 3 below.

**SECTION 3.** USE REGULATIONS: The following uses shall be permitted in the “B – 1” District:

1. Ambulance service.
2. Bakeries and confectioneries, not wholesale.
3. Banks, trust companies, building and loan associations.
4. Barber shops, beauty shops, other personal service shops.
5. Bicycle sales and repair shops.
6. Blueprinting and Photostating establishments.
7. Book, stationery, and gift stores.
8. Bowling alleys.
9. Clothing stores, retail.
10. Drug stores having no curb or parking lot; delivery service of fountain products.
11. Dry cleaning pick-up stations.
12. Fabric or decorator shops.
13. Filling stations not performing major repair services.
14. Finance and loan companies.
15. Florist shop (not including greenhouses).
16. Food sales, retail.
17. Furniture and appliance stores, retail.
18. Hardware stores, retail.
19. Hobby, craft and toy shops, retail.

20. Jewelry and watch repair shops, retail.
21. Laundromats; laundry pick-up stations.
22. Lock and gunsmiths, not including shooting range.
23. Music stores.
24. Offices and agencies.
25. Office equipment and supplies sales and service, retail.
26. Optical services.
27. Paint stores, retail.
28. Pharmacy.
29. Photography shops and studios.
30. Public buildings and uses.
31. Radio and television sales and service.
32. Restaurant or cafeteria not including drive-in facilities.
33. Rug and carpet stores, retail.
34. Shoe store and shoe repair, retail.
35. Sporting goods store, retail.
36. Tailors, dressmakers, and milliners, custom service.
37. Bait Shops
38. Mini-Warehouse, self-storage units are subject to the following conditions:
  - 1) The use must have adequate access and be located in close proximity to an adequate arterial or collector road.
  - 2) All storage shall be within enclosed building except for boats, campers and or other recreational vehicles which may be outside if adequately screened.
  - 3) All setback requirements must be met.
  - 4) All lights shall be shielded to direct light away from adjacent properties.
  - 5) No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawnmowers and other similar equipment shall be conducted on the premises.
  - 6) The area shall be maintained and free of trash and debris.
  - 7) All fencing must meet the Requirements of the current Zoning district.
39. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.

A. Motels, motor hotels.

- B. Collection and distribution of recyclable items.
- C. Residences on other than the ground floor.
- D. Package liquor stores.

**SECTION 4. INTENSITY OF USE REGULATIONS:**

- 1. Where the lot will be served by public water and sewer, there shall be no minimum lot size except as may be required to satisfy setback and parking requirements.
- 2. Where water and sewer service will be provided on the lot, the minimum lot size shall be eighty thousand (80,000) square feet.

**SECTION 5. LOT COVERAGE:** The principal and accessory buildings shall not cover more than fifty (50) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:** No building or structure shall exceed forty-five (45) feet in height.

**SECTION 7. YARD REGULATIONS:**

- 1. *Front Yard:*
  - A. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXIX.
  - B. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.
- 2. *Side Yard and Rear Yard:* Where a "B - 1" Zone abuts any residential district zone, a side and/or rear yard of not less than fifteen (15) feet shall be provided. Such side and rear yard shall be completely enclosed with a board fence or other acceptable enclosure which shall be not less than six (6) feet in height.

**SECTION 8. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 9. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

**SECTION 10. LANDSCAPE REGULATIONS:** See ARTICLE XXVII

**SECTION 11. TRAFFIC REGULATIONS:** See ARTICLE XXVIII.

## **ARTICLE XX**

### ***“B – 2” CENTRAL BUSINESS DISTRICT***

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “B – 2” Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of the shopping activity.

**SECTION 2.** DISTRICT REGULATIONS: In the “B – 2” District, no building shall be used and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

#### **SECTION 3. USE REGULATIONS:**

1. All uses permitted in any “B – 1” Neighborhood Business District.
2. Any and all retail sales stores.
3. Books binding.
4. Bus depot, cab depot, and railroad depot.
5. Clinics, but not including the housing or treatment of animals.
6. Parking lots.
7. Sale and show rooms.
8. Schools, business, and/or commercial.
9. Shops for the repair and servicing of household appliances and electrical equipment and lawn and garden tools powered by not more than twelve (12) horsepower, and which shops have not more than five (5) persons engaged in such repair and servicing. (This paragraph does not authorize the manufacture of any article or product for sale at wholesale or retail.)
10. Telecommunications offices.
11. Theaters, not including drive-ins.
12. Tourist courts, motels, and motor hotels and hotels.
13. Residences on other than the ground floor.
14. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Collection and distribution of recyclable items.
  - B. Beer parlor, tavern, and night club.

**SECTION 4. INTENSITY OF USE REGULATIONS:**

1. Where the lot will be provided with public water and sewer service, there shall be no requirements except those to meet fire regulations.
2. Where water and sewer service will be provided on the lot, the minimum lot size shall be eighty thousand (80,000) square feet.

**SECTION 5. LOT COVERAGE:** No requirements.

**SECTION 6. HEIGHT REGULATIONS:** No requirements except as may be required for fire protection.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:* No front yard is required for any building in the “B – 2” Central Business District.
2. *Side Yard:* No side yard is required for any building in the “B – 2” Central Business District, except where a lot sides on any residential district in which case there shall be a fifteen (15) foot side yard.
3. *Rear Yard:* No rear yard is required for any building in the “B – 2” Central Business District, except where a lot abuts on a residential district in which case there shall be a fifteen (15) foot rear yard.

**SECTION 8. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 9. PARKING AND LOADING REGULATIONS:** None required.

**SECTION 10. LANDSCAPING REGULATIONS:** None required.

**SECTION 11. TRAFFIC REGULATIONS:** See ARTICLE XXVIII.

## **ARTICLE XXI**

### ***“B – 3” GENERAL BUSINESS DISTRICT***

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “B – 3” General Business District is intended for the conduct of retail trade and to provide personal services which, due to their character, create an increased traffic flow and higher density of land use. Because of these characteristics, less restrictive uses and requirements are found in this district than are typical of the neighborhood business district.

**SECTION 2.** DISTRICT REGULATIONS: In the “B – 3” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

### **SECTION 3. USE REGULATIONS:**

1. All uses permitted in “B – 2” Districts.
2. Amusement and commercial recreation centers.
3. Auction sales, not including livestock.
4. Automatic parts and machine service.
5. Building materials and products.
6. Catering establishments.
7. Clinics, including animal clinics.
8. Equipment rental.
9. Feed stores, not including milling or grinding of feed.
10. Fertilizer sales, retail.
11. Food and cold storage lockers.
12. Fruit and vegetable markets.
13. Garage, automobile repair.
14. Gasoline and oil filling stations.
15. Jewelry and watch manufacture.
16. Laundries.
17. Lawn and garden services, including greenhouses.
18. Lodge hall.
19. Manufactured home sales.
  
20. Museum and art galleries, commercial.

21. Pawnbroker, pawn shops.
22. Plumbing shops.
23. Poultry display for retail sales on premises.
24. Printing shops and newspaper plants.
25. Radio and television studios.
26. Restaurants and other eating establishments, including drive-ins.
27. Sign painting not including advertising display manufacture.
28. Theaters, including drive-ins.
29. Tire capping and re-treading.
30. Undertaking establishments.
31. Used car sales, not including salvage or wrecking of any type.
32. Welding shop.
33. Temporary and permanent special events subject to the provisions and requirements of ARTICLE XXIX, Section 23 – Special Event Regulations.
34. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Light industrial uses which do not constitute a nuisance by reason of noise, vibration, odor, dust, smoke, gas, or other offensive conditions.
  - B. Package liquor stores.

**SECTION 4. INTENSITY OF USE REGULATIONS:**

1. Where the lot will be served by public water and sewer, the minimum lot size shall be six thousand (6,000) square feet with a minimum width of fifty (50) feet.
2. Where water and sewer service will be provided on the lot, the minimum lot size shall be eighty (80,000) square feet.

**SECTION 5. LOT COVERAGE:** The principal and accessory buildings shall not cover more than fifty (50) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:** No building in a “B – 3” District shall exceed forty-five (45) feet in height.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:*

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXIX.
- B. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.

2. *Side Yard:* Where a "B – 3" Zone abuts any residential district zone, a side yard of not less than twenty (20) feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure, which shall be not less than six (6) feet in height.

3. *Rear Yard:* There shall be a rear yard having a depth of not less than twenty (20) feet.

**SECTION 8.** SIGN REGULATIONS. See ARTICLE XXV.

**SECTION 9.** PARKING AND LOADING REGULATIONS: See ARTICLE XXVI.

**SECTION 10.** LANDSCAPING REGULATIONS: See ARTICLE XXVII.

**SECTION 11.** TRAFFIC REGULATIONS: See ARTICLE XXVIII.

## **ARTICLE XXII**

### ***“B – 4” HIGHWAY SERVICE DISTRICT***

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “B – 4” Highway Service District is intended for the purpose of providing limited highway services grouped on a single tract. Floor area is restricted, off-street parking is required, and landscaping is required in order to reduce possible adverse effects on adjacent properties.

Since it is intended that these districts be located on thoroughfares, and each such district will require ingress or egress to the thoroughfare, the location of these districts must be carefully determined. In no case is this district intended to “strip” the thoroughfares in the County; rather, it is to be used at certain major intersections where access can be best controlled.

**SECTION 2.** DISTRICT REGULATIONS: In the “B – 4” District, no building shall be used and no building or structure shall be erected, altered, or enlarged, which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

### **SECTION 3. USE REGULATIONS:**

1. Ambulance services.
2. Animal hospitals or clinics.
3. Automobile sales, service, and repair, provided that there is no outside repair or repair storage.
4. Bakery and pastry shops, retail.
5. Boat and recreational vehicle sales and service.
6. Campgrounds.
7. Camp sites and commercial recreation facilities.
8. Car wash.
9. Electrical and telephone substations.
10. Farm implement sales; outdoor display shall be permitted provided that no machinery shall be displayed, parked, or stored in any required yard.
11. Feed and seed stores, including garden and lawn supplies.
12. Florist shops.
13. Grocery stores.
14. Liquor stores.
15. Motels or motor hotels.
16. Parking lots, customer and private.
17. Parks, playgrounds, and community buildings.

18. Restaurants and drive-ins.
19. Self-service laundries and dry-cleaning stores.
20. Service stations.
21. Truck sales, service, and repair, provided there is no outside repair or repair storage.
22. Truck terminals.
23. Temporary and permanent special events subject to the provisions and requirements of ARTICLE XXIX, Section 23 – Special Event Regulations.
24. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Collection and distribution of recyclable items.
  - B. Liquor Stores

**SECTION 4. INTENSITY OF USE REGULATIONS:**

1. Where the lot will be served by public water and sewer, the minimum lot size shall be ten thousand (10,000) square feet.
2. Where water and sewer service will be provided on the lot, the minimum lot size shall be eighty thousand (80,000) square feet.

**SECTION 5. LOT COVERAGE:** The principal and accessory buildings shall not cover more than fifty (50) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:** No building or structure shall exceed forty-five (45) feet in height.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:*
  - A. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXIX.
  - B. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.
2. *Side Yard:* Where a “B – 4” Zone abuts any residential District Zone, a side yard of not less than fifteen (15) feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure, which shall be not less than six (6) feet in height.
3. *Rear Yard:* There shall be a rear yard having a depth of not less than twenty-five (25) feet.

**SECTION 8. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 9. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

**SECTION 10. LANDSCAPING REGULATIONS:** See ARTICLE XXVII.

**SECTION 11. TRAFFIC REGULATIONS:** See ARTICLE XXVIII.

## ***ARTICLE XXIII***

### ***“I – 1” LIGHT INDUSTRIAL DISTRICT***

**SECTION 1.** INTENT AND PURPOSE OF DISTRICT: The “I – 1” Light Industrial District is intended for the purpose of allowing certain industrial uses which do not:

1. Require intensive land coverage.
2. Generate large volumes of vehicular traffic.
3. Create obnoxious sounds, glare, dust, or odor.

Height and land coverage are controlled to ensure compatibility with adjoining uses.

**SECTION 2.** DISTRICT REGULATIONS: In the “I – 1” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

### **SECTION 3. USE REGULATIONS:**

1. Advertising display manufacture.
2. Agriculture implement fabrication repair.
3. Animal hospitals or clinics.
4. Assembly or repair of electrical and mechanical appliances, instruments, devices, and the like.
5. Auto sales and repair.
6. Bakeries, wholesale.
7. Billboards subject to requirements outlined in ARTICLE XXV.
8. Book bindery.
9. Bottling works.
10. Building materials and products production, storage, and sales.
11. Business machines and equipment fabrication.
12. Canvas and burlap products manufacture.
13. Carpenter, cabinet, plumbing, or sheet metal shops.
14. Car wash establishments.
15. Carton and container fabrication.
16. Clothing fabrication.
17. Coffin manufacture.

18. Coin operated vending machines, fabrication, repair, and rental.
19. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
20. Distillation of mineral waters and the like.
21. Dog kennels.
22. Dry cleaning and/or laundry plants.
23. Farm implement sales and services.
24. Feed and grain storage and sales, including grain elevators.
25. Fertilizer sales, wholesale.
26. Food processing.
27. Frozen food lockers.
28. Greenhouses and nurseries, retail and wholesale.
29. Hatcheries.
30. Ice manufacture and storage.
31. Laboratories for research and testing.
32. Leather goods manufacture.
33. Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
34. Lumber yards.
35. Machinery sales and storage lots.
36. Metal manufacture or assembly, using plate or sheet metal not requiring stamping or forming, standard parts and structural shapes.
37. Monument sales.
38. Motor freight terminals and warehouses.
39. Motor vehicle and farm implement sales and storage.
40. Temporary and permanent special events subject to the provisions and requirements of ARTICLE XXIX, Section 23 – Special Event Regulations.
41. Public utility and public service uses as follows:
  - A. Public power plant.
  - B. Substations.
  - C. Railroads.

- D. Telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings, electrical power plants.
- E. Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- 42. Recycling center
- 43. Sign printing and manufacturing
- 44. Upholstering shops
- 45. Vehicle body repair, provided all repair operations are conducted in a closed building, and that all outside storage shall be enclosed by a six (6) foot solid fence
- 46. Warehouses
- 47. Wholesale merchandise sales and storage

**SECTION 4. INTENSITY OF USE REGULATIONS:**

- A. Where the lot will be served by public water and sewer, the minimum lot size shall be one (1) acre.
- B. Where water and sewer service will be provided on the lot, the minimum lot size shall be three (3) acres.

**SECTION 5. LOT COVERAGE:** The principal and accessory buildings shall not cover more than twenty (20) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:**

- 1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
- 2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed seventy-five (75) feet in height.

**SECTION 7. YARD REGULATIONS:**

- 1. *Front Yard:*
  - A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial streets and collector streets in ARTICLE XXIX.
  - B. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - C. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
- 2. *Side Yard:* There shall be a side yard of not less than twenty (20) feet.
- 3. *Rear Yard:* There shall be a rear yard of not less than twenty-five (25) feet.

**SECTION 8.** SIGN REGULATIONS: See ARTICLE XXV.

**SECTION 9.** PARKING AND LOADING REGULATIONS: See ARTICLE XXVI.

**SECTION 10.** LANDSCAPING REGULATIONS: See ARTICLE XXVII.

**SECTION 11.** TRAFFIC REGULATIONS: See ARTICLE XXVIII.

## **ARTICLE XXIV**

### ***“I – 2” HEAVY INDUSTRIAL DISTRICT***

**SECTION 1. PURPOSE AND INTENT OF DISTRICT:** The “I – 2” Heavy Industrial District is intended to provide for heavy industrial uses not otherwise provided for in the districts established by this Resolution. The intensity of uses permitted in this district makes it desirable that they be located away from residential and commercial uses whenever possible.

Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

**SECTION 2. DISTRICT REGULATIONS:** In the “I – 2” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the uses listed in SECTION 3 below:

#### **SECTION 3. USE REGULATIONS:**

1. Any use permitted in the “I – 1” District.
2. Blacksmith shops.
3. Contractor's office and equipment storage yard.
4. Manufactured housing production, sales, and storage.
5. Meat processing and packing.
6. Radiator repair shops.
7. Steel fabricators and assembly.
8. Storage yards providing the storage yard is completely enclosed with a six (6) foot fence or wall.
9. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Planning Commission, and subject to such conditions as the County Commission may impose. This is non-transferable between property owners. A new owner must apply to continue the use.
  - A. Heavy industrial uses having the potential for significant environmental hazard, including, but not limited to:
    - 1.) Automobile wrecking yards, junk yards, and scrap processing yards when said yard is completely enclosed with six (6) foot solid fence and no junk or scrap is stored outside the fence or wall and subject to other restrictions imposed by the Board of Zoning Appeals. Burning of salvage materials shall be subject to any applicable county, state and federal laws.
    - 2.) Abattoirs (slaughter houses).
    - 3.) Abrasives manufacture.
    - 4.) Acid manufacture.
    - 5.) Ammonia, bleaching powder, or chlorine manufacture.
    - 6.) Asphalt and asphalt products manufacture.
    - 7.) Automobile and truck assembly plants.

- 8.) Bedding, carpet, and pillow manufacture.
- 9.) Blacksmith shop.
- 10.) Boat manufacture.
- 11.) Brick, tile, clay pipe, and other clay products manufacture.
- 12.) Cellophane manufacture.
- 13.) Cement, lime, and plastic and products manufacture.
- 14.) Charcoal manufacture.
- 15.) Coal and coke yards.
- 16.) Creosote manufacturing and treatment.
- 17.) Disinfectants manufacture.
- 18.) Distillation of bones, coal, petroleum, refuse grain, tar, and wood.
- 19.) Dumps (sanitary landfills).
- 20.) Enamels and paint manufacture.
- 21.) Excelsior and fiber manufacture.
- 22.) Explosives, ammunition, fireworks, or gun powder manufacture.
- 23.) Fat rendering, manufacture of products from fats, oils, animal, or vegetable, by baking.
- 24.) Feed grain and flour processing.
- 25.) Felt manufacture.
- 26.) Fertilizer manufacture.
- 27.) Flammable liquids, manufacture and storage in bulk plant.
- 28.) Garbage and waste incinerators.
- 29.) Grease or tallow manufacture.
- 30.) Insulation material manufacture.
- 31.) Junk yards and auto wrecking.
- 32.) Leather or hide processing.
- 33.) Linseed oil, shellac, or turpentine manufacture or refining.
- 34.) Meat processing and packing.
- 35.) Metals, all type fabrication and manufacture.

- 36.) Millwork, wood products.
- 37.) Mixing plants (permanent), cement, mortar, plaster, and paving materials.
- 38.) Oilcloth and linoleum manufacture.
- 39.) Oxygen manufacture and storage.
- 40.) Paper, pulp, cardboard, and building board manufacture.
- 41.) Petroleum refining.
- 42.) Planing or sawmills.
- 43.) Plastics and peroxylene manufacture.
- 44.) Potash works.
- 45.) Pottery, porcelain, and vitreous china manufacture.
- 46.) Poultry dressing, wholesale.
- 47.) Railroad car repair and manufacture.
- 48.) Ready-mix concrete and asphalt mix plants.
- 49.) Recyclable items, storage and processing plants.
- 50.) Rock crushers.
- 51.) Rodenticide, insecticide, or pesticide mixing plants.
- 52.) Rubber products manufacture.
- 53.) Scrap paper or rag storage, sorting, or bailing within enclosed building.
- 54.) Soap, detergent, and working compound manufacture.
- 55.) Soy bean oil manufacture.
- 56.) Stockyard and slaughter houses.
- 57.) Stonecutting, monument manufacture.
- 58.) Stone quarry.
- 59.) Storage of bulk oil, gas, and explosives.
- 60.) Tar and waterproofing materials manufacture.
- 61.) Tire or battery manufacture.
- 62.) Wrecking contractor's yard.
- 63.) Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or vibration.

**SECTION 4. INTENSITY OF USE REGULATIONS:**

1. Where the lot will be served by public water and sewer, the minimum lot size shall be one (1) acre.
2. Where water and sewer service will be provided on the lot, the minimum lot size shall be three (3) acres.

**SECTION 5. LOT COVERAGE:** The principal and accessory buildings shall not cover more than twenty (20) percent of the lot area.

**SECTION 6. HEIGHT REGULATIONS:**

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed seventy-five (75) feet in height.

**SECTION 7. YARD REGULATIONS:**

1. *Front Yard:*
  - A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial streets and collector streets in ARTICLE XXIX.
  - B. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - C. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
2. *Side Yard:* There shall be a side yard of not less than twenty (20) feet.
3. *Rear Yard:* There shall be a rear yard of not less than twenty-five (25) feet.

**SECTION 8. SIGN REGULATIONS:** See ARTICLE XXV.

**SECTION 9. PARKING AND LOADING REGULATIONS:** See ARTICLE XXVI.

**SECTION 10. LANDSCAPING REGULATIONS:** See ARTICLE XXVII.

**SECTION 11. TRAFFIC REGULATIONS:** See ARTICLE XXVIII.

## **ARTICLE XXV**

### **SIGN REGULATIONS**

#### **SECTION 1. GENERAL REQUIREMENTS:**

1. It shall be unlawful for any person to erect, move, alter, change, repair, place, or suspend or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended, or attached any sign in violation of this Zoning Ordinance and this Article.
2. No sign, except for those signs exempted, shall be constructed, erected, expanded, relocated, or remodeled until a permit has been obtained in accordance with the procedure set out herein. All signs legally existing at the time of passage of these Regulations may remain in use. In addition to these sign regulations, all provisions of the Kansas Highway Advertising Control Act must be met where such provisions exceed the requirements of these Regulations. The latter regulations apply to signs visible from the Interstate and Federal Aid Primary Systems.

#### **SECTION 2. SIGN CLASSIFICATION:**

1. *Advertising.* The term advertising display shall mean any structure, object, or device erected, maintained, or used for advertising purposes and not within a building, and shall include all outdoor advertising matter attached to any building, structure, or object other than vehicles serving as transportation on public streets.
2. *Bulletin Board.* A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name or names of persons connected with it, and announcements of persons, events, or activities occurring at the institution. Such signs may also present a greeting or similar message.
3. *Billboard.* The term billboard shall mean any advertising structure with advertising surface in excess of forty-five (45) square feet.
4. *Business Sign.* A sign which directs attention to business or profession conducted, or to a commodity or service sold, offered or manufactured, or an entertainment offered on the premises where the sign is located or to which it is affixed.
5. *Construction Sign.* A temporary sign indicating the names of designers and contractors involved in the construction of a project only during the construction period and only on the premises on which the construction is taking place.
6. *Directional Sign.* A sign that provides limited directional information about goods and services in the interest of the traveling public.
7. *Ground Sign.* Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structures shall be considered ground signs.
8. *Identification Sign.* This term shall mean a sign on a premises which serves only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution, or which serves only to tell the name and/or address of an apartment house or hotel, or which serves to identify a parking lot.
9. *Illuminated Sign.* This term shall include any advertising display which, through electrical or other illumination devices, illuminates characters, letters, figures, or outlines by means of electrical lights or luminous tubes as a part of the sign proper. Moving or flashing signs are not permitted in the County without approval of the County with respect to the non-interference with traffic and safety.
10. *Face Sign.* This term shall mean any sign attached to the face or any exterior wall of a building or structure in such a manner as to be approximately parallel to the plane of such face of a building or structure, and not extending farther than one (1) foot from the face of the building.

11. *Nameplate.* A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located and, where applicable, a professional status.
12. *Projecting Sign.* This term shall mean and include all signs, other than face signs, which are suspended or supported by any building or wall and which projects outward therefrom.
13. *Pole Sign.* The term pole sign shall mean a sign supported wholly by a pole or poles in the surface which is not a part of a building. Pylon signs shall be considered pole signs.
14. *Real Estate Sign.* A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof which is located thereon.
15. *Roof Sign.* This term shall mean a sign supported on or over a roof of a building and not projecting over public property.
16. *Temporary Sign.* This term shall mean and include any sign intended to be displayed for a short period, which period shall be not greater than three (3) months. "For Sale or Rent" signs are included. Signs advertising subdivisions and other developments may be approved for six (6) month periods with extensions.

### **SECTION 3. SIGN STANDARDS:**

1. *Sign Area.* Area of signs shall be determined as gross area of the whole sign for printed, constructed, or painted matter and does not include supporting poles or structure. For free standing lettered signs, area shall be measured by drawing an imaginary line a distance one (1) inch from all letters and words, enclosing the complete sign and area calculated as above.
2. *Height of Sign.* Sign height shall be measured from ground level at the base of or below the sign to the highest element of the sign.
3. *Building and Electrical Codes Applicable.* All signs must also conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.
4. *Illuminated Signs.* Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any brightly illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11:00 P.M. and 7:00 A.M.
5. *Flashing or Moving Signs.* No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in any residential district. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flash-sign if the lighting changes are limited to the numerals indicating the time and/or temperature.
6. *Metal Signs.* Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of nine (9) feet to ground.
7. *Location.* No sign shall be permitted to project over the County public right-of-way, except with the approval of the Board of Zoning Appeals as a variance.
8. *Signs on Trees or Utility Poles.* No sign shall be attached to a tree or utility pole whether on public or private property.

9. *Scenic and Historic Sites.* No billboards may be located nearer than one thousand (1,000) feet from an area that has been established as a Scenic or Historic area.
10. *Traffic Safety.*

- A. No sign shall be maintained at any location where, by reason of its position, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic.
- B. No sign shall be located in any vision triangle as may be required by any applicable subdivision or other regulations, except official traffic signs or other signs mounted eight (8) feet or more above the ground whose supports (not exceeding two) do not exceed twelve (12) inches at the widest dimension and thus do not constitute an obstruction.

#### **SECTION 4. PERMIT REQUIRED:**

1. *Permits.* Permits are required for every sign erected or constructed in the County except those specifically exempted by SECTION 5. Application for such signs shall be made on forms provided along with proof of agreement of owner of land, (if not owned by the applicant) to erect the sign.
2. *Fees.* The Zoning Administrator shall establish and maintain a schedule of fees for permits by type of sign, which fees shall be commensurate with the cost of sign administration.

#### **SECTION 5. EXEMPTIONS:** The following signs shall be exempt from the provisions of this Article:

1. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
2. Flags or emblems of a government or of a political, civic, philanthropic, educational, or religious organization displayed on private property.
3. Memorial signs and tablets displayed on private property.
4. Small signs, not exceeding thirty-two (32) square feet in area displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking area, one-way drives, rest rooms, freight entrances, and the like.
5. Directional signs on property other than that being advertised shall be no more than forty eight (48) square feet in size.
6. Political campaign signs displayed on private property, provided they are removed forty-eight (48) hours after the election.
7. Address numerals and other signs required to be maintained by other laws, rules, or regulations; provided, however, that the content and size of the sign do not exceed such requirements.
8. Scoreboards in athletic fields or stadiums.
9. Garage sale signs, not exceeding four square feet in area, displayed on private property.
10. The following signs shall be exempt from permit requirements but shall comply with all other provisions of this Article.
  - A. Nameplates not exceeding four (4) square feet in gross surface area accessory to a dwelling.

- B. Bulletin board signs not exceeding twenty-four (24) square feet in gross surface area accessory to a church, school, or public or non-profit institution.
- C. Real estate signs not exceeding six (6) square feet in gross surface area and which pertain to the sale or lease of the lot or tract or structure on which the sign is located.
- D. Business signs when located on property used for agricultural purposes and which pertain to the sale of agricultural products produced on the premises.

**SECTION 6. DISTRICT "A - 1" AND "A - 2" REGULATIONS:** Signs shall be permitted in the "A - 1" and "A - 2" Districts as follows:

1. Sign Regulations:
  - A. Bulletin boards.
  - B. Business signs, pertaining to agricultural products produced on the premises, home occupations, and other businesses.
  - C. Construction signs.
  - D. Identification signs.
  - E. Nameplates.
  - F. Real estate signs.
  - G. Temporary signs.
2. No more than one (1) each of the following types of signs shall be permitted per lot or tract:
  - A. Face signs.
  - B. Ground signs.
  - C. Pole signs.
3. Maximum area of permitted signs:
  - A. Bulletin boards: forty (40) square feet.
  - B. Business signs:
    - 1.) Home occupations: four (4) square feet
    - 2.) Agricultural: thirty-two (32) square feet
    - 3.) Other businesses: two hundred fifty (250) square feet
  - C. Construction signs: thirty-two (32) square feet.
  - D. Identification signs: twenty (20) square feet.
  - E. Nameplates: four (4) square feet.
  - F. Real estate signs: twelve (12) square feet.

- G. Temporary signs: forty-five (45) square feet
- 4. Maximum Height: fifteen (15) feet.
- 5. Required Setback: None.
- 6. Illumination: No sign shall be illuminated except that advertising and bulletin board signs may be indirectly illuminated with incandescent or fluorescent light. Business signs may be illuminated only during business hours.

**SECTION 7. DISTRICT “R – C” REGULATIONS:** Signs in the “R – C” District shall be permitted as follows:

- 1. For agricultural uses: Same as “A – 1” District.
- 2. For residential uses: Same as “R – 1” District.
- 3. For commercial uses: Same as “B – 1” District.
- 4. For industrial uses: Same as “I – 1” District.

**SECTION 8. DISTRICT “R – R”, “R – 1”, “R – 2”, and “R – 3” REGULATIONS:** Signs shall be permitted in residential dwelling district subject to the following:

- 1. Sign Regulations:
  - A. Bulletin board signs.
  - B. Business signs pertaining to a home occupation, affixed flush to the wall.
  - C. Construction signs.
  - D. Identification signs.
  - E. Nameplates.
  - F. Real estate signs.
- 2. No more than one (1) each of the following types of signs shall be permitted per lot or tract:
  - A. Face signs.
  - B. Ground signs.
  - C. Pole signs.
- 3. Maximum area of permitted signs:
  - A. Bulletin board and identification signs: sixteen (16) square feet.
  - B. Construction signs: thirty-two (32) square feet.
  - C. Nameplates: four (4) square feet.

- D. Real estate signs: six (6) square feet per lot, provided that one sign, not more than one hundred (100) square feet in area, announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed when seventy-five (75) percent of the lots in the subdivision have been sold.
- E. Business signs pertaining to a home occupation: four (4) square feet.
- F. Identification signs: ten (10) square feet.
- 4. Maximum Height: fifteen (15) feet.
- 5. Required Setback: Ten (10) feet from the front line, except real estate signs, and none from the side yard setbacks.
- 6. Illumination: No sign shall be illuminated except that bulletin board signs may be indirectly illuminated with incandescent or fluorescent light.

**SECTION 9. DISTRICT “B – 1”, “B – 2”, “B – 3” and “B – 4” REGULATIONS:** Signs in business and commercial districts shall be permitted as follows:

- 1. Sign Regulations:
  - A. All types of signs, except roof signs, are permitted.
- 2. Number of signs permitted:
  - A. Ground and pole signs: one (1) per lot.
  - B. Wall, face, projecting: no limitation.
- 3. Maximum area of permitted signs:
  - A. Name plates shall not exceed four (4) square feet.
  - B. Identification signs shall not exceed ten (10) square feet.
  - C. Business signs shall not exceed the following in gross area:
    - 1.) “B – 1” District: thirty (30) square feet.
    - 2.) “B – 2” District: fifty (50) square feet.
    - 3.) “B – 3” District: one hundred fifty (150) square feet.
    - 4.) “B – 4” District: two hundred fifty (250) square feet.
  - D. Maximum gross area of signs except as otherwise provided, shall not exceed two hundred fifty (250) square feet per sign.
- 4. Maximum Height: No sign shall exceed thirty (30) feet in vertical height and shall not extend higher than ten (10) feet above the roof line of the principal structure, except for automobile and truck service station signs in the “B – 4” District which may extend to fifty (50) feet.
- 5. Required Setback: No minimum required.
- 6. Illumination: Illuminated signs shall be permitted.

**SECTION 10. DISTRICT "I - 1" AND "I - 2" REGULATIONS:** Signs are permitted in the industrial districts as follows:

1. Sign Regulations:
  - A. All types of signs are permitted.
2. Number of signs permitted:
  - A. No limitation.
3. Maximum area of permitted signs:
  - A. No sign shall exceed four hundred (400) square feet.
4. Maximum height of signs:
  - A. No sign shall exceed fifty (50) feet in height except that face signs may extend up to the height of the building and roof signs may extend to a height twenty (20) feet above the highest point of the roof.
5. Required Setback: No requirement.
6. Illumination: Illuminated signs shall be permitted.

**SECTION 11. DISTRICT "G - 1" and "P - D" REGULATIONS:** Signs shall be permitted in these districts subject to the following:

1. Sign Regulations:
  - A. Signs shall be approved as part of the site development plan.
  - B. No billboards or roof signs shall be permitted.
2. Number of signs permitted: As approved with the site development plan.
3. Maximum area of permitted signs: As approved with the site development plan.
4. Maximum height of signs: As approved with the site development plan.
5. Required Setback: As approved with the site development plan.
6. Illumination: As approved with the site development plan.

**SECTION 12. REMOVAL OF SIGNS FROM VACANT BUILDINGS:** Signs located on vacant buildings shall be removed by the property owner or his authorized agent within thirty (30) days after said premises are vacated.

## ARTICLE XXVI

### PARKING AND LOADING REGULATIONS

**SECTION 1. REQUIREMENTS:** Except as otherwise provided, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, accessory off-street parking and/or loading spaces shall be provided as required by the following schedule, except that these requirements shall not apply in the "B - 2" Central Business District.

1. *Dwellings:* Two (2) for each single-family dwelling; three (3) for each two-family dwelling; one-and-one-fourth (1 1/4) for each residence unit in a structure containing more than three (3) units.
2. *Clubs:* One (1) for every two hundred (200) square feet of floor area.
3. *Schools:*
  - A. Elementary, Junior High: Two (2) per classroom plus an off-street passenger loading zone.
  - B. High School: Ten (10) per classroom
4. *Hospitals and Clinics:* One (1) for each doctor, plus one (1) for every three (3) regular employees, plus one (1) for every five hundred (500) square feet of gross floor area, plus an off-street passenger or patient unloading area.
5. *Public Utilities and Other Service Facilities:* One (1) for every five hundred (500) square feet of gross floor area, or two (2) for every three (3) regular employees, whichever is greater.
6. *Dormitories:* One (1) for every guest room.
7. *Fraternities and Sororities:* One (1) for every two (2) members.
8. *Private Nurseries, Kindergartens, and Child Care Facilities:* One (1) for every regular employee, plus an off-street passenger loading area.
9. *Convalescent Homes and Homes for Aged:* One (1) for every four (4) beds plus a passenger loading area.
10. *Professional Offices:* One (1) for every two hundred fifty (250) square feet of gross floor area.
11. *Retail Business (except in "B - 2" District):* One (1) for every two hundred fifty (250) square feet of gross floor area.
12. *Tourist Courts and Motels:* One (1) per each rental unit.
13. *Hotels:* One (1) for every two (2) guest rooms.
14. *Bowling Alleys:* Six (6) for each alley.
15. *Industrial Uses:*
  - A. *Permitted Uses:* One (1) per every six hundred (600) square feet of gross floor area; or one (1) per every two (2) employees, whichever requires the greater number of spaces.
  - B. *Special Uses:* To be determined by the Board of Zoning Appeals according to use but in no case shall the required parking be less than for permitted uses.

## **SECTION 2. LOCATION REQUIREMENTS:**

1. *Off-Street Loading and Unloading.* In all districts, loading and unloading space shall be provided off-street and on the same premises with the building or part thereof which requires the receipt and distribution of materials or merchandise by motor vehicle. The loading and unloading space shall be so located as to avoid undue interference with public use of streets, alleys, and walkways.
2. *Residential.* All required spaces shall be located on the same parcel with the residential use.
3. *Business.* Required spaces may be located on the same parcel as the commercial use.
4. *Industrial.*
  - A. Permitted Uses: Required spaces may be located on the same parcel with the permitted industrial use or on an area not more than one thousand (1,000) feet from the parcel.
  - B. Special Uses: Required spaces may be located on the same parcel with the special industrial use or on an area not more than one thousand (1,000) feet from the parcel.

**SECTION 3. PLANS AND APPROVAL REQUIRED:** For all uses other than single-family residential structures, plans showing layout and design of all off-street parking and loading areas shall be submitted to and approved by the Zoning Administrator prior to issuing a building permit. Before approving the plan layout, the Zoning Administrator shall satisfy himself or herself that spaces provided are usable and meet standard design criteria. All required off-street parking areas, including access drives, shall be improved with an approved, all-weather surface.

**SECTION 4. CONSTRUCTION REQUIREMENTS:** Parking lots for other than single-family dwellings shall be surfaced with an all-weather, dust-free material of a type and composition acceptable to the Zoning Administrator.

**SECTION 5. PERFORMANCE:** In lieu of construction of the required parking lot, the Governing Body may accept a corporate surety bond, cashier's check, escrow account, or other security of a type and in an amount approved by the Governing Body. Such security shall be conditioned upon the actual completion of such work or improvement within the specified time, and shall be enforceable by the Governing Body by all equitable means.

## ***ARTICLE XXVII***

### ***LANDSCAPING REQUIREMENTS***

**SECTION 1. MINIMUM LANDSCAPE REQUIREMENTS:** All property within the zoning jurisdiction of Jackson County shall hereinafter be subject to the following minimum requirements:

1. The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all storm water and shall be free of hazards, nuisances, or unsanitary conditions.
2. Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the area.
3. No vegetation shall overhang a public street or sidewalk below a height of ten (10) feet or obstruct views of pedestrian and vehicular movements.

## ***ARTICLE XXVIII***

### ***TRAFFIC REGULATIONS***

**SECTION 1. MINIMUM REQUIREMENTS FOR TRAFFIC REGULATIONS:** All business or industrial properties hereinafter improved shall include provision for vehicular access in accordance with the following:

1. Plans for the erection or structural alteration of any business use, dependent on vehicles entering onto the business site or parking lot, shall be approved by the Governing Body. The Governing Body may require changes in relation to yards, location of curb cuts, width of drives, location of signs and accessory uses, and buildings and construction of buildings as it may deem best suited to insure safety to minimize traffic difficulties and to safeguard adjacent properties.

## ARTICLE XXIX

### SUPPLEMENTARY DISTRICT REGULATIONS

#### SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS:

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in the Resolution.

1. *Accessory Buildings.* Accessory buildings, as regulated herein, are permitted in any district. No detached accessory building hereafter constructed shall occupy a required front yard or be located within ten (10) feet of any dwelling existing or under construction on the building site, except that for a detached garage of which the minimum distance shall be five (5) feet. All buildings in a residence district shall collectively occupy no more than forty (40) percent of the required yard spaces in the rear half of the lot. No accessory building shall be located in any required side or front yard.

It is understood that in certain circumstances an Accessory Building shall be used as an accessory dwelling. Such Accessory Building shall be allowed as an Accessory Dwelling if the unit meets all the following requirements.

#### A. Accessory Dwelling Units (ADU)

- 1.) The detached accessory dwelling shall not exceed 800 square feet or 75 percent of the owner-occupied principle dwelling square footage, whichever is less, and
- 2.) Is located on the same lot (Rear Yard) as the principle dwelling, and
- 3.) Shall be on a permanent foundation, and
- 4.) Shall not be divided off into a new lot of record, and
- 5.) The principle dwelling or the accessory dwelling shall be owner occupied, and
- 6.) The accessory dwelling shall meet the districts yard requirements, and
- 7.) The combined square footage of the principle dwelling and all accessory buildings shall not exceed the maximum lot coverage, and
- 8.) The accessory dwelling shall not exceed the maximum zoning districts height, and
- 9.) Separate meters and utilities are prohibited. Subject to approval by Northeast Kansas Environmental Services.
- 10.) A Building Permit is require to convert an existing structure.

2. *Accessory Uses.* An accessory use, as regulated herein, is permitted in any district where the principal use to which it is accessory is permitted.
3. *Conversions of Existing Single-family Structures.* The Board of Zoning Appeals may permit the conversion of an existing single-family dwelling in an "R - 2" Two-Family District to provide units for not more than two (2) families, and in an "R - 3" Multiple-Family District to provide dwelling units for not more than four (4) families provided all of the following conditions shall be met:
  - A. The dwelling shall be located on a lot having an area of not less than seven thousand (7,000) square feet, and the principal building on the lot shall have a floor area of not less than twelve hundred (1,200) square feet, exclusive of open porches, and shall occupy not more than one-fourth (1/4) of the ground area of such lot.
  - B. The remodeled dwelling shall provide a lot size of not less than two thousand five hundred (2,500) square feet per family or as required for water and sewer service.
  - C. No exterior remodeling shall be done and no extensions made except as approved by the Board of Zoning Appeals.
  - D. Fire escapes and outside stairways shall conform to established yard requirements.
  - E. No dwelling shall be converted unless, in connection therewith, it is placed in a reasonable state of repair.
  - F. Garage or off-street parking facilities shall be provided.

4. *Height Limitations.*

- A. In a residence district, a permitted building, other than a dwelling or accessory building as defined herein, may be built to a height of forty (40) feet and to a greater height if the minimum dimensions of the rear yard and each of the side yards exceed the requirement in the district by one (1) foot for each one (1) foot of additional height.
- B. The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulk heads, other similar features, and necessary mechanical appurtenances usually carried above the roof level.
- C. The provisions of this Resolution shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

5. *Lot Coverage.* In calculating the percentage of lot coverage or required yards for the purpose of applying the regulations of this Resolution, the features of a structure, as hereafter set forth, shall not be included as coverage nor be considered an infringement into the required yards:

- A. Unenclosed steps, stairways, landings, and stoops not extending above the ground level.
- B. Unenclosed surfaced walks and driveways.
- C. Fence or trestles not exceeding six (6) feet. In residence districts, fences in front yard shall be open.
- D. Retaining walls not more than eighteen (18) inches higher than the grade of the ground retained.
- E. Flue or fireplace chimney attached to the main building.
- F. Bay windows extending not more than eighteen (18) inches from the main building.
- G. Cornices, canopies, and eaves not extending more than three (3) feet.
- H. Open fire escape not projecting into a required side yard more than half the width of such yard.
- I. Fire escapes, solid floor balconies, and enclosed outside stairways projecting to within twelve (12) feet of the rear lot line.
- J. For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.

6. *Fences.* Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction of fences:

- A. No fence shall be constructed which will constitute a traffic hazard, and no fence shall be constructed in a required front yard unless the Zoning Administrator has certified that the proposed fence will not constitute a traffic hazard.
- B. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
- C. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight, or hindering ventilation or any fence which shall adversely affect the public health, safety, and welfare.
- D. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet; provided, however, that the Board of Zoning Appeals may, by exception, authorize the construction of a fence higher than six (6) feet if the Board finds the public welfare is preserved.

- E. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
- 7. *Building Setback Lines.* Building setback lines are hereby established for all arterial and collector streets, as shown on the approved major street plan. The setback lines, as established in this Section, shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience, and economy in the process of development and shall conform with the following requirements:
  - A. Arterial Streets: No building or structure, which fronts or sides on an arterial street, shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus fifty (50) feet.
  - B. Collector Streets: No building or structure, which fronts or sides on a collector street, shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus forty (40) feet.
- 8. *Canopy and Marquee.* A canopy or marquee may be permitted to “overhang a public way” in Districts “B – 1”, “B – 2”, and “R – C” providing:
  - A. The canopy or marquee is constructed and maintained in accordance with the City Building Code and other codes, ordinances, and resolutions.
  - B. No portion of the canopy or marquee shall be less than eight (8) feet above the level of the sidewalk or other public way, except as required above.
  - C. The canopy or marquee shall not extend beyond a point two (2) feet inside the curb line of a public street.
- 9. *Temporary Uses.* The following temporary uses of land may be allowed without special zoning permit in each district unless specifically restricted to particular districts and are subject to the regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:
  - A. Carnival or circus may temporarily be located in any district. Such use need not comply with the front yard requirements; provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two streets.
  - B. Christmas tree sales in any district, except residential, for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.
  - C. Concrete and asphalt batching plants are permitted temporarily in any district when being used as part of a local construction project only.
  - D. Contractors’ office and equipment sheds or manufactured homes accessory to a construction project and to continue only during the duration of such project.
  - E. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Structures incidental to such sale need not comply with the applicable front yard requirements.
  - F. Promotional activities of retail merchants involving the display and sale of goods may periodically be displayed outside an enclosed building when the goods are of a type generally sold within the building. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, used appliances, used plumbing, used housewares, used building material, or

similar display or sale in any business districts, unless permitted by other sections of these Regulations.

- G. Periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than three (3) days at any one sale and no more than three (3) sales at a dwelling during any calendar year.
- H. Fireworks may be sold from an outside stand during June and July when all other applicable federal, state, and local regulations have been met and such stand is removed other times of the year unless otherwise specifically permitted by the Governing Body.

10. *Home Occupations.* Home occupations that are customarily incidental to the principal use of a residential building shall be permitted where indicated by the district regulations provided the residential appearance of the building is maintained and no undue traffic or parking problems are created.

- A. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
  - 1.) The home occupation shall be conducted entirely within the principal residential building or in a private garage or accessory structure.
  - 2.) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling or causes goods to be displayed visibly from the dwelling or on the grounds; provided the latter is not otherwise permitted by other sections of these Regulations.
  - 3.) No sign shall be permitted other than one business sign not exceeding four (4) square feet.
  - 4.) No more than twenty-five (25) percent of the area of the dwelling shall be devoted to the home occupation; provided, however, that rooms leased to roomers are not subject to this limitation.
  - 5.) There shall be no outdoor storage of equipment or materials used in the home occupation.
  - 6.) Goods or stock for sale on or off the premises may be stored in enclosed areas except articles which may constitute a hazard to the safety of adjacent property owners.
  - 7.) No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors which would exceed that produced by normal household equipment.
  - 8.) No more than one person, other than a member of the immediate family occupying such dwelling unit, shall be employed.
  - 9.) The following activities are prohibited as home occupations:
    - a. Automobile sales and repair.
    - b. Motorcycle sales and repair.
    - c. Farm machinery sales.
    - d. Sale of salvage.
    - e. Kennels.
    - f. Sale of liquor.
    - g. Sale of cereal malt beverages.
    - h. Sale of food for consumption on the premises.

- i. Sale of clothing.

10.) The following types of home occupations are permitted:

- a. Auto and farm machinery repair, but not sales (except for ancillary goods associated with the repair).
- b. Attorney
- c. Accountant.
- d. Architect.
- e. Bed and Breakfast, by special use permit, and provided conditions are met.
- f. Chiropractor.
- g. Clergyman.
- h. Computer programming and data processing.
- i. Contractor, limited to telephone and office use.
- j. Child Care provided that the home is registered with KDHE and no more than six (6) children will be cared for.
- k. Child Care Center provided the facility is licensed by KDHE and has received a Special Use Permit.
- l. Dentist.
- m. Engineer.
- n. Repair shops with sales limited to ancillary items incidental to the repair.
- o. State licensed Masseur and Masseuse.
- p. Musician
- q. Osteopath.
- r. Physician.
- s. Registered day care facilities.
- t. Salesman, but no on-site sales of goods.
- u. Teaching or instruction, provided not more than three (3) students are taught at any one time nor more than twelve (12 students per day).
- v. Telephone answering.
- w. Home crafts, such as model making, rug weaving, lapidary work, and pottery making, provided that none of the products are sold either at retail or wholesale on the premises.
- x. Internet-related occupations that meet home occupation restrictions and limitations.
- y. Mail order businesses, not including on-site sales or services.
- z. Bed and Breakfast Establishments, provided site plan conditions of a special use permit are met and the following conditions are documented:

- 1.) The establishment is located in a dwelling unit permanently occupied by the owner or manager, or in a separate structure on the same parcel, wherein as an accessory use to the principal residential use, rooms are rented to the public for not more than fourteen (14) consecutive nights.
- 2.) The structure in which the bed and breakfast facility is located shall contain no less than 2,000 square feet of habitable floor area, given that the establishment must be owner-occupied as a home occupation.
- 3.) Two (2) off-street parking spaces with one (1) additional off-street parking space per lodging room shall be provided, and said spaces shall be adequately screened from neighboring property.
- 4.) No more than four (4) bedroom units may be provided to guests. The County Commission may, however, allow larger numbers of lodging rooms in larger residences, provided the character of the neighborhood or region is found to be compatible with a larger establishment.

11. *Number of Principal Structures Per Lot:* Where a lot or tract is used for a non-residential purpose, more than one (1) principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.

12. *Sight Distance at Intersections:* On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two-and-one (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines ninety (90) feet from the point of the centerline intersection.

13. *Permitted Obstruction in Required Yards:* The following shall not be considered to be obstruction when located in a required yard:

- A. In all yards: Open terraces not over four (4) feet above the average level of the adjoining ground, but not including a permanent roof over a terrace or porch; awnings or canopies; steps four (4) feet or less above grade which are necessary for access to a permanent structure or for access to a lot or to a lot from a street or alley; one story bay windows and overhanging eaves and gutters projecting thirty-six (36) inches or less into the yard; chimneys projecting thirty-six (36) inches or less into the yard; arbors and trellises; flagpoles; ornamental light and gas fixtures; and permitted signs.
- B. In any yard except a side yard or a front yard adjoining a street: Permitted accessory uses; recreational and laundry drying equipment; and open and closed fences not exceeding eight (8) feet in height.
- C. In a side yard or a front yard adjoining a street: Open and closed fences not exceeding eight (8) feet in height; provided that such fence shall not intrude within the required sight distance at intersections.

14. *Lots to Have Access.* Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

15. *Yard Requirements for Open Land.* If a lot is or will be occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for such a lot shall be provided and maintained unless some other provision of these Regulations requires or permits a different minimum setback, front, side or rear yard. The front, side, and rear yards shall not be required on lots used for open public recreation areas.

16. *Lot Size Requirements and Bulk Regulations for Public Utility Facilities.* Notwithstanding any other provision of these Regulations, none of the following public utility or public service uses shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in

which they are located except as may be determined by the Board of Zoning Appeals where a special use permit is required in certain districts:

- A. Electrical and telephone substations.
- B. Gas regulator stations.
- C. Pumping stations.
- D. Radio, television, and microwave transmitting or relay stations and towers.
- E. Water towers or standpipes.

17. *Sewer and Water Facilities.*

- A. In all districts except agriculture, it is the intention of these Regulations to encourage the installation of public water supplies and sewage disposal systems or to connect to such systems, if available for use, and provide within an economically feasible distance.
- B. In areas where such public facilities are not yet available and on-site wells, cisterns, and septic tank systems or lagoons are necessary, the suitability of the lot(s) and the standards for installation of such on-site water supply and sewage disposal systems shall be governed by the standards of the Jackson County Environmental Sanitation Code.

18. *Protection of Sewers and Utility Lines.* No building or addition thereto shall be erected over or across any public sewer or utility line nor upon any platted or recorded easement unless permission is granted in writing by the County and the public utility whose lines are involved, if any.

19. *Dedication of Rights-of-Way and Easements.* The Governing Body, after receiving a recommendation from the Planning Commission, may require the dedication of additional street rights-of-way and/or easements for utilities as a condition related to a change in zoning on a lot due to the increased intensity of use by either requiring that the lot be platted or re-platted according to the Subdivision Regulations of the County or, in lieu of platting by a legal document, making such required dedications to the County.

20. *Vacated Rights-of-Way.* Whenever any road, street, alley, railroad, or other right-of-way is vacated by official action of the Governing Body, the current zoning district(s) for such right-of-way shall remain in effect after such vacation, unless procedures are initiated to amend the district classification.

21. *Moving Structures.* No structure shall be moved into the zoning jurisdiction, nor from one location to another location within the zoning jurisdiction, unless such structure shall, when relocated, be made to conform fully with these Regulations and other codes of the zoning jurisdiction. No zoning permit shall be issued unless the general height and outward appearance of such structure conforms to other structures in the immediate area to which it is to be moved and in the area opposite to such an extent that its relocation shall not be detrimental to the appearance or have no substantial adverse effect on property values to the adjacent properties.

22. *Location or Replacement of Manufactured Housing.* Notwithstanding other provisions of these Regulations, the Zoning Administrator is authorized to issue a zoning permit for a manufactured housing unit under the following provisions:

- A. Wherever a manufactured housing unit is moved from a lot within a district in which it is a permitted use, another manufactured housing unit may be moved onto the lot. In the case of a nonconforming manufactured housing unit use, such a move must take place within six (6) months from the date that the previous manufactured housing unit was moved off the lot, otherwise such use shall not thereafter be resumed; provided, however, that any nonconforming manufactured housing unit in a floodway overlay boundary of the “F – P” Flood Plain District may not be replaced. In reestablishing such manufactured housing units after such moves, any existing nonconforming lot size requirements or bulk regulations shall not be increased in their nonconformity, and all such manufactured housing shall be skirted or placed on a foundation within sixty (60) days after being moved onto a lot.
- B. As an accessory use for a watchman (including a family) in all business and industrial districts and on land used for nonagricultural and nonresidential purposes in agricultural districts.
- C. As an accessory use to a farm dwelling on agricultural land when used by persons employed thereon, including their families. While a zoning permit is required, such permits are exempted from the fee schedule.
- D. In the event of disasters, such as fires, tornadoes, or floods, whereby expediency is an important factor, a manufactured home may be located in any district at the discretion of the Zoning Administrator with appropriate conditions attached and for a stated period of time.
- E. As an accessory use to a principal residential building under construction or reconstruction for not more than eighteen (18) months. Such manufactured housing must be removed from the premises at the end of the permitted period or at the end of the construction period, whichever occurs first, unless a renewal of the permit is approved.
- F. Where an unusual hardship is shown, the Board of Zoning Appeals may approve a special use for a manufactured home to be located on a lot or tract with an existing dwelling for a stated period of time. A time period may be extended upon request to the Board of Zoning Appeals without further notice or fee.
- G. Temporary placement on land in any district of an unoccupied manufactured home which is in the process of being relocated. An accessory permit for such a purpose shall not be issued for more than a one hundred eighty (180) day period of time.
- H. In no event shall a manufactured home be used for the temporary or permanent storage of goods in any district.
- I. No mobile home, as defined in these Regulations, shall be moved, relocated, or otherwise placed on any property in the unincorporated portion of Jackson County, including within any Manufactured Housing Park.
- J. No manufactured home, as defined in these Regulations, shall be moved, relocated, or otherwise placed on any property in the unincorporated portion of Jackson County, including within any Manufactured Home Park or Manufactured Housing Park, that was manufactured more than twenty (20) years prior to the current date.

23. *Special Event Regulations:* Temporary special events and permanent special event land use developments may be approved in any zoning district where specifically authorized subject to the following requirements.

- A. Site Plan Review Required. All applications for either a temporary special even or a permanent special even land use development shall be accompanied by a site plan which shall show all elements of proposed site usage and meet the standards set out in subsection “C” below.

B. Performance Standards.

- 1.) Applicability: No land use permit, building permit or certificate of occupancy shall be granted for any temporary or permanent Special event or substantial improvements to an existing use such that it loses its grandfathered non-conforming status, unless the Planning Commission shall find that the use shall conform to the standards set forth in this section.
- 2.) Compliance Required: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable noise or glare (referred to herein as "dangerous or objectionable elements") in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.
- 3.) Locations Where Determinations Are to Be Made for Enforcement of Performance Standards: The determination of the existence of any dangerous and objectionable elements shall be made at the location at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any Point").

C. Performance Standards Required. The following provisions, standards, and specifications shall apply.

1.) Noise Limitations:

- a. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the United States Standards Institute. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noise shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Order, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises capable of being so measured shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.) periodic character (humming, screeching, etc.) or shrillness. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, police and air raid warning sirens) shall be excluded from the above regulations.
- b. No activity shall be responsible for the transmission of noise across any residential or commercial zoning district boundary line, nor at the required yard area of an existing residence, in excess of the levels established below.

<b>Octave Band (Preferred Center Frequency)</b>	<b>Sound Level in Decibels (Re:.002 Microbar)</b>	
	<b>8:01 A.M. to 10:00 P.M.</b>	<b>10:01 P.M. to 8:00 A.M.</b>
31.5	79	73
63.0	74	68
125	68	62
250	60	54
500	55	49
1,000	50	44
2,000	46	40
4,000	41	35
8,000	36	32

2.) Lighting Standards for Fixtures if Required:

- a. Type One  
OPEN FACE DOWN LIGHTS (NEMA HEAD SYMMETRIC LUMINARIES Less than 200 Watts – No restrictions at this time)
- b. Type Two  
ROADWAY (COBRA/NEMA HEAD ROADWAY ASYMMETRIC LUMINARIES)  
Horizontal Lighting – 1,000 Watts or less – No restrictions at this time.
- c. Type Three  
FLOODLIGHT and all area lighting that does not fit into type one & two descriptions.
  - aa. Type Three restrictions - aiming and pole location will be based on lighting a strip running perpendicular to the cross arm of the luminaries.
    - i. The described area is restricted to within the property lines.
  - bb. Type Three 400 Watts or Less
    - i. Area includes 1.5 times the mounting height on each side of the luminary and 3 times the luminary mounting height in the direction that the light is aimed.
    - ii. The maximum aiming angle will be 45 degrees from the base of the level light pole (Aim point will not be greater than the mounting height. (30) feet, mounting height equals a 30 feet aim point.
  - cc. Type Three 401 Watts or Greater
    - i. Area includes 2 times the mounting height on each side of the luminary and 4 times the luminary mounting height in the direction that the light is aimed
    - ii. The maximum aiming angle will be 45 degrees from the base of the level light pole, (aim point will not be greater than the mounting height.) (30) feet, mounting height equals a 30 ft. aim point
  - dd. Ball fields and recreation areas are exempt from these regulations, but require special use permit
  - ee. Restrictions effective for all new installations, or substantial improvement to an existing use such that it loses its grandfathered non-conforming status.

3.) Special Event Site Plan Review Standard: The following site plan requirements shall be met for any temporary or permanent Special Event Land Use:

- a. If a permanent structure subject to County Zoning Regulations, the establishment shall be accessed via an improved hard surfaced road with direct access to an arterial road or highway, or provide for improved direct access on a new public or private road within 5,280 feet of an arterial road or highway; or allowance may be given at the County's discretion for dust control or some other form of road improvement. If appropriate, clean-up of on-site public roads. The County may require a performance bond for assurances of compliance.

b. The County Commission may require a traffic study to assure appropriate access and street capacity for projected traffic volumes, based on *ITE Manual standards*, and may require that off-street parking spaces and off-street drives be hard surfaced and said spaces adequately screened from neighboring residential and commercial property.

c. The County Commission may further limit the number calendar days per year of operation of the Special Event

d. The County Commission may require a noise study to be conducted and submitted for review as a condition of approval of the Special Event

e. The Special Event application shall demonstrate how the proposed use is compatible with Comprehensive Plan goals and objectives for the location and neighboring land uses

f. The Special Event application shall demonstrate how the proposed use is compatible with Comprehensive Plan goals and objectives for the location and all neighboring land uses

4.) Environmental Nuisances/Public Welfare

a. The emitting of, or generation of any type of dust emissions, radiation, gases, heat noise, odor, or other contaminants from a facility, at any point, "which tends to be, will be, or will tend to be significantly injurious to human health or welfare, animal or plant life or property, or is, or will be unreasonable interfering with the enjoyment of life and property of any inhabitant of Jackson County, which can be detected at any point shall not be permitted and will be deemed a nuisance. (Re: Public Hearing and Review Board Procedures.)

b. Any vibration or concussion perceptible without instruments at any point will be deemed a nuisance. (Re: Public Hearing and Review Board Procedures)

c. All of the above is subject to any permit, explicit exceptions, exemptions, or variances agreed to at the time of issuance of any permit.

5.) Public Hearing and Review Board

a. In some cases it may be considered necessary by the Governing Body to convene a Review Board of three (3) county officials and three (3) county residents to evaluate and determine if a nuisance does exist. Should a nuisance determination be concluded, a Public Hearing may be considered appropriate, at which time the Review Board's findings would be presented along with all other information facts and evidence to the Governing Body for final review and determination.

6.) Revocation Provision

a. The Governing Body may revoke any temporary Special Use Permit, or permanent Special Event Land use Permit upon 30 days notice at its discretion if it is determined that such use of the permit is cause of or deemed to be a public nuisance.

7.) Sunset Provisions of Special Event Permits.

a. At the time of issuance; all Special Event Permits, whether temporary or permanent, will be assigned a Sunset Review date by the Planning Commission. Termination of a permit by Sunset Review will be by review and recommendation by the Planning Commission to the Governing Body. Basis for implementing of or Sunset Review termination will be area growth, continued compatibility with the area and other to be determined factors.

24. **Restricted Animals:** It is the intent of Jackson County, Kansas to protect the public against health and safety risks that restricted animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, restricted animals are wild and potentially dangerous and do not adjust well to a captive environment

A. **DEFINITIONS.** The following words and phrases used in this Chapter shall have the meanings set forth in this Section.

- 1.) **Animal, Restricted:** Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not now indigenous to the environs of the County or is not classified or considered as wildlife, livestock, or domestic animal. Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but rather kept as a pet or for display. Any breed of animal the County establishes, through ordinance, is considered a danger to the public.
- 2.) **Applicant:** A person, corporation, partnership, or other legal entity that applies for a permit under this chapter.
- 3.) **Breeder:** A person, corporation, partnership, or other legal entity that meets permit qualifications and has been granted approval to breed animals restricted under this chapter.
- 4.) **Class C Licensee/Exhibitor:** shall mean a person subject to the licensing requirements under part 2 of the Animal and Plant Health Inspection Service (APHIS) of the United States Government and part of Title 9 and 7 U.S.C. 21,32, et seq. and meeting the definition of an "exhibitor" (Sec. 1.1 of APHIS), and whose business involves the showing or displaying of animals as a minor part of the business in order to maintain or add to his animal collection.
- 5.) **Governmental agency:** Any agency, board, commission and/or any political subdivision of the State of Kansas which receives and expends public funds whether federal, state or local.
- 6.) **Permit:** A document issued by Animal Control which authorizes a permittee to possess and maintain the specific restricted animals identified on the permit.
- 7.) **Permittee:** A person, corporation, partnership, or other legal entity that applies for and is granted a permit under this chapter.
- 8.) **Public zoo:** A permanent cultural institution, affiliated officially with a public entity, which owns and maintains captive wild animals that represent more than a token collection and, under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis. They shall further be defined as having as their primary business the exhibition, conservation, and preservation of the earth's fauna in an educational and scientific manner. Public zoos must be accredited by the American Zoo and Aquarium Association (AZA). Public zoos shall hold a USDA Class "C" Exhibitor's License.
- 9.) **Rehabilitation/sanctuary facility:** A facility where abused, neglected, unwanted, impounded, abandoned, orphaned, injured or displaced restricted animals will be provided care for his or her lifetime.
- 10.) **Research facility:** A university, college, governmental research agency, or other institution that engages in scientific or public health research.
- 11.) **Restricted Animal Broker/Dealer:** A person, corporation, partnership, or other legal entity who acts as a broker or dealer in a transaction involving the buying and/or selling of restricted species, or who is in the business of transporting restricted species.

B. PERMIT APPLICANT QUALIFICATIONS: Applicants for a permit to possess a restricted animal shall meet the following minimum qualifications. If the applicant is a corporation, partnership or other legal entity, the applicant must designate an individual who represents the organization and meets the following minimum qualifications.

- 1.) Applicant or designee must be at least eighteen (18) years of age.
- 2.) Applicant or designee must have at least two (2) years of experience in the care and handling of the animal family for which the applicant is applying.
- 3.) Applicant or designee shall not have been convicted of any violation of any state or federal wildlife regulations within three (3) years of the date of application, or any offense involving cruelty to animals.
- 4.) Public zoos, research facilities, and governmental agencies as defined herein and animals specifically trained to assist handicapped persons are exempted from holding a permit. Permanent exempted facilities shall be required to submit information annually.
- 5.) Any person or corporation holding a Class C Exhibitors license issued by the United States Department of Agriculture.

C. PERMIT/REGISTRATION PROCESS

- 1.) Restrictions for the issuance of a permit for a Restricted Animal shall include, but not be limited to the following:
  - a. Proof of insurance coverage as required in **LIABILITY INSURANCE REQUIREMENTS** of this section, with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the Restricted Animal, or in lieu of insurance, a surety bond posted with the County Manager in the same amount, conditioned upon payment of such damages.
  - b. At the direction of the County Zoning Administrator, installation of permanent signage at all points of entry to the property in question to identify the presence of the Restricted Animal to any law enforcement or emergency personnel having valid reason to enter the property.
  - c. Required signage shall consist of a minimum size of three (3) square feet and shall at a minimum identify the following in reflective letters of a contrasting color as to be easily read on the background of the sign.
    - i. The word "Warning" in all capitals at least four (4) inches high.
    - ii. The common name of the Restricted Animal.
    - iii. The location on the property of the Restricted Animal
    - iv. The potential danger posed by the Restricted Animal (biting, clawing, venom, constriction, kicking, etc.)
  - d. Implantation of by a County-approved veterinarian of a microchip under the skin of the Restricted Animal to aid in identification, or approval by a County-approved veterinarian of a previously implanted microchip. The veterinarian can be chosen by the owner or possessor of the Restricted Animal if so approved by the County.

- e. Obtaining from a County-approved veterinarian a health certificate detailing the health and condition of the Restricted Animal.
- f. Written emergency response plan, approved by the Planning Commission, in the event of any escape of the Restricted Animal, including a paragraph detailing owner or possessor's understanding and agreement that if the escaped Restricted Animal poses any immediate danger whatsoever to life, limb, or property (other than property of the Restricted Animal Owner), then it may be destroyed at the time by law enforcement officers, emergency responders, or any citizen having the means to do so. This emergency response plan shall be signed by the owner and notarized.
- g. All Restricted Animals shall be housed in facilities designed with the characteristics and potential dangers of the particular Restricted Animal in mind, as detailed in a Site Plan which shall be submitted with the application and submitted to the Planning Commission for review and approval.

D. EXCEPTIONS: This regulation does not apply to the following:

- 1.) Wildlife rehabilitators licensed by a state or federal agency.
- 2.) Veterinary clinics in possession of Restricted Animals for treatment or rehabilitation purposes.
- 3.) Non-resident circuses, carnivals or traveling fairs for no longer than one seven-day period, per each separate location where such circus is held within the County per calendar year.
- 4.) Persons temporarily transporting Restricted Animals through the County, provided that such transport time shall not exceed 24 hours.

E. BREEDING/REPRODUCTION:

- 1.) Breeding or allowing the reproduction of prohibited Restricted Animals listed in this regulation is prohibited, unless approved by the County Board of Commissioners.
- 2.) Any owner or possessor of a Restricted Animal found to be in violation of the above paragraph shall be in violation of this ordinance, and the owner or possessor shall face the possibility of immediate seizure of the Restricted Animal and the imposition of a fine for each Restricted Animal of \$1,000 plus \$250 per day for each day the Restricted Animal is in the custody of the County, plus any additional costs to the County that may arise in connection with seizure of the Restricted Animal.

F. CONFINEMENT REQUIREMENTS: All facilities must insure that all animals and animal quarters conform to all applicable rules or regulations promulgated under the authority of the federal state enacted by the United States, or by any statue enacted by the state or by any rule or regulation promulgated by Jackson County, Kansas or by any department as authorized by state statute. Such confinement requirements shall be enforced by the Jackson County Zoning Administrator or Animal Control Officer and any violation of the requirements shall subject such person, firm, corporation or partnership to forfeiture of their license and the closure of such facility. All animals shall be kept in a clean and sanitary condition and so maintained as to limit objectionable odors; and insure that all animals are maintained in quarters which are adequately constructed so as to prevent their escape or injury to individuals.

All canine hybrids and feline hybrids shall be securely confined indoors or in a secured enclosed and locked pen or kennel. Such pen, kennel or structure must have secure sides and secured top attached to the sides. All structures used must be locked with a key or combination lock when such animals are within the structure. Such structure must have a bottom or floor attached to the sides of the pen or the side of the pen must be embedded in the ground no less than two feet. All structures erected to confine such animals must comply with all building requirements of Jackson County, Kansas. All structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. Enclosures shall have a secondary barrier of at least six (6) feet in height to prevent access to the area by the general public. This shall apply to any licensed animal breeder licensed by the State of Kansas and/or the United States Government.

A harborer and/or owner of any inherently dangerous feline and hybrids thereof shall comply with the following standards for their housing and care as a condition precedent to obtaining or maintaining the required license pursuant to this article.

- 1.) Enclosure dimensions and materials for wary large pantherids. Very large pantherids, including lions (P. leo), tigers (P. tigris), and any hybrids thereof shall be maintained in barred or heavily wired cages. A cage for a single animal shall measure at least twenty four (24) feet wide by twelve (12) feet deep (238 square feet). It should be either a minimum of eight (8) feet high with a covered top or a minimum of fourteen (14) feet high with either an inward-facing overhang of no less than eighteen (18) inches and at an angle of forty-five (45) degrees or have a 110 volt electric wire to prevent the animals from escaping. Cages shall be fifty percent (50%) larger for each additional animal. Enclosures shall have a secondary barrier of at least six (6) feet in height to prevent access to the area by the general public.
- 2.) Enclosure dimensions for other large felines: Other large felines, including jaguars (P. onca), leopards or panthers (P. pardus), pumas, cougars or mountain lions (P. concolor), snow leopards (P. uncia), clouded leopards (Neofelis nebulosa), and any subspecies or hybrids thereof shall be maintained in a cage with minimum cage dimensions for a single large feline equal to at least twenty (20) feet wide by ten (10) feet deep (W) or two hundred (200) square feet by eight (8) feet high and have covered tops. Cages shall have a secondary barrier of at least six (6) feet in height to prevent access to the area by the general public.
- 3.) Barrier and enclosure materials; general. Enclosures for very large felids shall be constructed of bars or not less than 9-gauge chain link fencing or its equivalent. Enclosures for smaller felids shall be constructed of bars or not less than 11-gauge chain link fencing or its equivalent. In addition, all perimeters must have either a concrete footing or horizontal protective matting around the entire enclosure to prevent escape by digging. All enclosures shall have double doors between the animals and possible escape, one being the primary access door and the second being a safety door.

All facilities must be surrounded by a perimeter fence (secondary) barrier of at least eight (8) feet in height and a minimum of four (4) feet from the cage holding the animal(s), or such other fencing, building, or other protection of the enclosure where the animal(s) is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal(s) and the public.

With the exception of reptiles, all cages shall be well-braced and securely fastened to the floor or in the ground and shall utilize metal clamps or braces of equivalent strength as that prescribed for cage construction. All cage entrances shall have double safety doors, one of which only opens to the inside. These doors must remain locked at all times when unattended with locks of sufficient strength to prevent the animal(s) from breaking open the door. All cages shall be constructed with a den, next, or other connected housing unit that can be closed off and locked with the animal(s) inside to allow for the safe servicing and cleaning of the open area. In lieu of a nest box, a divided cage with a door between the two compartments may be used.

All outdoor cages shall provide adequate shelter from inclement weather conditions, shade from the sun and provide for the protection and health of the animal(s) held within. Indoor enclosures and caging must provide adequate ventilation at all times to maintain the health and comfort of the animal(s). A system of ventilation must provide fresh air by means of windows, doors, vents or air conditioning, and be designed to minimize drafts, odors and condensation of moisture. If the ambient temperature reaches 85 degrees Fahrenheit or greater, air conditioning, evaporative cooling, exhaust fans and vents, or other auxiliary ventilation must be provided.

Cages shall be sufficiently strong to prevent escape and to protect the caged animal(s) from injury. The mesh sizes or distance between bars shall be sufficiently small to prevent the escape of the animal(s) being held. Restraint by tethering or chaining cannot be used as a means to hold a restricted animal in captivity, except for elephants within a perimeter fence or trained elephants under the immediate supervision of a qualified trainer or handler. All restricted animals for which specific housing and care requirements are not provided for in this chapter shall be humanely confined in the manner provided for in this section and in accord with comparable caging requirements found in this chapter.

### **LIABILITY INSURANCE REQUIREMENTS**

<b>CLASS 1 \$100,000</b>	<b>CLASS 2 \$50,000</b>	<b>CLASS 3 \$10,000</b>
Order Carnivora – Family Ursidae; All species of bears	Order Primates – Family Pongidae; Family Hylobatidae and Family Cercopithecidae: All species	Order Carnivora – Family Canidae: All Species
Order Proboscidea – Family Elephantidae: All Species	Order Carnivora Family Mustelidae: Wolverine	Order Carnivora – Family Hyaenidae: All Species
Order Carnivora – Family Feline: Leopard, Jaguar, Black And Spotted Leopard, Tiger, Mountain Lion, Cheetah, Lion Snow Leopard	Order Carnivora – Family Feline: Serval, Lynx and hybrids, Margay, Jungle Cats, Wild Cats, Bob Cat	Order Carnivora – Family Viverridae: Binturong
Order Artiodactyla – Family Hippopotamidae: all species Except pygmy hippopotamus	Order Artiodactyla – Family Bovidae: Buffalo, wild bovidae, Giraffe	Order Perissodactyla – Family Thinocerotidae; Zebra, Tapir, Hybrids
Reptiles – Indigenous Venomous Reptiles		

25. *Communication towers subject to the following standards.* Communication towers shall always be considered a principal use. They may be located on lots occupied by other principal uses as subject to the following conditions.

- A. All towers, disguised support structures, and related structures, fences and walls shall be separated from the property line of any adjacent property zoned for a residential use at least a distance equal to the height of the tower, and shall be separated from all other adjacent property lines at least a distance equal to one-half (1/2) of the height of the tower or structure.
- B. Communication towers shall be setback a minimum of the height of the tower from any existing or planned right-of-way or non-tower related structure.

- C. Height: The principal support structure for communication towers shall be permitted to exceed the height limit of the zoning district in which it is located, provided that the setback standards of this section are complied with. Towers shall not exceed the height limitation of any airport overlay zone as may be adopted by the County.
- D. Security Fences and Walls: A fence or wall not less than seven (7) feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards.
  - 1.) Access to the tower shall be through a locked gate in the required fence or wall.
  - 2.) If the communication tower is adjacent to a residential zoning district or a lot occupied by a residential dwelling unit, the required fencing shall consist of a masonry wall or solid fence with trees and shrubs planted along the exterior of the fence or wall. At least one tree and one shrub shall be required for each 30 linear feet of fence or wall line.
  - 3.) If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in a tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "**HIGH VOLTAGE – DANGER**"
- E. Airport Approach Paths: Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).
- F. Removal of Obsolete and Unused Towers: All obsolete or unused communication towers shall be removed within 12 months of cessation of use.
- G. Electromagnetic Radiation: Communication towers shall comply with all applicable Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NIER).
- H. Vehicle or outdoor storage on any tower site is prohibited, unless otherwise permitted by the zoning. On-site parking for periodic maintenance and service shall be provided at all antenna or tower locations consistent with the underlying zoning district.
- I. Design
  - 1.) Subject to the requirements of the FAA or any applicable state or federal agency, towers shall be painted a neutral color consistent with the natural or built environment of the site.
  - 2.) Equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located.
  - 3.) Antennae attached to a building or disguised antenna support structure shall be of a color identical to or closely compatible with the surface to which they are mounted.
- J. Shared Use
  - 1.) Existing Towers: Prior to the issuance of any permit to alter or modify any tower existing on the effective date of this Ordinance, the owner shall provide to the County a written notarized agreement committing to make said tower available for use by others subject to reasonable technical limitations and reasonable financial terms. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be unlawful and shall, among other remedies of the County, be cause for the withholding of future permits to the same owner to install, build, or modify antennae or towers within the County.

- 2.) Tower Inventories. Prior to the issuance of any permit to install, build or modify any tower, the tower owner shall furnish the Zoning Administrator an inventory of all of that owner's towers in or within one mile of the County limits. The inventory shall include the tower's reference name or number, the street location, latitude and longitude, structure type, height, type and mounting height of existing antennas and an assessment of available ground space for the placement of additional equipment shelters.
- 3.) Shared Use Required – New Towers. Any new tower approved at a height of 60 feet AGL (Above Ground Level) or higher shall be designed and constructed to accommodate at least one additional user unless a larger number is indicated by the response to the Notification provisions herein. A written agreement committing to shared use as required by subsection one shall be submitted by the tower applicant. The willful and knowing failure of the owner of a tower built for shared use to negotiate in good faith with potential users shall be unlawful and shall be a violation of this Ordinance and, among other remedies of the County, shall be cause for the withholding of future permits to the same owner to install, build or modify antennae or towers within the County.
- 4.) Notice of Tower. Prior to any application for the construction of a new tower or Disguised Support Structure, a copy of the application or a summary containing the height, design, location and type and frequency of antennae shall be delivered by certified mail to all known potential tower users as identified by a schedule maintained by the Planning and Land Information Department. Proof of such delivery shall be submitted with the application to the County. The Zoning Administrator may establish a form required to be used for such notifications. Upon request, the Zoning Administrator shall place on a list the name and address of any user of towers or prospective user to receive notification of applications. The Zoning Administrator shall, before deciding on the application or forwarding it to the Planning Commission for consideration, allow all persons receiving notice at least 10 business days to respond to the County and the applicant within one mile of such area. The failure of the receiving party to use this process or respond to any such notice shall be considered cause for denying requests by such party for new towers or structures.
- 5.) Appeal of Shared Use Violations. Any party seeking shared use of a tower subject to this provision shall after responding to notice of an application, negotiate with the applicant for such use. The applicant may on a legitimate and reasonable business basis choose between multiple requests for shared use on the same tower or structure, and may reject any request where legitimate technical obstacles cannot be reasonably overcome or where the party requesting shared use will not agree to reasonable financial terms. Any party believing that the applicant has breached its duty to negotiate in good faith for shared use shall immediately notify the applicant and the Zoning Administrator in writing. The Zoning Administrator may reject the application upon a finding that shared use has been improperly denied. A notice of breach of duty shall explain the precise basis for the claim and shall be accompanied by payment of an administrative review fee of \$500 to the County to offset the cost of review. After the applicant's receipt of the notice, the applicant shall have 10 calendar days to provide a written submission to the Zoning Administrator responding to the alleged violation of the shared use requirement. If deemed necessary by the Zoning Administrator, he/she may engage, at the cost of the party alleging the violation, a neutral, qualified technical consultant to provide an opinion on the feasibility or costs of the shared use request. If the Zoning Administrator received a notice alleging a violation of the shared use requirement, the time for a decision on an Administrative Permit is automatically extended for up to 30 days until the Zoning Administrator has determined that the applicant has complied. An application for Special Use Permit shall not be deemed complete for acceptance until a decision on compliance is reached.

K. Permitted Use. The placement of Antenna and Towers are permitted in all zoning districts only as follows:

- 1.) The attachment of additional or replacement of antennae or shelters to any tower existing on the effective date of this Ordinance or subsequently approved in accordance with these regulations, provided that additional equipment shelters or cabinets are located within the existing tower compound area.
- 2.) The mounting of antennae on any existing building or structure, such as a water tower, provided that the presence of the antennas is concealed by architectural elements or fully camouflaged by painting a color identical surface to which they are attached.
- 3.) The mounting of antennae on or within any existing high-voltage electric transmission tower, but not exceeding the height of such tower by more than 10 feet.
- 4.) The installation of antennae or the construction of a tower or support structure on buildings or land owned by the County following the approval of a lease agreement by the County Commission.

L. Authorization by Administrative Permit. The placement of Antenna and Towers are permitted in all zoning districts by Administrative Permit approved by the Zoning Administrator only as follows:

- 1.) The attachment of additional or replacement antennae or shelters to any tower existing on the effective date of this Ordinance or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area as long as all other requirements of this section and the underlying zoning district are met
- 2.) The one-time replacement of any tower existing on the effective date of this Ordinance or subsequently approved in accordance with these regulations so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard. The new tower shall be of the same type as the original except that a guyed or self-supporting (lattice) tower may be replaced by a monopole. If the guyed or lattice tower to be replaced is 180 feet or less in height, it shall only be replaced with a monopole. The height of the new tower may exceed that of the original by not more than 20 feet. Subsequent replacements shall require the approval of a Special Use Permit.
- 1.) The construction of a Disguised Support Structure provided that all related equipment shall be placed underground or concealed within the structure when the structure is located in any district other than a district authorizing industrial uses. Equipment may be placed in a cabinet if the disguised Support Structure is incidental to an industrial, commercial, institutional or other non-residential use.
- 2.) The placement of dual polar panel antennae on wooden or steel functioning utility poles not to exceed 40 feet in height in any residentially zoned district and on any such poles (or functional replacement poles of no greater height) existing in any other district on the date of adoption of this ordinance. All related equipment for antennae permitted by this sub-section shall be wholly contained in a cabinet.
- 3.) Towers erected and maintained for a period not to exceed 45 days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.

M. Application Procedures. Applications for Administrative Permits shall be made on the appropriate forms to the Zoning Administrator and accompanied by payment of \$500.00, or such fee as may be established by the Commission.

- 1.) A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements including buildings, drives, walkway, parking areas and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the existing or proposed tower.
- 2.) The application shall be reviewed by the Zoning Administrator to determine compliance with the above standards and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
- 3.) The Zoning Administrator shall issue a decision on the permit within 45 days of the date of application or the application shall be deemed approved unless the time period for review and action was extended pursuant to Section. The Zoning Administrator may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonable necessary to protect the safety or general welfare of the citizens consistent with the purposes of this section. The Zoning Administrator may consider the purposes of this section and the factors established herein for granting a Special Use Permit as well as any other considerations consistent with the Ordinance.
- 4.) A decision to deny an application shall be made in writing and state the specific reasons for the denial
- 5.) Appeals: Appeals from the decision of the Zoning Administrator shall be made in the same manner as otherwise provided for the appeal of administrative decisions.

N. Special Use Permit Required. All proposals to install, build or modify an antenna or support structure not permitted by Sections 11 or 12 above, shall require the approval of Special Use Permit following a duly advertised public hearing by the Planning Commission, subject to the forthcoming limitations.

- 1.) Applications of Special Use Permits shall be filed and processed subject to the requirements of and in the manner and time frame as established in Section 8 of this Chapter. A decision by the Governing Body shall be accompanied by substantial evidence support the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others.
- 2.) Additional Minimum Requirements. No Special Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of an antenna or support structure pursuant to Subsection 11 (Permitted Uses) or Subsection 12 (Administrative Permits) of this section is not technologically or economically feasible. The Governing Body may consider current or emerging industry standards and practices, among other information, in determining feasibility.
- 3.) Findings Required. In addition to the determinations or limitations specified herein and by the Zoning Ordinance for the consideration of Special Use Permits, the Governing Body shall also base its decision upon, and shall make findings as to, the existence of the following conditions.
  - a. No existing towers, structures or buildings within the necessary geographic area for the applicant's tower meet the applicant's necessary engineering requirements considering (1) height, (2) structural strength, (3) resulting signal interference, (4) feasibility of retrofitting, (5) feasibility of re-designing the applicant's tower network, or (6) other limiting conditions that render towers, structures or buildings with the applicant's required geographic area unsuitable.

- i. Applications for a new tower structure shall be considered only after a letter, certified by a Radio Frequency Engineer, clearly demonstrates that the planned telecommunication equipment cannot be accommodated on an existing or approved transmission tower and clearly demonstrates one or more of the following conditions.
  - ii. Planned telecommunications equipment would exceed the structural capacity of an existing or approved transmission tower, and the transmission tower cannot be reinforced to accommodate planned telecommunication equipment at a reasonable cost.
  - iii. Planned telecommunications equipment will cause radio frequency interference with other existing or planned telecommunications equipment for that transmission tower and the interference cannot be prevented at a reasonable cost
- iv. Existing or approved towers do not have space on which the planned telecommunications equipment can be placed so it can function effectively and at least in parity with other similar telecommunications equipment in place or approved by the County or a city in the County.
- v. Addition of planned equipment to an existing or approved transmission tower would result in NIER levels in excess or those permitted under item (7) of this Section.
- vi. Other reasons that make it impractical to place the telecommunications equipment planned by the applicant on an existing and approved transmission tower.

- b. No application for a new tower structure shall be considered unless the applicant is unable to lease or otherwise secure space on an existing or planned telecommunication tower.
  - i. Shared use of an existing or approved tower shall be conditioned upon the applicant's agreement to pay reasonable fees and costs associated with adapting existing facilities to the proposed use, including but not limited to reasonable costs for reinforcing or modifying a tower or structure, for preventing radio frequency interferences, and other changes reasonable required to accommodate shared use.
  - ii. The fees and costs for shared use are unreasonable, among other reasons, if they exceed the cost of the proposed transmission tower.
  - iii. The County may consider expert testimony to determine whether the fees and costs are reasonable. Once the County finds that the telecommunications equipment proposed by the applicant cannot be accommodated on an existing or approved tower, each tower so found is presumed unable to accommodate similar equipment that may be proposed in the future, unless evidence is introduced to demonstrate otherwise.
  - iv. That the design of the tower or structure, including the antennae, shelter and ground layout maximally reduces visual degradation and otherwise complies with provisions and intent of this section. New towers shall be of a monopole design, unless it is shown that an alternative design would equally or better satisfy this provision.
  - v. That the proposal minimizes the number and/or size of towers or structures that will be required in the area.
  - vi. That the applicant has not previously failed to take advantage of reasonable available shared use opportunities or procedures provided by this Ordinance or otherwise.

- vii. That no land owned by any agency of the federal or state government, or by any political subdivision of the state, is available for locating the structure or tower.
- viii. The County may require, at the expense of the petitioner, any additional studies or the hiring of an external consultant to review exhibits and/or other requirements in accordance with this section.
- ix. If any one, but not more than one, of the first six determinations is not satisfied, approval may be granted only on a finding of unique circumstances otherwise necessitating approval to satisfy the purposes of this section.

26. *Inoperable Vehicles.* In the agricultural and residential districts no more than two (2) inoperable non-road-ready vehicles may be stored on a zoning lot except within a completely enclosed garage or accessory storage shed.

## **ARTICLE XXX**

### ***“W – C” WIND ENERGY CONVERSION SYSTEMS “WECS” OVERLAY DISTRICT***

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The “W – C” Wind energy Conversion Overlay District is intended to ensure a regulatory means of facilitating wind energy development by protecting the WECS developer’s interest in unobstructed wind flow; and at the same time provide a regulatory response to the demands of neighbors and the general public whose interests may be detrimentally affected by wind turbine operation.

**SECTION 2. DISTRICT REGULATIONS:** No wind energy conversion system shall be developed, erected or placed in use in any area of the Jackson County zoning jurisdiction not within an approved overlay district, except that a private system may be allowed by right upon a finding by the Zoning Administrator that the WECS is a small “home” WECS.

1. A home WECS shall be allowed by right upon a finding by the Zoning Administrator that the proposed WECS meets the following requirements.
  - A. A single WECS erected on an owner-occupied parcel of land for private use.
  - B. No taller than 150 feet in height.
  - C. Setback from the nearest property line no less than the height of the turbine tower, plus 50 feet.
  - D. Located no closer than 500 feet from the nearest neighboring residential dwelling.

**SECTION 3. SPECIAL USE REGULATIONS:**

1. All WECS development, other than a small home system, will require submittals to the Jackson County Planning Commission and Governing Body for development plan approval and establishment of an overlay zone. Such plan shall meet the detailed requirements of Jackson County.
2. The applicant for a small home system shall provide with the application a site plan in sufficient detail to allow the Zoning Administrator to determine compliance with SECTION 2. above.

## ARTICLE XXXI

### **“FRD” FLOODWATER RETARDING DAM BREACH IMPACT OVERLAY DISTRICT**

**SECTION 1. PURPOSE AND INTENT OF DISTRICT:** The “FRD” FLOODWATER RETARDING DAM BREACH IMPACT OVERLAY DISTRICT is intended to permit the gainful use of certain lands which are considered to be in the path of potential flood water caused by a breach of a flood water retarding or retention structures or erosion control structures and to minimize the impact of such a breach on buildings or other valuable property.

**SECTION 2. GENERAL PROVISIONS:** This Article shall apply to all lands within the County zoning jurisdiction identified on the Floodwater Retarding Dam Maps as elaborated by the official *Professional Engineering Breach Impact Studies*. No development shall be permitted in any defined “FRD” breach impact area except as authorized herein. The boundaries of the “FRD” breach impact area district shall be determined by scaling distances on the engineering *Breach Impact Studies*. The Zoning Administrator shall make all interpretations as to the exact location of said boundaries. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute.

**SECTION 3. DISTRICT REGULATIONS:** In the “FRD” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the permitted uses in the parent district, to which this district is made part, provided that such uses and structures shall meet the minimum requirements of Section 4 and /or 5 of these Regulations.

**SECTION 4. USE REGULATIONS.** Uses having low flood damage potential and not obstructing a flood flow are permitted, such as:

1. Agriculture uses including farms, animal husbandry, pastures and forestry.
2. Residential uses such as lawns, gardens, parking and play areas.
3. Business or industrial uses such as loading areas and parking.
4. Public and private recreational uses such as parks and wildlife preserves.
5. Buildings constructed compliant to Section 5 and with the Floodplain Management Resolution (no. 2000-27)

**SECTION 5. SPECIAL USE REGULATIONS:** Notwithstanding the requirements of the parent district the following regulations shall supplement the requirements of the parent district, of which this district is made a part. These Regulations shall supersede those of the parent district where there is a conflict among regulations.

1. Whereby reason of flooding due to the potential breach of a floodwater retarding or retention dam no person, firm or corporation shall initiate any development or substantial improvement, or cause the same to be done without first obtaining a Floodplain/FRD development Permit for each such building or structure in accordance with the detailed requirements of the County. The application for a Floodplain/FRD Development Permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the Zoning Administrator. The application shall be accompanied by explanatory background information as required by the Zoning Administrator, which shall include as a minimum:
  - A. Identification and description of the work to be covered in the permit.
  - B. Description of the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

- C. Indication of the use or occupancy for which the proposed work is intended.
- D. Provision of plans and specifications for proposed construction.
- E. Signature of the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- F. Provision of other information as reasonably may be required by the Zoning Administrator
- G. In areas within the County zoning jurisdiction which are designated as "FRD" Floodwater Retarding Dam Breach Impact Overlay District, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by the County.

**SECTION 6. DUTIES OF APPLICANT:** In addition to the duties imposed upon an applicant under Article XXXIII Section 2 of the Jackson County Zoning Regulations, the applicant for a change in zoning to "FRD" District shall furnish to the Zoning Administrator engineered maps, charts, and studies showing the location and actual dimensions of the proposed "FRD" District, and shall when requested assist the Zoning Administrator in determining boundary location.

**SECTION 7 GOVERNMENTAL APPLICATIONS:** In addition to the applicant authorized by the Jackson County Zoning Regulations, the Jackson County Soil Conservation District, Delaware Watershed Joint District #10, Nemaha-Brown Watershed #7 and any other legally organized Watershed District encompassing land located within the jurisdiction of the Jackson County Zoning Regulations is permitted to make application for a "FRD" District.

## **ARTICLE XXXII**

### **“H – C” HIGHWAY ACCESS CONTROL DISTRICT**

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The “H-C” Highway Access Control District is intended for application in defined areas adjacent to state and federal highways and other major travelways in Jackson County where it is determined that, due to traffic and roadway conditions, control of vehicular access patterns is necessary for safety and promotion of compatible land development patterns. It is the purpose of the “H-C” district to influence a planned approach to provision of vehicular access along those highway sections identified as Critical Traffic Corridors.

**SECTION 2. STRUCTURE AND APPLICATION OF REGULATIONS:** The “H-C” Access Control District is an overlay district for application in any existing zoning district where traffic conditions warrant extra measures for control of vehicular access patterns. District regulations function as an extension of the formally adopted policy statements, requiring vehicular access planning as an integral aspect of land subdivision and development procedures.

**SECTION 3. DISTRICT REGULATIONS:** In the “H-C” District, no building or land shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the permitted uses in the parent district of which this district is made part, provided that design of vehicular access accommodations shall meet the minimum requirements of SECTION 4 of these regulations.

**SECTION 4. SPECIAL USE REGULATIONS:** Notwithstanding the requirements of the parent district, the other requirements of these zoning regulations, and any other regulations of the County, the following regulations shall supplement the requirements of the parent district of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.

1. **Restricted Access 4 – Lane Section (US75).** In that section of the US 75 Highway corridor between the Shawnee County line and the southern city limits of the City of Holton the following special regulations shall apply:
  - A. Highway access points are limited to those allowed by the original 4-lane roadway design. New access points are restricted.
  - B. New public road intersections are limited to section line locations.
  - C. Access to midsection land parcels shall be accomplished through frontage roads, reverse frontage roads and shared alternative driveway routings.
  - D. New development shall incorporate consideration of visual quality as a condition of the permitting process for the US 75 Access Control Corridor. Such visual enhancement shall include consideration of site landscaping and screening where appropriate.
  - E. Effective drainage design and erosion control measures are required for all development in the access control corridor.
  - F. Non-agriculture development shall be platted in accordance with the subdivision regulations of Jackson County prior to construction or use of the land for other than agriculture purposes.
  - G. The provisions of this section may be modified as deemed necessary in an individual case by the County Commission.

2. Open Access Super 2-Lane Section (US 75), and all Other Roadway Sections Designated as Critical Access Control Locations.

- A. The locations of public streets and property access points are restricted and subject to permit as a means to limit intrusions of uncontrolled side-stream traffic.
- B. Section line locations are encouraged for primary public road access points.
- C. All new public streets private property access points shall be subject to minimum spacing provisions of Jackson County and the design requirements of the Kansas Department of Transportation.
- D. In order to limit the number of individual driveways entering the primary travelway, use of shared access, reverse frontage access and frontage roads is encouraged.
- E. All new development in the access control corridor is required to incorporate landscape improvements including screening and roadside landscaping as appropriate.
- F. Consideration of drainage with design and installation of proper erosion control measures is required of all future development.
- G. Non-agriculture development shall be platted in accordance with the subdivision regulations of Jackson County prior to construction or use of the land for other than agricultural purposes.

3. Development Plans and Permit Required.

No new vehicular access point shall be constructed or established in the access corridor without a permit from Jackson County. Application for such permit shall be prepared in the format prescribed by the county and shall be filed in the office of the Jackson County Zoning Administrator. Such permit application shall be accompanied by a site development plan, drawn to scale, which shall show the following information as a minimum:

- A. Location of the tract with respect to the primary highway or roadway.
- B. Proposed development and vehicular access patterns.
- C. Provisions for maintenance of visual quality including locations of landscape plantings and screening where appropriate. Such plans shall indicate consideration of sight distance requirements and driveway and street intersections.
- D. Method of storm water drainage including erosion control provisions.
- E. All other site development information deemed appropriate and requested by the Jackson County Zoning Administrator.

Where the proposed development will be subject to a formal subdivision platting process, access permitting requirements may be incorporated as part of the overall platting procedure.

4. Access Approval and Permitting Process.

Upon receipt of a completed access permit application or an application for plat approval, the Zoning Administrator shall place the application upon the agenda of the planning commission together with his recommendation. The commission shall schedule a public hearing and follow the procedures for plat approval as prescribed by the subdivision regulations. If the application does not involve platting, the planning commission may immediately forward its recommendation to the County Commission for final action.

All access applications, whether or not included in a platting process, shall require formal approval by the County Commission.

Following action by the Governing Body, the Zoning Administrator shall notify the applicant by letter of the approval or disapproval, and any required special conditions.

**SECTION 5. INTENSITY OF USE REGULATIONS:** The lot coverage and intensity of use requirements of the parent district, of which this district is made a part, shall be the maximum intensity requirements subject to the additional requirements as prescribed by these regulations.

**SECTION 6. HEIGHT REGULATIONS:** The height requirements of the parent district, which this district is made a part, shall be the maximum height requirements subject to the additional requirements as prescribed by these regulations.

**SECTION 7. YARD REGULATIONS:** The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements subject to additional requirements as prescribed by these regulations.

**SECTION 8. SIGN REGULATIONS:** The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for sign regulations.

**SECTION 9. PARKING AND LOADING REGULATIONS:** The parking and loading regulations of the parent district, of which this district is made a part, shall be the minimum requirements subject to additional requirements as prescribed by these regulations.

## **ARTICLE XXXIII**

### **SITE PLAN REVIEW**

**SECTION 1. INTENT:** Because Jackson County strives to promote appropriate growth in the U.S. 75 Highway Tiers and the Suburban Tiers, and to assure compatible non-agriculture development in rural areas of unincorporated Jackson County, a Site Plan Review procedure is established. The County recognizes that land development can create potential for traffic congestion, overcrowding, adverse visual environmental impacts, and related health and safety problems.

The Site Plan Review regulates the development of structures and sites in a manner which considers the following concerns:

1. The balancing of landowners' rights to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g. noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.)
2. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads.
3. The adequacy of waste disposal methods and protection from pollution of surface of groundwater.
4. The protection of historic and natural environmental features on the site under review and in adjacent areas.
5. The stability of the rural environment, particularly established farmland, by promoting compatible development.

**SECTION 2. APPLICABILITY:** Jackson County Zoning Regulations require site plan review in the following Land Use Tiers for all developments other than agriculture related land uses and single-family and two-family dwellings:

1. Suburban tiers.
2. U.S. 75 Highway tier
3. Long-term Development tiers.

Site Plans shall be reviewed by the Planning Commission before building permits are issued in these tiers. Two stages of review are normally involved, preliminary and final. The preliminary plan is a detailed depiction of the entire project and its relationship to adjoining property. A rezoning that requires a Planned District designation requires two stages of review: preliminary and final. The preliminary plan is a detailed depiction of the entire project and its relationship to adjoining property.

Upon approval of the preliminary plans, the final plans may be prepared and submitted to the Planning Commission for approval. Simultaneous submittal of preliminary and final plans can be allowed at the discretion of the County. The following review standards shall be referenced when considering a site plan application.

1. The Zoning Administrator shall require that any change in land use or rezoning, other than single-family and two family dwellings, must be subject to Site Plan Review in accordance with these regulations. Site Plan Review also applies to re-development in the following circumstances if the development enlarges the size of the original structure by more than 50 percent in the case of a renovation or alteration. Developments shall be encouraged to implement the objectives of the Future Land Use Plan to foster compatibility among land uses in Jackson County. Site Plan Reviews shall be performed by the Zoning Administrator and the Jackson County Planning Commission.

2. The Jackson County Planning Commission shall perform the review at the next regularly scheduled meeting of the Planning Commission that meets the established deadlines and shall adjourn and reconvene as is determined necessary. The applicant may appeal a site plan review determination to the Board of Zoning Appeals for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Planning Commission in the enforcement of Site Plan Review. The request for review by the Board shall be accompanied by a complete description of the error(s) alleged.

**SECTION 3. AUTHORITY:** Building permits shall not be issued for any use of land or proposed construction where Site Plan Review is applicable, unless Site Plan Review approval has been granted.

**SECTION 4. SUBMISSION REQUIREMENTS:** The Site Plan shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

Site Plans shall be prepared by a registered professional architect, land planner or landscape architect, or at the discretion of the County, the applicant or his/her agent. The plan shall be presented at a readable scale. Items required for submission include:

1. Name of the project, address, boundaries, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer.
3. Name and address of all owners of record of abutting parcels.
4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.
5. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations for developments in the indicated design details to make new construction compatible with existing structures.
6. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
7. The Zoning Administrator may require location, height and intensity of all external and lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials and design of all proposed signage.
9. The Zoning Administrator may require a landscape plan showing all existing open space, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
10. The location of all proposed utility systems including:
  - A. Sewerage system
  - B. Water supply system

- C. Telephone, cable and electrical systems
- D. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, end-walls, hydrants, manholes and drainage swells.

11. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, significantly altering the water table, and flooding or other properties, as applicable.

12. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year floodplain, the area shall be shown, with base flood elevations, and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.

13. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The County Road and Bridge Superintendent may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

- A. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.
- B. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
- C. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacity. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.

15. For new construction or alterations to any existing structure, a table containing the following information must be included:

- A. Area of structure to be used for a particular use, such as retail operation, office, storage, etc.
- B. Maximum number of employees.
- C. Maximum seating capacity, where applicable.
- D. Number of parking spaces existing and required for the intended use
- E. A landscaping plan for implementing the buffering and open space requirements of the plan.

**SECTION 5. STANDARD OF REVIEW:** The recommendations of the Zoning Administrator shall be based on the following standards:

1. The extent to which the proposal conforms to the previous sections of these Zoning Regulations.
2. The extent to which the development would be compatible with the surrounding area and minimize any adverse impact on neighboring farmlands through appropriate buffers.
3. The extent to which the proposal conforms to the provisions of the County's Subdivision Regulations and Comprehensive Plan.
4. The extent to which the proposal conforms to customary engineering standards used in the County.

5. The extent to which the location of streets and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

**SECTION 6. DEVELOPMENT STANDARDS, “OVERLAY DISTRICTS”:** The Site Plan shall demonstrate the extent to which the structures, roads, driveways, open space, and other public and private improvements in designated “Overlay Districts” have been proposed to achieve the stated objectives. Project proposals in each “Overlay District” listed below subject to Site Plan Review shall demonstrate compliance with specific standards in each district. The overlay district regulations apply in addition to underlying zoning regulations, and in case of conflict, the overlay district regulations shall guide site plan review and approval.

Site plans shall show the extent to which structures, walkways, roads, signage, driveways, open space (if any), parking lots, and related on-site and off-site improvements are proposed and planned to achieve the objectives as stated in each of the following Overlay Districts:

1. Transitional Multi-Use Overlay District: all Suburban Tiers.
  - A. **“Transitional Multi-Use Overlay District” shall apply in all Suburban Tiers.** The site Plan shall demonstrate the extent to which the structures, walkways, roads, driveways, open space (if any), and parking lots in Suburban Tiers of the Jackson County Comprehensive Plan meet the objectives of the “Transitional Multi-Use Overlay District”. The Overlay District seeks to assure compatible land use transitions between the rural character of unincorporated Jackson County and the changing residential and commercial character of new development around the cities, where homes are developed, and commercial uses are established.
  - B. Applicable Area: As designated in the Comprehensive Plan Future Land Use Map “Suburban Tiers.”
  - C. Compliance
    - 1.) Any non-agricultural change in land use shall require a Special Use Permit.
    - 2.). Single-family residences shall be exempt from Site Plan Review, but shall require a subdivision plat for density greater than 20-acre lots on more than two contiguous parcels under single ownership.
  - D. Transitional Multi-Use Design Guidelines
    - 1.) Require development to coordinate and link with local city transportation infrastructure (including streets and pedestrian-oriented improvements).
    - 2.). All commercial development shall provide substantial vegetation buffering and screening.
    - 3.). All parking lots shall be planted with street landscaping as well as appropriate number of shade trees (one tree for every five parking spaces), and setback 20 feet from any public right-of-way or non-commercial property line..
  - E. Land Use Limitations.
    - 1.). Development should be compatible with the surrounding area, including planned future land uses, and should not limit or adversely affect the growth and development potential of adjoining lands or the general area in which it is proposed to be located. Compatibility shall consider, without limitation, the type and intensity of use.
    - 2.) Development shall be appropriately buffered and screened consistent with City regulations and by using generally accepted planning principles and techniques to minimize interference with adjoining properties and public roadways.

- 3.) All uses or activities shall be operated in such a manner as to not be objectionable by reason of noise, odor, dust, glare/light, fumes, smoke, gas, vibrations or other similar causes which would constitute a public nuisance.
- 4.) All uses shall have adequate public facilities, utilities, and services, in accordance with all applicable governmental regulations, prior to the commencement of operations.
- 5.) Commercial uses should be sited so that exterior finishes are compatible with the adjacent use. Outdoor refuse storage areas should be designed as residential refuse enclosures if adjacent to residences.

2. “U.S. 75 Highway Corridor Overlay District”

- A. The U.S. 75 Highway Corridor Overlay District intends to foster compatible design and community appearance along the highway. The District seeks to ensure that new development is compatible with highway access and best management practices for strip commercial development. The Site Plan shall demonstrate the extent to which the proposal achieves the objectives of this section.
- B. Applicable Area: As designated in the Comprehensive Plan Future Land Use Map “U.S. 75 Highway Tier” area.
- C. Compliance:
  - 1.) Proposals for non-residential rezoning shall submit a Planned Development (P – D) application.
  - 2.) Development approval subject to KDOT Highway access management rules.
- D. Land Use Limitations and Standards.
  - 1.) Site Plan Review shall be conducted by the Planning Commission and referred to the County Commission for final approval.
  - 2.) The “clustering” of commercial and retail uses should be encouraged close to intersections of the Highway and major streets.
  - 3.) Buildings visible from U.S. 75 Highway shall have either their main entrance or a principal wall facing the highway. These main entries or principal walls shall be emphasized by distinct and accented features scaled and oriented to the highway. Views of building-related elements such as service areas, parking lots, utilities, building equipment (e.g. roof-mounted air conditioners), loading docks, trash containers, and storage areas shall not be directly visible from U.S. 75 Highway.
  - 4.) Additions to existing buildings shall adhere to the setback standards in the underlying zoning requirements, however, building additions that correct or improve existing non-conforming or substandard conditions will be allowed.
  - 5.) All commercial, retail and business buildings other than industrially zoned buildings shall have a setback at least 50 feet from the nearest U.S. 75 Highway right-of-way line. All multi-family housing and all industrially zoned buildings shall have a setback at least 100 feet from the U.S. 75 Highway right-of-way.
  - 6.) All non-residential and multi-family housing parking lots shall be setback at least 20 feet from the nearest U.S. 75 Highway right-of-way line and loading areas shall not encroach into any required yard setback.

- 7.) Architectural design shall not be monotonous or without variation or variety and shall create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. Walls facing U.S. 75 Highway shall not appear to be the back or rear side of a building. The use of walls with little detailing, devoid of windows and/or doors, or completely blank, is prohibited if facing onto U.S. 75 Highway. Mirrored or reflective glass on buildings shall be designed to minimize glare onto U.S. 75 Highway. A coordinated color palette is required for all developments. No outside storage areas shall be directly visible from U.S. 75 Highway. Cooperative design/planning by adjoining property owners shall be addressed, and site plans shall reflect an understanding of and coordination with existing or proposed facilities on adjoining properties.
- 8.) Building facades that are 100 feet or greater in length shall incorporate recesses and projections along at least 20 percent of the length of the building façade. Windows, awnings, arches, and arcades must total at least 60 percent of the façade length abutting any public streets.
- 9.) Overly long horizontal facades shall be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, and landscaping. Visual relief for parking lots along the façade should be achieved horizontally through the use of landscaped fingers and islands containing trees and shrubs.
- 10.) Safe and efficient access to commercial strip development shall be designed to avoid potential vehicular and pedestrian conflicts. The development design shall include:
  - a. Location of median breaks along major thoroughfares
  - b. Number and location of entry drives
  - c. Design of entry drives
  - d. Traffic visibility

#### F. Compliance with guidelines

- 1.) Driveways should typically be spaced with a minimum of 125 feet from the intersections of major thoroughfares unless a one-way traffic flow is used. All other driveway and median openings should adhere to KDOT requirements.
- 2.) The ingress side of the main entrance drive should be the largest radius allowed by ordinance for better access into the site, particularly at major centers off of U.S. 75 Highway.
- 3.) Driveways should maintain an appropriate sight distance triangle at all perimeter entrances.
- 4.) Main entrance drives should generally be located at median breaks providing left turn access to and from the site. Continuation left-turn lanes should be broken with medians at major intersections.
- 5.) Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building.
- 6.) Service Facilities: Service areas should be appropriately located and designed to efficiently and inconspicuously serve the development without disrupting on-site circulation or adjacent land uses while maintaining visibility for security purposes. Site design shall include:

- a. Service facilities should generally be located in a central area to be used by several retail establishments.
- b. Service and docking facilities should be separate from main circulation and parking functions.
- c. Trash containers should be located in appropriately screened central service areas, and not visible from the public street.
- d. All dumpsters should be screened on all sides exposed to a public right-of-way or abutting residential use. All dumpsters should be shown on the approved site plan and whenever possible shall be clustered.
- e. Service areas should be easily accessible by service vehicles.
- f. Pad site service areas should be screened from the remainder of the development and physically separated from the circulation aisles and parking areas serving the remainder of the site.
- g. Pad site service areas should typically be screened by an extension of the building.
- h. Service facilities should be screened from the remainder of the project, adjacent land uses and major thoroughfares. Extended wing walls from the building may be used to screen service areas. When used, these walls may be of solid construction if lighted on both sides, or a minimum of 30% of open construction if lighted on only one side. A combination of landscaping and screening walls may also be used.
- i. Locate mechanical equipment in the designated service area and screen from the project and adjacent residential land uses.
- j. Limited outdoor storage will only be permitted in designated service areas that are screened from the remainder of the project, adjacent land uses and streets.
- k. Utility conduit and boxes should be painted to match building color.
- l. Roof mounted mechanical units shall be screened from view with a parapet wall, mansard roof, or other architectural extension, equal in height to the unit(s) except when that distance exceeds five (5) feet. In this case, an additional setback will be required at a ratio of two (2) feet horizontal for each additional foot of vertical height above five (5) feet.
- m. Landscape screens may include a combination of plant massings, earth berthing and walls.
- n. A ten (10) foot to fifteen (15) foot wide landscape buffer should be provided to separate the retail use from residential land uses. A masonry wall or combination wall and landscaping may be substituted for this buffer.

3. Agricultural Compatible Overlay District in Long-Term Development Tiers.

- A. The Site Plan shall demonstrate the extent to which the public and private improvements have been proposed to achieve the following objectives as presented in the Comprehensive Plan under the Land Evaluation and Site Assessment (LESA) program:

- B. Applicable Area: As designated in the Comprehensive Plan Future Land Use Map “Long-term Development Tier” areas:
- C. Compliance:
  - 1.) Proposals for other than single-family residential rezoning shall submit a Planned Development (P – D) application.
  - 2.) Proposals shall comply with the Land Evaluation Site Assessment (LESA) procedures and standards in the Comprehensive Plan
- D. Land Use Limitations and Standards:
  - 1.) Ensure compatibility with agricultural related uses on adjacent farmland and other natural resources and amenities available on the site through the Land Evaluation Site Assessment (LESA) assessment.
  - 2.) Ensure that coordination with the site development objectives of the County plan are considered, including dedication of easements and rights-of-way, through the LESA evaluation.
  - 3.) Meet other guidelines and standards of Site Plan Review and Planned Development zoning, if applicable, including dedication of rights-of-way of the thoroughfare plan.

## **ARTICLE XXXIV**

### ***NON-CONFORMING LOTS, BUILDINGS, AND USES***

#### **SECTION 1. NON-CONFORMING LOTS, BUILDINGS, AND USES WHICH MAY BE CONTINUED:**

1. A lot or group of lots which were platted and recorded in the office of the Register of Deeds prior to the effective date of this Resolution may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure on a lot or group of lots that do not conform with the minimum yard and height requirements unless specifically authorized by the Board of Zoning Appeals.
2. *Non-conforming Buildings.* The lawful use of a building located upon any land, except as provided in SECTION 2 below, may be continued although such use does not conform with the provisions of this Zoning Resolution and such use may be continued throughout the building if no structural alterations are made therein, except those required by law. If no structural alterations are made in such building, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any uses of buildings which may be made non-conforming by any subsequent amendment or change of this Zoning Resolution.
3. *Non-conforming Uses of Land.* The following lawful non-conforming uses of land may be continued.
  - A. A use of land which existed prior to the effective date of this Zoning Resolution.
  - B. A use of land existing at the time of the annexation.
  - C. A use of land existing at the time an amendment is made to the Zoning Resolution which changes such land to the more restricted district.

#### **SECTION 2. NON-CONFORMING USES WHICH MAY NOT BE CONTINUED:**

1. Whenever a non-conforming use of building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.
2. A non-conforming building which has been damaged to the extent of more than fifty (50) percent of its structural value by fire, explosion, act of God, or the public enemy shall not be restored, except in accordance with all regulations of the zoning district.
3. Any non-conforming use that discontinues operation for a period longer than six (6) months, shall thereafter not be continued unless it fully conforms to the district regulations.
4. Any use which is accessory to a non-conforming use shall not continue after the principal structure or use ceases or is discontinued.

## **ARTICLE XXXV**

### ***ENFORCEMENT, VIOLATION, AND PENALTY***

**SECTION 1. ENFORCEMENT:** The Jackson County Zoning Administrator shall administer and enforce this Zoning Resolution. Appeals from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals.

**SECTION 2. CERTIFICATE OF ZONING COMPLIANCE AND OCCUPANCY PERMIT REQUIRED:**

1. Subsequent to the effective date of this Zoning Resolution, except for agricultural uses, no change in the use of land nor any change in the use of an existing building shall be made until a certificate of zoning compliance and an occupancy permit have been issued by the Zoning Administrator. The certificate of zoning compliance shall state that the land and/or building complies with the provisions of this Zoning Resolution. The occupancy permit shall state that all requirements and conditions have been completed.
2. No permit for excavation or the erection or alteration of any building shall be issued before an application has been made and approved for a certificate of zoning compliance, and no building or premises shall be occupied until a certificate of occupancy is issued.
3. A record of all certificates of zoning compliance and occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request by any person having an interest in the land or building affected. Such copies shall be subject to a fee in accordance with a schedule of fees maintained by the Governing Body.
4. Buildings used for single-family purposes and exclusively for agricultural purposes shall be exempt from occupancy certificate requirements.

**SECTION 3. APPLICATION REQUIREMENTS:**

1. *Application.* Every application for a Certificate of Zoning Compliance shall be accompanied by a drawing, drawn to scale, showing the actual dimensions of the zoning lot in reference to a recorded plat, if any exists, and showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking, loading spaces, signs, building lines in relation to lot lines, the use to be made of such structures, and such other information as may be required by the Zoning Administrator for the proper enforcement of regulations

Every application for a zoning permit shall be deemed to be an application for an occupancy certificate, when required. Every application for an occupancy certificate for a new or changed use of land or structures where no zoning permit is required, shall be filed with the Zoning Administrator and be in such form and contain such information as the Administrator shall provide by general rule.

2. *Issuance.* Zoning and/or occupancy permits shall be either issued or refused by the Zoning Administrator within ten (10) days after the receipt of an application thereof or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a certificate of compliance, he shall advise the applicant in writing of the reasons for the refusal.
3. *Permit Revoked.* A permit issued in accordance with the provisions of these regulations may be revoked by the Zoning Administrator if he/she finds that, prior to the completion of the structure for which the permit was issued, there is a departure from the approved plans, specifications, and/or conditions required under the terms of the permit, or the same was issued under false representation, or that any other provisions of these Regulations are being violated.

4. *Period of Validity.* Permits shall become null and void ninety (90) days after the date on which they are issued unless within said period construction, structural alteration, or moving of a structure is commenced or a use is commenced. If the construction or work is abandoned or suspended for any one hundred eighty (180) day period after such a permit is issued, then application must be made for a new permit.
5. *Fees.* Any application for a zoning permit, including an occupancy certificate, or an appeal, variance, special use permit, or amendment (change in zoning district), shall be accompanied by such fee as shall be officially specified by resolution from time to time by the Governing Body.

#### **SECTION 4. VIOLATION AND PENALTY:**

1. The owner or agent of a building or premises in or upon which a violation of any provision of these Regulations has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation, or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (500) dollars, or by imprisonment for not more than six (6) months for each offense, or by both such fine and imprisonment. Each and every day that such violation continues shall constitute a separate offense.
2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of these Regulations, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

## ARTICLE XXXVI

### ***BOARD OF ZONING APPEALS***

**SECTION 1.** **BOARD OF ZONING APPEALS ESTABLISHED:** A Board of Zoning Appeals is hereby established. Such Board shall consist of not less than three (3) nor more than seven (7) members, all of whom shall be residents of the County, appointed by the Governing Body. None of the members shall hold any other public office of the County except that one member shall be a member of the Planning Commission. The members first appointed shall serve respectively for terms of one (1), two (2), and three (3) years, divided as nearly equally as possible among the members. Thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. All members of said Board shall serve without compensation.

**SECTION 2.** **ELECTION OF OFFICERS:** The Board shall annually elect one (1) of its members as chairman and shall appoint a secretary who may be an officer or an employee of the County.

**SECTION 3.** **RULES OF PROCEDURE:** The Board shall adopt rules in accordance with the resolution creating the Board.

**SECTION 4.** **MEETINGS:** Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

**SECTION 5.** **RECORDS:** The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board, and voting upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

**SECTION 6.** **FILING FEE:** The Governing Body, in the resolution creating the Board, shall establish a scale of fees to be paid in advance by the party appealing.

**SECTION 7.** **PUBLIC HEARING AND NOTICE:** The Board of Zoning Appeals shall fix a reasonable time for hearing of an appeal or other matter referred to it. Notice of the time, place, and subject of such hearing shall be published once in the official county newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the Planning Commission.

**SECTION 8.** **POWERS AND JURISDICTIONS:** The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the Zoning Resolution. The Board shall have the following specific powers:

1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the these Regulations.
2. To interpret the provisions of the Zoning Resolution in such a way as to carry out the intent and purposes of the adopted comprehensive plan, and as shown upon the zoning district map fixing the several districts and accompanying and made a part of this Resolution, where the street layout actually on the ground varies from the street layout as shown on the zoning district map.
3. To authorize, in specific cases, a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations in an individual case results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.

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

#### **SECTION 9. PROCEDURE:**

1. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the County, or any governmental agency or body affected by any decision of the official administering the provisions of this Zoning Resolution.
2. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.
3. Appeals and requests to the Board for variances and exceptions to this Zoning Resolution shall be prepared and submitted on forms approved and furnished by the Secretary of the Board.
4. After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in SECTION 7 above.
5. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the Zoning Administrator for filing and action, if action is required.
6. Any person, official, or governing agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the County, to determine the reasonableness of any such order or determination. Such appeal shall be filed within thirty (30) days of the final decision of the Board.

#### **SECTION 10. VARIANCES TO THIS ZONING RESOLUTION:**

1. The applicant must show that his or her property was acquired in good faith and, where by reason of exceptional narrowness, shallowness, or shape of his/her specific piece of property at the time of the effective date of this Zoning Resolution, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of this Zoning Resolution actually prohibit the use of his or her property in the manner similar to that of other property in the zoning district where it is located.
2. Variances for yard regulations may not be more than one-half (1/2) the required yard and shall not encroach upon the required setback for adjacent buildings.
3. In granting a variance, the Board of Zoning Appeals must satisfy itself, from the evidence heard before it, that:
  - A. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or the applicant.
  - B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

- C. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- D. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- E. Granting the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.

4. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination appealed from the Zoning Administrator. The Board may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the same powers as the Zoning Administrator from whom the appeal is taken. If the Board approves the variance, they shall notify the Zoning Administrator of their decision and shall instruct him to issue a permit. A time limit may be specified as a condition for granting the appeal.
5. Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance, a copy of which shall be filed in the office of the County or City Clerk as appropriate to be available for public inspection.

#### **SECTION 11. EXCEPTIONS TO THIS ZONING RESOLUTION:**

1. Exceptions to this Zoning Resolution, as authorized by the district regulations, shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.
2. Prior to review of the request of an exception by the Board of Zoning Appeals, the applicant shall:
  - A. File an application on forms provided.
  - B. File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.
  - C. File a form of declaration of restrictions indicating use, which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.
3. A site plan shall be filed with the application showing:
  - A. Legal dimension of the tract to be used.
  - B. Location of all proposed improvements including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.
  - C. Grade elevations.
  - D. Building setback from all property lines.

- E. Front, side, and rear elevations of all improvements to be erected.
- F. Perspective drawings of the proposed improvements in such detail as will clearly show the finished appearance of the improvements proposed.
- G. Location and type of planting, screening, or walls.
- H. Such other items as the Board shall deem reasonably necessary to process the application properly.

4. In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan and the health, safety, morals, comfort, and general welfare of the public, including but not limited to, the following factors:

- A. The stability and integrity of the various zoning districts.
- B. Conservation of property values.
- C. Protection against fire and casualties.
- D. Observation of general police regulations.
- E. Prevention of traffic congestion.
- F. Promotion of traffic safety and the orderly parking of motor vehicles.
- G. Promotion of the safety of individuals and property.
- H. Provision for adequate light and air.
- I. Prevention of overcrowding and excessive intensity of land uses.
- J. Provision for public utilities and schools.
- K. Invasion by inappropriate uses.
- L. Value, type, and character of existing or authorized improvements and land uses.
- M. Encouragement of improvements and land uses in keeping with overall planning.
- N. Provision for orderly and proper urban renewal, development, and growth.

5. Exceptions may be granted by the Board of Zoning Appeals only where special use permits are specifically authorized by the district regulations.

## **SECTION 12. PERFORMANCE:**

1. In making any decision varying or modifying any provisions of this Zoning Resolution or in granting an exception to the district regulations, the Board of Zoning Appeals shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.
2. In lieu of actual construction of an approved off-street parking lot, the Board of Appeals may accept, in the name of the County, a corporate surety bond, cashier's check, escrow account, or other like security in an amount to be fixed by the Governing Body and conditioned upon actual completion of such improvement within a specified time, and the Governing Body may enforce such bond by all equitable means. Bonds or other security shall be filed with the County Clerk.

## **ARTICLE XXXVII**

### **AMENDMENTS**

**SECTION 1. AMENDMENTS:** The Governing Body may, from time-to-time, amend, supplement, or change the district boundaries or regulations contained in this Zoning Resolution. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning Commission or upon application of the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for Public Hearing, recommendation, and report. The Planning Commission shall hold a public hearing thereon and shall cause an accurate, written summary to be made of the proceedings.

**SECTION 2. APPLICATION:** When the owner of the property affected proposes an amendment to any of these Regulations or to any zoning district created thereby, an application for such amendment shall be filed with the Zoning Administrator who will refer it to the Planning Commission for a hearing. The application shall be in such form and contain such information as shall be prescribed from time-to-time by the Planning Commission, but shall contain the following minimum information:

1. The applicant's name and address.
2. The precise working of any proposed amendment to the text of these Regulations.
3. In the event that the proposed amendment would change the zoning district of any property:
  - A. The name and address of the owner(s) of the property.
  - B. A general location and legal description of the property.
  - C. The present zoning district and existing uses of the property.
  - D. The dimensions of the property and the area stated in square feet or acres or fractions thereof.
  - E. An ownership list of names, addresses, and zip codes of the owners of all property located within one thousand (1,000) feet of the exterior boundaries of the property to be considered in the amendment application.

**SECTION 3. FILING FEE:** For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the Zoning Administrator a fee in the amount set out in the schedule of fees approved by the Governing Body. Promptly upon the filing of any such application, the Zoning Administrator shall refer the application to the Planning Commission for study and recommendation.

**SECTION 4. PUBLIC HEARING AND NOTICE:** Before the Planning Commission shall, by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or Planning Commission or by others, the Planning Commission shall hold a public hearing on such proposal. The secretary of the Planning Commission shall cause a notice of public hearing to be published once in the official county newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district, and if such proposed amendment will affect specific property, the legal description and general street address shall be given; provided that, in addition to such publication notice, written notice of such proposed change shall be mailed to all the owners of land located within one thousand (1,000) feet of the area proposed to be altered if the subject property is within the unincorporated area of the County, and within two hundred (200) feet where the notification area extends within the corporate limits of a city. An opportunity shall be granted to interested parties to be heard. Failure to receive such notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail.

**SECTION 5. ZONING CLASSIFICATIONS OF LESSER CHANGE:** In accordance with the provisions of K.S.A. 12-757, the Planning Commission and the Governing Body may recommend and approve a lesser change in zoning districts without re-publication of a notice or re-distribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below. If the applicant at the Governing Body meeting, at which a zoning amendment is being considered, desires to amend the application and/or the Governing Body desires to consider a “lesser” zoning change, then such a proposed change shall be returned to the Planning Commission for reconsideration and further recommendation to the Governing Body without further publication or notice.

For the purposes of this section, zoning classifications of lesser change shall be as shown below, based on descending order of use restriction:

***Most Restrictive to Least Restrictive***

“A – 1”	General Agriculture District
“A - 2”	Commercial Agricultural District
“R – R”	Rural Residential District
“R – 1”	Single-Family Dwelling District
“R – 2”	Two- and three-family Dwelling District
“R – 3”	Multiple Family Dwelling District
“B – 1”	Neighborhood Commercial District
“B – 3”	General Commercial District
“B – 4”	Highway Service District
“I – 1”	Light Industrial District
“I – 2”	Heavy Industrial District

***Least Restrictive***

Because of the specialized and unique purposes of the “F – P” Floodplain; “G – 1” Recreation; “L – P” Lake Protection; “R – C” Rural Center; “P-D” Planned Unit Development; “M – P” Manufactured Housing Park; and “B – 2” Central Business, “W – C” Wind Energy Conversion Systems (WECS) Overlay, “FRD” Floodwater Retarding Dam Breach Impact Overlay, and “H – C” Highway Access Control Districts, they are not included in the table of lesser zoning changes and are excluded from designation through the lesser change provisions.

**SECTION 6. PROTEST:** If a protest against such amendment is filed in the office of the Zoning Administrator within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, said protest being duly signed and acknowledged by the owners of record of twenty (20) percent or more of any real property proposed to be rezoned or by the owners of record of twenty (20) percent or more of the total area required to be notified of the proposed rezoning of a specific property, excluding streets and public ways, the resolution adopting such amendment shall not be passed except by at least a three-fourths (3/4) vote of all the members of the Governing Body.

**SECTION 7 APPLICATION LIMITATIONS:** The Zoning Administrator shall not accept any application for zoning change that does not comply with Section 2 hereof. The Zoning Administrator shall not accept any application for zoning change if within the previous twelve (12) months the Planning Commission has denied an application for a similar amendment on the same property, or property contiguous thereto.

**SECTION 8. MATTERS TO BE CONSIDERED IN MAP AMENDMENTS:** In order to recommend approval or disapproval of a proposed zoning district map amendment, the Planning Commission shall determine whether the application is found to be generally compatible with surrounding development in the proposed district based upon the following considerations.

1. Character of the neighborhood
2. Consistency with the comprehensive plan and regulations of the County.
3. Adequacy of public utilities and other needed public services.
4. Suitability of the uses to which the property has been restricted under its existing zoning.

5. Length of time property has remained vacant as zoned.
6. Compatibility of the proposed district classification with nearby properties.
7. The extent to which the zoning amendment may detrimentally affect nearby property.
8. Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.

## ***ARTICLE XXXVIII***

### ***VALIDITY AND EFFECTIVE DATE***

**SECTION 1.** **VALIDITY:** 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, said provisions to be completely severable from the remaining provisions of these regulations, 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 Governing Body by resolution and publication of such resolution once in the official county newspaper.

APPROVED by the Jackson County Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

ATTEST: \_\_\_\_\_, Chairman

\_\_\_\_\_, Secretary

ADOPTED by the Board of Commissioners of Jackson County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

(S E A L)

\_\_\_\_\_, Commissioner

\_\_\_\_\_, Commissioner

ATTEST:

\_\_\_\_\_, County Clerk

(Approved by Resolution No. \_\_\_\_\_ by the Board of Commissioners of Jackson County, Kansas,  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_)