



**Agenda  
Harper County  
Board Of County Commissioners  
Harper County Courthouse**

Monday, July 27, 2020 - 9:00 a.m.

A. Call To Order

B. Pledge Of Allegiance

C. Public Comment

Citizens are encouraged to speak to items on the agenda when recognized by the Chairman. Citizens desiring to speak to matters not on the agenda may do so at this time. Comments are limited to five (5) minutes and the Commission will take no action on items not on the agenda. Items introduced under Public Comment may become agenda items at a later date.

D. Approval Of Minutes

E. Payment Of Vouchers

F. Items Of Business

1. Jennifer Wolff - Department On Aging/Public Transport - 9:15 A.m.

- Department Update

Documents:

[REQUEST FOR COUNTY BOARD ACTION 072720.PDF](#)

2. Heather Struble - Health - 9:30 A.m.

- Department Update

Documents:

[BOCC REQUEST 072720.PDF](#)

3. Jan Harding - EMS - 9:45 A.m.

- Department Update
- Continuity of Operations Plan

4. Matt Booker - Zoning Administrator - 10:00 A.m.

- Public Hearing - Zoning Regulation Changes

Documents:

7-21-2020.PDF  
ARTICLE 3 DRAFT 072720.PDF  
ARTICLE 2 DRAFT 072720.PDF  
ARTICLE 4 DRAFT 072720.PDF  
RESOLUTION ADOPTING REVISIONS 2020-00.PDF  
BOCC CHECKLIST ZONING REGULATION CHANGES.PDF

5. Melinda McCurley - Community Development - 10:15 A.m.

- CID Application

6. Ami DeLacerda - HR - 10:30 A.m.

- Department Update

7. Mike Elliott - Buildings And Grounds - 10:45 A.m.

- EMS Parking Lot

8. Curt Logsdon - Public Works - 11:00 A.m.

- Department Update

G. Correspondence

H. Adjourn

# HARPER COUNTY



## REQUEST FOR COUNTY BOARD ACTION

Items *must* be received in the Board Assistant's Office by **12:00 Noon** on the **Thursday** prior to the scheduled meeting to be considered.

**Item #:** \_\_\_\_\_  
(Assigned by Board)

**Meeting Date: July 27<sup>th</sup>, 2020**

**Department: Aging & Transportation**

**Item Requested: Dept update, Mobility Manager Update**

Summary of the Issue:

- June Dept on Aging Update
- Kdot/CTD#9 Mobility Manager Update
- Harper Senior Center Aug closed dates: 8/4 Voting, 8/5,6,7 – County Fair

Background:

In Feb Harper Co committed to CTD#9 to be a part of the 3<sup>rd</sup> Year cost share on the new Mobility Manager position. This will equate to \$800 in Year 3 – our FY2023.

Funding:

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Recommendation:



# *HARPER COUNTY*

## **REQUEST FOR COUNTY BOARD ACTION**

Items *must* be received in the Administrator's Office by 12:00 Noon on the Thursday prior to the scheduled meeting to be considered.

**Item #:** \_\_\_\_\_  
*(Assigned by Administrator)*

**Meeting Date: 07/27/2020**

**Department: Health**

**Item Requested: See Below**

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Review and approval of the Policy and Procedure Manual for the Harper County Health Department.

COVID-19 Update for Harper County.

**HARPER COUNTY HEALTH DEPARTMENT  
MANUAL UPDATES**

Changes made by:	Date:	Section (s) Changed:
Sherry Vienthaler	11/9/2018	Vaccination Fee Policy
Sherry Vienthaler	1/28/2019	Manual Index Condem Distribution Policy, Questionnaire, Report Form
Sherry Vienthaler	2/4/2019	IAP Standing Orders
Sherry Vienthaler	5/18/2019	Emergency Intervention Policy; Pandemic - EP Guidelines; Infection Control Policy; Risk Management Policy; Universal Precautions Policy; EP Policy.
Sherry Vienthaler	3/6/2019	Fiscal Management Policy
Sherry Vienthaler	3/12/2019	Condem Distribution Policy
Sherry Vienthaler	3/20/2019	Hx of HCCHD
Sherry Vienthaler	5/21/2019	Salaried Personnel Policy
Sherry Vienthaler	6/12/2019	Agency Hx
Sherry Vienthaler	8/28/2019	Standing Orders
Sherry Vienthaler	10/14/2019	Org. Chart / Program Assignments / Hx
Sherry Vienthaler	11/20/2019	Org. Chart / Program Assignments / Hx
Sherry Vienthaler	12/20/2019	Agency Hx; issued equipment form
Sherry Vienthaler	12/29/2019	Agency Hx
Sherry Vienthaler	1/14/2020	Vaccination Fee Policy
Sherry Vienthaler	3/10/2020	Medical Supply Sign Out Sheet
Sherry Vienthaler	3/11/2020	Open Records Procedure
Sherry Vienthaler	3/11/2020	Mileage & Travel Time Policy
Heather Struble	4.14.2020	Organizational Chart
Heather Struble	4.14.2020	Program Assignments
Heather Struble		Signature & Initials Legend
Heather Struble	4.14.2020	Emergency Procedures for Anaphylactic Shock
Heather Struble	4.14.2020	Hx of the HCCHD
Heather Struble	4.14.2020	KS Reportable Disease Form





**Harper County Planning Board**

**And Board of Zoning Appeals**

**Minutes of Meeting July 21, 2020**

**Agenda #1** Steve Bellesine called the meeting to order at 7:00 p.m. at the Harper Senior Center, Harper, Kansas.

**Agenda #2** Roll call of the Planning Board was taken. Steve Bellesine, Larry Olivier, Kevin Alexander and Debra Blanchat were present. Recording Secretary, Jackie Keim and Zoning Administrator, Matt Booker were in attendance. (Attendance list on file.)

**Agenda #3** Alexander made a motion to approve the agenda. Olivier seconded it. Passed 4-0.

**Agenda #4** Alexander made a motion to approve the minutes, with a spelling correction, for the February 28, 2020 meeting. Olivier seconded it. Passed 4-0.

**Agenda #5** Deputy County Clerk, Kelsey Murphy, preformed the Oath of Office for new member, Debra Blanchat.

**Agenda #6** Bellesine called for the Public Hearing for revisions to the Zoning Regulations. Zoning Administrator, Matthew Booker, then proceeded to discuss the proposed changes. Changes were made for dog kennels, accessory dwellings and site plan conditions. Alexander made a motion that the proposed Zoning Regulations for the unincorporated area for Harper County, as amended, including the Official Zoning Maps and the current Floodplain Management Regulations be readopted as a Model Code dated July 21, 2020 and they be recommended to the Board of County Commissioners for approval by an effectuating Resolution for Harper County.

**Agenda #7** Bellesine called for the Election of Officers. Bellesine nominated Alexander. He declined. Alexander nominated Bellesine as Chairperson, along with Olivier as Vice Chairperson and Jackie Keim as Secretary. Blanchat seconded the motion. Voted 4-0.

**Agenda #8** Booker gave a report of the activities for the last few months in the County. He gave a briefing about the upcoming case for the Special meeting next week.

**Agenda #9** No unfinished business.

**Agenda #10** No new business.

**Agenda #11** Olivier made a motion to adjourn the meeting. Alexander seconded it. Passed 4-0.

Respectfully submitted:

Approved by the Planning Board:

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Jackie M. Keim  
Recording Secretary

Steve D. Bellesine  
Chairperson

CC: County Commissioners, Planning Board Members, Zoning Administrator, County Clerk, Planning Consultant, County Sanitarian, City Clerk Liaison Representatives, County Attorney, Economic Development Coordinator

**ARTICLE 3. GENERAL PROVISIONS**

**100 Activities Governed by these Regulations.**

- A. New Structures. All structures built hereafter shall comply with all of the provisions of these regulations. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage, by any means, shall be considered to be a structure built hereafter, unless Article 8 of these regulations permits such structures to be rebuilt or restored. (See Section 2-102 for definition of STRUCTURE.)
- B. New Uses of Old Structures. If a use of any structure is hereafter changed to another, then the new use must comply with the use regulations of these regulations, unless permitted by provisions in Article 8. The mere establishment of the new use does not require an existing structure to conform to the lot size requirements or the bulk regulations.
- C. Structural Alterations. If any structure is hereafter structurally altered as defined in Section 2-102:
  - 1. The entire structure as altered shall comply with the use regulations of these regulations.
  - 2. Any alterations, enlargements or additions to the structure shall comply with the bulk regulations of these regulations, except as permitted by Section 8-102B for nonconforming structures.
  - 3. 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.
- D. Uses of Open Land. If any use of open land is hereafter established or if any use of open land is hereafter changed to another use, such new use shall comply with all the provisions of these regulations, unless permitted by Sections 8-103 and 106.
- E. Exemptions. The following structures and uses shall be exempt from the provisions of these regulations:
  - 1. Poles, wires, cables, conduits, vaults, lift stations, 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, but not including major utility substations located on or above the surface of the ground. (See Section 3-103F for lot size and bulk regulations for utility facilities.)

2. Railroad tracks, signals and similar facilities and equipment located on railroad rights of way, and maintenance and repair work on such facilities and equipment. Related bridges are exceptions but not from the floodplain district.
3. Buildings, structures or land used, but not just leased, but the federal government.
4. Use of land for agricultural purposes as defined in Section 2-102, including accessory buildings and structures thereon **not** in a designated floodplain. When any land or accessory buildings or structures cease to be used only for agriculture, then it shall be subject to the applicable provisions of these regulations.
5. Drilling and operation of oil and gas wells.

**101 Districts, Zoning Maps and Boundaries.**

- A. Establishment of Districts. The zoning jurisdiction is hereby divided into the districts as described in Article 4. References to "agricultural districts" shall mean those districts in which agricultural uses are the predominant activity. References to "residential districts" shall mean those districts in which residential uses are the main permitted use. References to "business districts" shall mean those districts in which commercial uses are the main permitted uses. References to "industrial districts" shall mean those districts in which industrial uses are the main permitted use. The "floodplain district" is considered an overlay zone to be used in conjunction with the other districts.
- B. Zoning Maps.
  1. The boundaries of the districts described in Article 4 are as indicated on the Official Zoning Map(s) which is on file with the Zoning Administrator and identified on its face as part of these regulations. The zoning map(s) with all notations, references and other matters shown thereon is as much a part of these regulations as if specifically set forth herein. (See Section 9-100A9 for zoning map(s) certificate and revisions.)
  2. It is the intent of these regulations that the entire area of the zoning jurisdiction, including all the land and water areas, rivers, streets, alleys and railroads and other rights of way, be included in the districts established in these regulations. Any area not shown on the zoning map(s) as being included in any district shall be deemed to be in the most restrictive district.
- C. Boundaries. In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the Official Zoning Map(s), the following rules shall apply:

1. Where boundary lines are indicated as approximately following roads, streets, alleys, easements, railroads, rivers, streams or water, such boundaries shall be construed as following the centerlines thereof, unless otherwise indicated.
  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 the district boundaries do not coincide with the location of boundaries as stated in Sections 3-101C1 or 2 above, the district boundaries shall be determined by the use of the scale shown on the zoning map, unless an exact distance is shown.
- D. 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.

**102 General Requirements for All Zoning Districts.**

- A. Permitted Uses. No structure shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located or provided for otherwise in these regulations. (See Section 2-102 for definition of PERMITTED USES.)
- B. 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 is approved in the same manner as for an amendment to a zoning district except that the Official Zoning Map is not amended. The latter procedure is set forth in Section 11-101 with the additional requirement that all conditions further imposed upon the special use be made a part of the effectuating resolution. (See Section 2-102 for definition of SPECIAL USE.)
- C. Conditional Uses. No use of a structure of land that is designated as a conditional use in any zoning district shall hereafter be established, and no existing conditional use shall hereafter be changed to another conditional use in such district, unless a conditional use as an exception is granted by the Board of Zoning Appeals as provided for in Section 10-108. (See Section 2-102 for definition of CONDITIONAL USE.)

D. Lot Sizes.

1. No structure, or part thereof, shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied, arranged or designed for use of occupancy on a zoning lot, unless otherwise provided for in these regulations, which in its district is:
  - a. Smaller 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.

E. Bulk Regulations. In these regulations, bulk requirements are expressed in terms of maximum structure height, maximum lot coverage, minimum setbacks and minimum front, side and rear yards.

1. No structure, or part thereof, shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied or designed for use or occupancy:
  - a. That would exceed the maximum lot coverage percentage or the maximum structure height specified for the zoning district in which the structure is located, unless exempted by the definition of maximum height, or
  - b. That would provide any minimum setback of a front, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained, except as front yard setbacks may be applied in Sections 3-103B and C and front and side yard setbacks for nonconforming structures and uses in Article 8.
2. Where independent dwelling units are to be sold as condominiums, bulk regulations shall not apply to each individual ownership, but shall be applied to the entire zoning lot.

F. Use Limitations. No permitted, special or conditional use hereafter established, altered, extended, enlarged or moved 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, special or conditional use already established on the effective date of these regulations shall be altered, extended or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located. (See Sections 8-102, 103 and 106.)

- G. 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 off-street parking and off-street loading space required by Article 5 are 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 space which would be required by Article 5 are provided.
- H. Accessory Structures or Uses. No accessory structures or use, as defined in Article 6, shall hereafter be built, altered, extended, enlarged or moved, unless such accessory structure or use is permitted by Article 6.
- I. Temporary Structures or Uses. No temporary structure or use shall hereafter be built, altered, extended, enlarged or moved, unless such temporary structure or use is permitted by Article 6 of these regulations.
- J. Home Occupations. No home occupation, as defined by Article 6, shall hereafter be established, altered, extended, enlarged or moved in any residential district, unless such home occupation complies with the permitted uses, conditions and use limitations as provide for in Article 6.
- K. Signs. No signs shall hereafter be built, and no existing signs shall be altered, enlarged or moved, unless such sign complies, or will thereafter comply, with the restrictions imposed by Article 7.

**103 Miscellaneous Requirements.**

- A. Number of Structures and Uses on a Zoning Lot.
  - 1. Whenever a zoning lot is used for a single-family detached dwelling, or any type of manufactured or mobile home, only one principal structure and use may be located on the lot, but only when the structure and use conform to all requirements of the district in which the lot is located.
  - 2. Whenever a zoning lot is used for other than a residential unit as described in Section 3-103A1 above, more than one principal structure and use may be located on the lot in common ownership, but only when the structures and uses conform to all requirements of the district in which the lot is located.
- B. Platted Building Setback Lines. If a recorded subdivision plat imposes a building setback line or a front line or a front yard for a lot which is different from the minimum setback or yard required by the applicable section of these regulations, then, notwithstanding any other provision of these regulations, the minimum building

setback or front yard shall be the same as that shown on such subdivision plat; provided, that it has been recorded and not otherwise been officially vacated.

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

D. Restrictions on Allocation and Disposition of Required Yards or Open Space.

1. No part of the lot area, or of a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, or of a yard, or open space, or off-street parking or loading space required for any other structure or use, except as specifically provided herein.
2. All of the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with these regulations shall be located on the same zoning lot as such structure or use.
3. No part of the lot area, or of the yard, other open space, or off-street parking or loading space provided in connection with any structure or use, including but not limited to any structure or use existing on the effective date of these regulations or of any amendment thereof, shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for the equivalent new construction.

E. Permitted Obstructions in Required Yards. The following shall **not** be considered to be obstructions when located in a required yard: (See Section 9-101A3 for principal or accessory buildings or structures or uses locating on or projecting over public easements.)

1. In all yards: Open terraces or patios not over four feet above the average level of the adjoining ground, but not including a permanent roof over a terrace or patio; awnings; canopies including underlying islands for petroleum pumps; steps four feet or less above grade which are necessary for access to a permanent structure or for access to conform to the standards of the federal Americans with Disabilities Act of 1990 as incorporated into state statutes; fire escapes, one story bay windows and overhanging eaves and gutters projecting 30 inches or less into the yard; chimneys, entrance hoods, window wells, wing walls and daylight windows projecting 30

inches or less into the yard; arbors and trellises; flagpoles and basketball goals; ornamental light or gas fixtures; parking, when permitted by Article 5; accessory and temporary uses, when permitted by Article 6; signs, when permitted by Article 7; and when otherwise specifically permitted by the district regulations. Attached garages, carports, patio covers, porches and decks are not permitted obstructions.

2. In any yard except a front yard: Accessory uses meeting the bulk regulations of Section 6-100C; children's recreational and laundry drying equipment; and open and closed fences not exceeding six feet in height with additional height permitted for security design measures. (See Section 6-100B for required zoning permit.)
3. Fences in front yard: On lots with single family dwellings and all types of manufactured and mobile homes, fences not exceeding four feet in height are permitted which are constructed with at least 75% open space. In all other circumstances, including decorative walls as perimeter boundaries and entryways to subdivisions, open and closed fences are permitted which do not exceed six feet in height with additional height permitted for security design measures. (See Section 6-100B for required zoning permit.)
4. Construction standard for all fences: No fence shall be constructed which will constitute a hazard to traffic or a danger to persons or animals.
5. Conditional use for fences: The Board of Zoning Appeals may as a conditional use approve the construction of higher fences and/or less open space in all yards and in any district if the Board finds that the public welfare is preserved.

F. Lot Size Requirements and Bulk Regulations for Utility Facilities and Communication Facilities. Notwithstanding any other provision of these regulations, none of the following utility or communication facilities shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located, except when they are accessory structures to principal structures or uses. (See Section 3-100E1 for Exemptions.)

1. Communication structures.
2. Electric and telephone substations.
3. Gas regulator stations.
4. Pumping stations.
5. Water towers or standpipes.

G. Access to Business and Industrial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any business or industrial district.

H. Sewer and Water Facilities.

1. 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 provided within an economically feasible distance.
2. In areas where such public facilities are not yet available and on-site wells, cisterns and septic tank systems or wastewater lagoons are necessary, the suitability of the lot and the standards for installation of such on-site water supply and sewage disposal systems shall be governed by the County Sanitary Code.
3. No building or addition thereto shall be erected over or across any public water, sewer or other utility line, nor upon any platted or recorded easement, unless such easement is vacated or special permission is granted in writing by the County and the public utility whose lines are involved, if any. (See Section 9-101A3 for Zoning Permits.)

- I. Dedication of Rights of Way and Easements. As a condition related to a rezoning amendment or a special use, the dedication of additional street rights of way; easements for utilities, drainage, access control, fire lanes, building setback lines and other purposes; and the construction, removal or replacement of public improvements necessary to the proper development of the property, may be required either by platting or replatting the land according to the applicable Subdivision Regulations or, in lieu of platting, by a legal document effectuating such dedications and improvements. Such condition may be required whether the property is being divided or held in single ownership. A stated time limit not exceeding one year may be established to ensure compliance with the above conditions during which time the effectuation of the zoning amendment or special use having been approved with such conditions by the Governing Body shall be withheld from publication by the Clerk. Failure to comply with the conditions during the stated period shall result in making the zoning amendment or special use null and void. No extension of the time period may be granted without reapplication.

- J. Floodplain Requirements. Within any floodplain area as delineated by the Federal Emergency Management Agency, no use of land shall commence or no structure shall hereafter be constructed, structurally altered, extended, enlarged or moved under these regulations, unless it also complies with the floodplain regulations. (See Section 4-109 for County FP Floodplain District.)

- K. Moving Structures. No structure shall be moved into the jurisdiction, nor from one location to another location within the jurisdiction unless such structure shall, when

relocated, be made to conform fully with these regulations. No zoning permit shall be issued, unless in the opinion of the Zoning Administrator the height, age, architectural style and texture of the materials pertaining to the outward appearance of such structure reasonably conform to other buildings in the block or surrounding area to which it is moved and in the block or 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. Modifications in the appearance of such a structure as proposed by the applicant may be considered in making such a decision and conditions may be attached to the issuance of the permit by the Administrator to achieve conformance. (See County resolution, if any, on moving structures.)

L. Replacement or Location of Manufactured or Mobile Homes or RV Campers.

Notwithstanding other provisions of these regulations, the Zoning Administrator is authorized to issue a zoning permit for various types of manufactured or mobile homes or RV campers under the following provisions:

1. Wherever a manufactured or mobile home is moved from a zoning lot within a district in which it is a permitted use or an approved special or conditional use, only a manufactured home meeting the requirements of the district as a replacement may be moved onto the lot at any time.
2. In the case of a lawful, nonconforming manufactured or mobile home use, such a move must take place within 90 days from the date that the previous manufactured or mobile home was moved off the lot, otherwise such use shall not thereafter be reestablished and, when so moved in, only a manufactured home which has been built within the last 10 years is permitted as a replacement and such home must be skirted or placed on a permanent-type, enclosed perimeter foundation. In reestablishing such a home use, any nonconformity bulk regulations shall not be increased in nonconformity and no newly acquired land can be added to the zoning lot for placement of such a home.
3. In the event of disasters, such as fires, tornados or floods, whereby expediency is an important factor, a manufactured or mobile home or RV camper may be located temporarily in any district at the discretion of the Zoning Administrator with appropriate conditions attached and for a stated period of time.
4. As an accessory use to a principal residential building under construction or reconstruction for not more than 18 months. Such manufactured or mobile home or RV camper 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 permit is approved for good cause.

5. The Board of Zoning Appeals may approve a conditional use for a manufactured or mobile home or RV camper in the following circumstances:
  - a. Where an unusual hardship is shown, such a home or camper may be located as an accessory use on a lot or tract with an existing dwelling for a stated period of time. The time period may be extended upon a request to the Board without further notice or fee.
  - b. As an accessory use to a principal farm dwelling on agricultural land as defined herein for outside the city for additional assistance on a farm or ranch. No zoning permit is required; however, an agricultural compliance certificate is necessary to determine the status of the land for the agricultural exemption. (See Section 2-102 for definition of AGRICULTURE)
6. As an accessory use for a watchman or custodian (including a family), a manufactured home or RV camper may be located in all business and industrial districts and on land used for nonagricultural and nonresidential purposes in agricultural districts.
7. No manufactured or mobile home, or portion thereof, shall be moved onto any lot or parcel or an existing manufactured or mobile home converted for storage or any other purpose than for a residence in any district and no such home shall be temporarily or permanently located in any district not otherwise permitting such homes. These provisions do not preclude the use of prefabricated mobile structures designed for offices in business or industrial districts, but not manufactured or mobile homes unless specifically permitted.

M. Vision Triangle. On all corner lots in all districts, no use of land shall commence or no structure shall hereafter be constructed, structurally altered, extended, enlarged or moved after the effective date of these regulations unless it also conforms to the requirements of the vision triangle as defined by Section 2-102.

**104 Site Plan Approval.** The purpose and intent of requiring site plan approval is to encourage the compatible arrangement of buildings, infrastructure, off-street parking and loading, lighting, signage, screening, buffering, landscaping, ingress and egress and drainage on and from the site, any or all of these in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Once a site plan has been reviewed and approved, no changes shall be made except for minor revisions due to unforeseen circumstances as may be determined and approved by the Zoning Administrator. If other than minor revisions are requested, the changes must be shown on a revised plan, transmitted to and approved by the ~~respective Site Plan Review Committee~~ Planning Board.

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~~To undertake the quasi-judicial site plan review and approval process, a Site Plan Review Committee shall be created for the County. The Committee membership shall be appointed annually or on a staggered term basis by the Governing Body which shall consist of one County Commissioner, two Planning Board members and two members from the public at large. Each Committee may select technical advisors to assist them in ex-officio capacities. Following the initial appointments and each subsequent appointment by the County, the Committee shall annually elect a chairperson, vice-chairperson and secretary for officers. All respective committee meetings shall be open to the public and an opportunity to be heard extended to the Applicant and other persons present. All Committees shall adopt Bylaws for the orderly transaction of business.~~

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A. Applicability. All principal land use developments shall submit site plans for approval by the ~~Site Plan Review Committee Zoning-Planning Board Administrator~~ except single-family dwellings, unless the latter are arranged in courtyard or grouped settings. Such plans are applicable to all new developments and major alterations to an existing site which intensify factors affecting the overall design relationships. Site plans ~~may~~ will be considered concurrently with applications for rezoning amendments and special uses.

B. Enforcement and Appeal. No zoning permit shall be issued by the Zoning Administrator until the related site plan is approved. ~~by the Site Plan Review Committee~~. Anyone aggrieved by a decision of the ~~Review Committee Zoning-Planning Board Administrator~~ may appeal to the Board of Zoning Appeals within 30 days for a determination based on the reasonableness of the site plan decision including any conditions attached thereto. The procedure, hearing and notification of the appeal shall be the same as required for an appeal case to the Board of Zoning Appeals in Section 10-106.

C. Fees. Processing fees are including in the adopted Fee Schedule.

~~D. Submittal Time and Review Comments. Site plans shall be submitted to the Zoning Administrator 20 days before a regular Review Committee meeting so that they can be distributed to interested parties for review and the resulting comments summarized by the Zoning Administrator for a report to the respective Review Committee. The Administrator shall compile the final approval report and maintain the files.~~

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~~E. Number of Plan Copies. A minimum of 8 copies are needed for proper review with additional ones required when necessary to display the scope of the project as may be determined by the Zoning Administrator. At the discretion of the Applicant, separate plans may be submitted to properly present the design details for such features as landscaping, lighting, etc.~~

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F. General Site Plan Requirements:

1. Oriented to north with north arrow and scale plus dimensions and boundary lines for the zoning lot with legends for graphic clarity.

2. Show the location and dimensions of all rights of way, access control, easements and setback lines either required by these regulations or by platting.
  3. Topography by contour lines required only if slopes exceed 5% or buffer berms are used.
  4. Show general directional flow of storm drainage by arrows. Provide pad elevations when sites are located in designated floodplain areas.
  5. Locate existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.
  6. Show existing and proposed access entrances or curb cuts, driveways, off-street parking, loading spaces and walkways, including type of surfacing and number and dimensions of parking spaces.
  7. Indicate location, height and materials for screening walls or fences and landscaped areas, including grass, trees and shrubs.
  8. Show location, direction and intensity of proposed lighting.
  9. Locate all major signs by type, height and approximate size.
  10. Indicate location of outdoor work areas: displays: storage of supplies, equipment and vehicles: and trash disposal areas.
- G. General Conditions of Approval. All site plans must meet the applicable standards contained in both the Zoning and relevant sections of the Subdivision Regulations including the following:
1. Proposed uses are permitted or have been approved as a special or conditional use in the district in which the property is located.
  2. Proposed arrangement of buildings, off-street parking, loading, access, lighting, signage, landscaping, buffering, screening, and drainage is compatible with adjacent land uses.
  3. Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well.

4. Site plan provides for the safe movement of pedestrians within the site and connecting to adjacent land uses when determined to be beneficial to community connectivity.
  5. In addition to agricultural cover, there is sufficient mixture of grass, trees and shrubs within the interior and perimeter (including public right of way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, outdoor activities, loading or access ways shall be landscaped with a mixture of grass, trees and shrubs.
  6. All outdoor trash disposal areas are screened and outdoor work and storage areas screened where necessary.
- H. Assurances. Site plan performance is assured by issuance of a zoning permit and occupancy certificate. All plant materials shall be healthy and landscaping, screening and/or buffering in place prior to issuance of an occupancy certificate. A temporary certificate may be issued as provided for in Section 9-101B2 without the landscaping installation: provided, that written assurances or sufficient guarantees are submitted satisfactory to the Zoning Administrator that the planting will take place when the proper season arrives.

Landscaping must be maintained in a healthy, disease-free and debris-free condition or it will be considered a violation of these regulations and become subject to the following maintenance procedures.

1. It shall be the responsibility of the property owner, to maintain in good condition, all of the required screening, buffering and landscaping improvements on their property. When it is determined by the Zoning Administrator that required improvements are not being maintained, it is his or her duty to give notice of violation in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The owner shall have not less than 30 days to comply with the notice: provided, however, that any person aggrieved by any such order and disagreeing with any of the requirements of the notice may file an appeal under Section 10-106 within the 30-day period with the Board of Zoning Appeals.
2. If the owner of the land has failed, refused or neglected to make the necessary maintenance repairs within the time of the notice or time designated by the Board, then the Zoning Administrator shall cause such maintenance to be done to the property. The cost of maintenance shall be certified by the Administrator to the Clerk, who shall cause the costs to be assessed against the property on which the maintenance repairs were made.

- I. Review Criteria. From time to time, the Planning Board with the approval of the Governing Body may adopt or amend design review in the form of policy statements to assist in reviewing site plans. All site plans must be prepared and reviewed in accordance with adopted Site Plan Review Criteria.

**ARTICLE 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS**

**100 Rules of Interpretation.**

- A. 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, comfort and general welfare.
- B. 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.
- C. Private Agreements. The provisions of these regulations are not intended to abrogate any lawful and valid easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The County does not have a responsibility to enforce such private agreements.
- D. Unlawful Uses. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become or made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure remains unlawful hereunder.
- E. Not a Licensing Regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to located, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.
- F. Effect on Existing Permits. For all purposes except single-family residential developments platted and recorded after January 1, 1992, nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any land or structure in the event that: (See Section 2-100G for Vesting of Development Rights.)
  - 1. A zoning permit for such use of land or structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendment thereof; and
  - 2. Such permit had not by its own terms expired prior to such effective date; and

3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
  4. There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permit other than the purchase of land or preparation of design plans; and
  5. Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
  6. Construction pursuant to such permit is completed prior to the expiration of such permit (See Section 9-101A7 for Period of Validity.); and
  7. When the use of land or a structure is completed under a permit to which this Section 2-100F applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the zoning permit was issued.
- G. Vesting of Development Rights. For the purpose of single-family residential developments according to K.S.A. 12-764, as amended, development rights in such land use shall vest upon recording of a final plat of such land after January 1, 1992. If construction of a principle structure is not commenced on such land within five years of recording a final plat, the development rights in such land shall expire and, thus, all revisions to zoning or subdivision regulations becoming effective during the period vested shall thereafter apply to such platted land. For such plats recorded on or after July 01, 2009, such construction must take place within 10 years to be vested.

**101 Rules of Construction.**

- A. In the construction of these regulations, the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise.
1. The singular number includes the plural and the plural the singular.
  2. The present tense includes the past and future tenses and the future and the present.
  3. The word “**shall**” is mandatory while the word “**may**” is permissive.

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 an individual, firm, corporation, association, partnership, trust, governmental body and agency, and all other legal entities.
  6. The words “**Governing Body**” when applied to land and structures in the unincorporated area of **Harper County**, the words mean the **Board of County Commissioners of Harper County, Kansas**.
  7. The word “**Clerk**” means the County Clerk.
  8. The word “**Attorney**” means the County Attorney.
  9. The words “**Planning Commission**” mean the Harper County Planning Commission.
  10. The words “**Comprehensive Plan**” mean the adopted and approved Comprehensive Development Plan for the unincorporated area of Harper County, Kansas, which includes, among other elements, a plan for land use.
  11. The word “**Board**” means the Harper County Board of Zoning Appeals.
  12. The words “**zoning jurisdiction**” mean the area as defined in Section 1-103 for which the jurisdiction of these regulations is applicable for zoning purposes.
  13. Unless otherwise specified, all distance shall be measured horizontally.
- B. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
- C. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary.

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

**ACCESSORY DWELLING:** An accessory use dwelling unit that may be constructed wholly within, or may be detached from, a principal single-family dwelling unit which shall be subject to the following standards:

1. A maximum of one accessory dwelling may be allowed on the same zoning lot as a single-family dwelling unit;

- ~~2. The appearance of an accessory dwelling shall be compatible with the principal dwelling and the character of the neighborhood;~~
- ~~3. The lot on which the accessory dwelling is to be located must meet the minimum lot area as required for the lot size in the relevant zoning district. (See LOT COVERAGE.)~~
- ~~4. The off-street parking space and standards required for Section 5-101A1 must be met;~~
- 5.2. Separate or shared utility connections may be utilized subject to meeting all requirements of the County Sanitary Code;
- ~~6. Temporary, prefabricated structures may be used as accessory dwellings for limited periods of time; and~~
- ~~7.3. An accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit until it is subdivided according to the Subdivision Regulations for the County of Harper, and not be subdivided or sold as a condominium. A suitable deed restriction stating this restriction must be filed with the Harper County Register of Deeds prior to issuance of any occupancy certificate for the accessory dwelling.~~

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**ACCESSORY USE OR STRUCTURE:** As defined in Article 6.

**ADULT CARE CENTER:** A facility in which care and activities are provided on an hourly or daily basis for adults of all ages. The latter arrangement is not construed to be a “nursing home”. It may also be referred to as an “adult day care” facility. Such centers are licensed under regulations established and administered by the Kansas Department of Health and Environment. (See Section 6-102C8 for adult care center limitations as home occupation.)

**ADULT CARE HOME:** A residential facility operated as a home occupation for not more than four adults wherein care and activities are provided on an hourly or daily basis or limited nursing care is provided on a 24-hour basis. Such homes may also be referred to as “home plus” and are licensed under regulations established and administered by the Kansas Department of Health and Environment. Standards for such definitions may be periodically amended by changes in state regulations. Applications may be made to the Board of Zoning Appeals for a conditional use to allow up to eight adults to be cared for as a home occupation.

**AGRICULTURE:** The use of a tract of land under one ownership 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. Such definition includes the structures that are necessary for carrying on farming operations and, as an accessory use, the dwelling of the owner or operator of the premises including modular and manufactured homes used as the principal farm residence.

Such principal activity shall also include trucking service businesses that are not to include truck salvage yards. Application may be made to the Board of Zoning Appeals for a conditional use for locating a manufactured or mobile home with such an existing dwelling for additional assistance on the farm or ranch. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming. Such definition shall not include lands used for recreational purposes or rural home sites whose primary purpose is for residential use and not the production of income from a farming operation. Privately owned and operated wildlife hunting preserves are also considered an agriculture use.

So long as such land, related structures and accessory residences are used for such bona fide agricultural purposes, these regulations do not require a zoning permit or an occupancy certificate, nor do they establish any other rule or regulation contrary to the provisions of K.S.A. 12-758(b). To assist the Zoning Administrator in determining if a proposed building, structure or use meets the definition of agriculture, any applicant seeking agricultural exempt status must complete and file a certificate of compliance. Any person aggrieved by a decision of the Zoning Administrator in interpreting the definition of agriculture may appeal to the Board of Zoning Appeals for a determination. Surrounding nonagricultural landowners should be aware that Kansas is a "right to farm" state under K.S.A. 2-3201, et seq., which limits nuisance suits and injunctions if an agricultural activity is being conducted in conformity with federal, state and local laws. (See Section 3-103L5b for an accessory manufactured or mobile home to agricultural land as a conditional use.)

**AIRCRAFT:** Any contrivance now known or hereafter invented for use in or designed for navigation of or flight in the air.

**AIRPORT:** (Including Landing Strip, Heliport or Helistop.) Any premises which are used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used, or intended for use, for airport buildings or other airport structures or rights of way, together with all airport buildings and structures located thereon.

**ALLEY:** A minor public right of way along the side of or in the rear of lots intended to provide a secondary means of access to abutting lots and to and from streets.

**ALTERATION:** See STRUCTURAL ALTERATION.

**ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. This does not include open kennels or runs, unless specifically permitted by the district regulations.

**APARTMENT:** See DWELLING, MULTIPLE-FAMILY.

**APPEAL:** See Section 10-106 for description.

**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 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 or major overhaul.

Such use does not include open sales lots for new or used vehicles nor provide rental equipment, unless specifically permitted by the district regulations.

**AWNING:** A roof-like cover that is temporary in nature which projects from the wall of a building and which may overhang a public sidewalk area.

**BASEMENT:** That portion of a building located wholly or partially underground, but having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**BED AND BREAKFAST HOME OR INN:** A dwelling where for compensation one or more rooms are available for lodging and breakfast served to lodgers only. When conducted as a home occupation, such facilities are designated as “homes”. When designated as an “inn”, such facilities may be operated as a home occupation or as a business enterprise. When specifically permitted, tea rooms for a limited number of customers may be operated in conjunction with bed and breakfast inns.

**BLOCK:** A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights of way, waterways, city limits or other property lines.

**BOARDING OR ROOMING HOUSE:** A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging only or with meals are provided for four or more boarders and/or roomers exclusive of the occupant’s family. Individual cooking facilities are not provided. (See FAMILY.)

**BUILDING:** Any covered structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, horticultural products or chattels. Interconnected buildings shall be considered as one building.

**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 yards and setbacks. (See Section 3-103G for utility and communication facilities exemption.)

**BUSINESS AND PROFESSIONAL OFFICE:** The office of an architect, attorney, dentist, doctor, engineer, landscape architect, real estate or insurance agent or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

**CAMPGROUND:** Any parcel of ground which provides space for transient or semi-permanent occupancy and is used or intended to be used for the parking of one or more RV camper and for single-wide, portable housing structures, the latter are sometimes referred to as cabins. The term campground does not include sales lots on which unoccupied campers whether new or used are parked for the purpose of storage, inspection or sale.

**CANOPY:** Any structure, movable or stationary, open on three sides without supporting posts, which is attached to and projects from a wall of a building for the purpose of sheltering a drive-up facility, platform, stoop, entranceway or sidewalk from the elements including a motor vehicle; or an independent roof-like structure supported by posts with no sidewalls for the purpose of sheltering a gasoline service area or drive-in facility. In any event, the sheltering of motor vehicles

is for temporary parking and unloading only and not a permanent parking or storage space. (See Section 3-103F1 for Permitted Obstructions.)

**CAPACITY IN PERSONS:** The maximum number of persons that can avail themselves of the services or goods of an establishment, at any one time, with reasonable comfort.

**CARPORT:** A structure for shelter and temporary or permanent parking space for motor vehicles and recreational vehicles either attached to a building or independent thereof which may be enclosed on one or more sides. Such carports are not permitted obstructions under Section 3-103F1. (See CANOPY.)

**CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.

**CHILD CARE FACILITIES:** Definitions for facilities which provide care for children are established by state law and promulgated by regulations of the Kansas Department of Health and Environment. Standards for such definitions may be periodically amended by changes to state regulations and are automatically incorporated herein. The following facilities are licensed or registered by the department:

1. **Group Boarding Home:** A non-secure facility providing 24-hour residential care for not less than five nor more than 10 persons unrelated to the caregivers. Emergency shelter and maternity care may be provided.
2. **Child Care Center:** A facility in which care and educational activities for 13 or more children two weeks to 16 years of age are provided for more than three, but less than 24 hours per day, including before and after school care for school age children.
3. **Preschool:** A facility such as a "nursery school" providing learning experience for children of less than kindergarten age, but who are 30 months or older, where sessions do not exceed three hours per day.
4. **Day Care Home:** A home or facility in which care is provided for a maximum of 10 children under 16 years of age.
5. **Group Day Care Home:** Similar to day care homes except that care is provided to a maximum of 12 children under 16 years of age.
6. **Family Day Care Home:** A home in which care is provided for less than 24 hours per day for a maximum of six children who are less than 16 years of age, but of whom not more than three children are less than 18 months.

(See Section 6-100B11 for child care facilities for employees and Sections 6-102C and D for home occupations permitted and prohibited.)

**CLUB:** An organization licensed as a Class A or B club for the purpose of consuming alcoholic beverages either for or not for profit under K.S.A. 41-2601, *et seq.*, as amended. (See FRATERNAL or SERVICE CLUB and TAVERN AND DRINKING ESTABLISHMENT.)

**CONDITIONAL USE:** The use of a structure or land that is not permitted outright within any zoning district, but when specifically authorized and listed in these regulations as a conditional use such

use may be granted as an “exception” by the Board of Zoning Appeals. Conditions may be attached to the approval of such uses by the Board so that they may be more compatible to the particular location within a district. (See Section 10-108 for Conditional Uses.)

**CREW CAMPS:** A grouping of factory-built housing structures and/or RV campers which are used for transient or semi-permanent residential occupancy. Such a group may include single or double-wide modular or portable housing structures, manufactured homes, or various types of RV campers and any combination thereof. Zoning for such a grouping shall limit the number of such dwelling accommodations and a period of time for the zoning to remain effective. Such time period may be considered for extension upon reapplication of the zoning case specifically for the latter extension. A crew camp of limited size and single-ownership operation may be located as an accessory use in conjunction with other businesses and industrial uses in designated business and industrial zoning districts.

**DENSITY:** Restrictions on the number of dwelling units that may be constructed per acre or per square feet of a zoning lot area.

**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 for purchase, a lessee having a remaining term of not less than 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.

**DISTRICT:** A section or sections of the zoning jurisdiction for which the regulations governing the use of building and land, the height of buildings, the size of yards, and the intensity of use are uniform.

**DOG KENNEL\*:** A dog is any canine species over six months of age.

1. ~~Hobby Kennel: Premises housing five to 10 dogs owned by the resident of the premises.~~
2. ~~Boarding/Breeding/Training Kennel: (a) Premises housing five or more dogs of which three or more are owned by someone other than the resident of the premises; and (b) any premises housing over 10 dogs. Such kennels must have a minimum lot size of five acres, unless all dogs are harbored indoors with no discernable noise or odor at the property line. The outside perimeter boundary of the entire kennel site, i.e., its zoning lot, shall be constructed no closer than 600 feet from a dwelling unit other than that which may be on the same property as the kennel.~~

~~Plan Approval Guidelines: In order to assure that such a proposed kennel meets the requirements of these regulations and will be compatible with the surrounding properties and uses, it is hereby required that all applications include a site plan of the general area which must be approved prior to any construction on the property. The site plan shall accompany the application and no application shall be deemed complete nor set for public hearing until said site plan is submitted. Furthermore, the site plan shall include a more~~

detailed **development plan**, drawn to scale, showing location and orientation of all existing buildings, structures and pens.

~~\*Note: Dog kennels, except for greyhounds, are further regulated by state statutes and regulations administered by the Kansas Department of Agriculture.~~

**DOG KENNEL: Dog kennels are defined, and regulations administered by the Kansas Department of Agriculture.**

**DRIVE-IN ESTABLISHMENT:** An enterprise which accommodates the patrons parked automobiles and from which the occupants may make purchases, transact business or view motion pictures or other entertainment. Such definition does not include a drive-through facility such as located at banks or restaurants.

**DWELLING:** A building, or portion thereof, which is designed or used for residential occupancy including a condominium and a modular home, but not a group home as herein defined, an earth-sheltered dwelling, a residential-design manufactured home or a manufactured or mobile home, unless any of the latter are specifically permitted.

**DWELLING, ATTACHED:** A residential building which is joined to another dwelling at one or more sides by a party wall or walls, including walls of an attached garage. Separate ownership of attached dwelling units known as common lot line housing or "twin homes" shall be accompanied by a recorded lot split unless already platted into individual lots. All utilities and facilities must be independent of each other, unless provided by an association of condominium or town house owners under K.S.A. 58-3101 et seq., respectively and platted as common ownership.

**DWELLING, DETACHED:** A residential building which is entirely surrounded by open space on the same lot.

**DWELLING, SINGLE-FAMILY:** A residential building containing one dwelling unit only or a group home as defined herein.

**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 family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

**EARTH-SHELTERED DWELLING:** A single-family dwelling constructed so that 50% or more of the exterior surface area of the building, excluding garages and other accessory structures, is covered with earth. Such a dwelling is a complete structure that does not serve just as a foundation or substructure for above-grade construction. A partially completed building shall not be considered earth-sheltered. Bulk regulations shall be measured from the structural part of the dwelling as distinguished from the earth covering.

**EASEMENT:** A public dedication or private grant by the property owner of the specific use of a strip of land by others. Limitations apply on what type of principal or accessory buildings or structures can be located on a public easement. (See Section 9-101A for Zoning Permits.)

**EXOTIC ANIMALS OR BIRDS:** Animals or birds not commonly kept domestically or that are not native to the zoning jurisdiction and/or the United States. Exotic animals or birds include, but are not limited to wolves including all wolf/canine hybrids, bears, lions, tigers, cougars, all other large carnivorous animals, tropical birds not authorized within the United States and poisonous or dangerous snakes and reptiles. Birds in the ratite family such as emus, ostriches and rheas as well as llamas and potbellied pigs shall not be considered as exotic birds or animals.

**FAMILY:** Either (1) an individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (2) a group of not more than four adult persons who need not be related by blood, marriage or adoption, living together as a single, non-profit 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. No more than three boarders or roomers are permitted as part of a housekeeping unit. (See BOARDING OR ROOMING HOUSE and Section 6-102B3 for home occupation limitations.)

**FENCE:** A free-standing structure using commonly acceptable materials such as metal, masonry, glass, plastic or wood or any combination thereof, resting or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes, but which does not pose a threat to public safety or health and is designed and constructed in such a manner as to produce an aesthetically pleasing appearance. Fences constructed of metal roofing materials, fork-lift pallets, portions of vehicles or appliances and the like are not permitted. (See Section 3-103E2-5 for fences as permitted obstructions and Section 6-100B for required zoning permits.)

**FLOOR AREA:** For computing off-street parking requirements, floor area shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include all floors, except that space which is used for storage or for group meeting rooms.

**FRATERNAL OR SERVICE CLUB:** 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. 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. (See CLUB.)

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

**GARAGE, PRIVATE:** A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

**GARAGE, REPAIR:** A building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

**GARDEN STORE:** A store which sells growing plants, seeds, bulbs, shrubs, trees and gardening and landscaping tools, implements and supplies, including lawn furniture.

**GROUP HOME:** A dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability which is a physical or mental impairment as defined by K.S.A. 12-736. The two staff residents need not be related by blood or marriage to each other or to the other residents of the home. Such a dwelling must be licensed by the Kansas Department of Social and Rehabilitation Services or the Kansas Department of Health and Environment. (See DWELLING, SINGLE-FAMILY.)

**HAZARDOUS WASTE FACILITY:** An on-site or off-site facility or part of a facility or modification of an existing facility which includes all contiguous land, structures and other appurtenances and improvements on the land utilized for the purpose of treating, storing or disposing of hazardous waste. Such term shall also mean a hazardous waste injection well. In addition to this definition of facility, all related definitions pertaining to hazardous wastes as contained in K.S.A. 65-3430 and as may be amended from time to time are hereby incorporated by reference into the definitions of these regulations.

**HEIGHT, MAXIMUM:** A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. No part of any structure shall project through such plane except:

1. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, solar panels, water tanks and similar roof structures needed to operate and maintain the building on which they are located and signs where permitted by Article 7: (See Section 7-102C for Height of Sign.)
2. Flagpoles, water towers and tanks, steeples, bell towers, carillons, monuments, cupolas, electric transmission line towers, commercial wind energy projects and private wind energy conversion systems. (See Section 6-100B14 for private wind energy conversion systems.); and
3. Communication structures without white strobe lights during night time hours as an accessory structure which do not exceed 100 feet in County agricultural and industrial districts only. Also exceptions to the maximum height in all districts are antennas for licensed amateur radio and citizens band operators as well as wireless cable TV antennas on masts. Communication structures include (1) antennas, and (2) broadcasting and microwave transmitting and relay towers for television, radio and cellular telephone systems and other similar forms of electronic communication. In all districts, applicants may apply for a special use to construct a communication structure which may exceed the height limitations for such structures. The Board may adopt criteria in the form of a policy

statement to assist in the review of such special use applications. (See Section 6-100B6 for satellite dish antennas. Section 6-100B7 for communication structures, antennas and aerials and Section 3-103G for lot size and bulk regulations exemption.)

**HOME OCCUPATION:** As defined in Article 6.

**HOTEL:** A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise, but not a bed and breakfast home or inn.

**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, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

**LOT:** See LOT, ZONING.

**LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER:** A lot abutting upon two or more streets at their intersection. (See LOT LINE, REAR and YARD, FRONT.)

**LOT COVERAGE:** That percentage of a lot which when viewed directly from above, would be covered by a principal building or accessory building or any part thereof, excluding projecting roof eaves and recreational activity areas for basketball, racquetball, swimming, tennis and similar activities. (See BUILDING)

**LOT DEPTH:** The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** The boundary line of a zoning lot. (See LOT, ZONING.)

**LOT LINE, FRONT:** A street right of way line forming the boundary of a lot. (See, LOT, CORNER.)

**LOT LINE, REAR:** The lot line that is most distant from and is or is most nearly, parallel to the front lot line. If a rear lot line is less than 10 feet long or if the lot comes to a point at the rear, the rear lot line shall be a line at least 10 feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard and/or the side yard.

**LOT LINE, SIDE:** A lot line which is neither a front lot line nor a rear lot line. (See LOT LINE, REAR.)

**LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds or a parcel of land described by metes and bounds of which the deed was recorded prior to the adoption of these regulations.

**LOT, REVERSE FRONTAGE:** A lot whose rear lot line also serves as the street line for a limited access highway or street. With complete access control on the rear lot line, the abutting yard is considered to be a rear yard. (See LOT, THROUGH and YARD, REAR.)

**LOT SIZE REQUIREMENTS:** Restrictions on the dimensions of lots including (1) minimum lot area, width and depth; and (2) maximum density. Lot area, width and depth establish the minimum size of the zoning lot on which a structure or use or two or more structures or uses, may be constructed or established. (See Section 3-103F for utility and communication facilities exemption.)

**LOT, THROUGH:** A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lines, but in the case of two or more contiguous through lots, there shall be a common front lot line. Sometimes referred to as a double frontage lot. (See LOT, REVERSE FRONTAGE.)

**LOT, WIDTH:** The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the established front yard setback line.

**LOT, ZONING:** A parcel of land that is designated by its owner or developer at the time of applying for a zoning permit as a tract all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of: (1) a single lot of record, or (2) a portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

**MANUFACTURED HOME:** A factory-built structure or structures equipped with the necessary service connections and made so as to be transportable as a unit or units on its own running gear and designed to be used as a dwelling unit with or without a permanent-type, enclosed perimeter foundation. The transportation system is designed so that the home may be moved from time to time at the convenience of the owner. The term shall include two or more separately towed units which are designed to be bolted or otherwise fastened together to form a complete living unit. Such homes are built on a chassis consisting of drawbar and coupling mechanism, frame (e.g., steel I-beams), running gear assembly and lights. Removal of any and all of these component parts does not change the definition. All such homes shall be either skirted according to the manufacturer's design and construction standards or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas under K.S.A. 75-1226, *et seq.*, as amended, shall be anchored to the ground or secured to a permanent-type foundation. All manufactured homes must meet the standards of the National Manufactured Home Construction and Safety Standards of 1976, otherwise referred to as the "HUD Code". Additions may be made to such homes for patios, porches, carports, garages, storage structures and living space provided such additions are designed and constructed by a manufactured home factory or meet applicable building codes. Overhead structures which cover or enclose a home are not permitted; however, a protective roof covering which is used to remedy a deteriorating roof condition is permitted. Under no

circumstances shall two or more single-wide homes be permitted to connect together in any manner on the same zoning lot, nor shall such homes be attached to or integrated with the design of a site-built dwelling unit. (See MOBILE HOME and RESIDENTIAL-DESIGN MANUFACTURED HOME.)

**MEDICAL, DENTAL OR HEALTH CLINIC:** Any building designed for use by two or more full-time professional persons engages in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and naturopaths, and in which no patients are lodged overnight, but which may include an apothecary.

**MINI-STORAGE FACILITY:** A building or group of buildings that contain varying sizes of individual, compartmentalized and controlled-access stalls and/or lockers for the indoor storage of customer's goods or wares. Outdoor storage may be permitted, but only when specifically permitted by these regulations. The operation shall not include a transfer and storage business where the use of vehicles is part of such a business.

**MOBILE HOME:** A factory-built structure or structures equipped with the necessary service connections and made so as to be transportable as a unit or units on its own running gear and designed to be used as a dwelling unit with or without a permanent-type, enclosed perimeter foundation. The transportation system is designed so that the home may be moved from time to time at the convenience of the owner. The term shall include two or more separately towed units which are designed to be bolted or otherwise fastened together to form a complete living unit. Such homes are built on a chassis consisting of a drawbar and coupling mechanism, frame (e.g., steel I-beams), running gear assembly and lights. Removal of any or all of these component parts does not change the definition. All such homes shall be either skirted according to the manufacturer's design and construction standards or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas under K.S.A. 75-1226, et seq., as amended, shall be anchored to the ground or secured to a permanent-type foundation. Additions may be made to such homes for patios, porches, carports, garages, storage structures and living space provided such additions are designed and constructed by a manufactured home factory or meet applicable building codes. Overhead structures which cover or enclose a home are not permitted; however, a protective roof covering which is used to remedy a deteriorating roof condition is permitted. Under no circumstances shall two or more single-wide homes be permitted to connect together in any manner on the same zoning lot, nor shall such homes be attached to or integrated with the design of a site-built dwelling unit. (See MANUFACTURED HOME and RESIDENTIAL-DESIGN MANUFACTURED HOME.)

**MODULAR HOME:** A single-family dwelling located on a permanent foundation and connected to public utilities, consisting of pre-selected, pre-fabricated units or modules, and transported to and/or assembled on the site of its foundation; in contrast to a residential building which is custom built on the site of its permanent location; and also in contrast to a manufactured or mobile home of any width which is located on a permanent foundation. In general, such modular homes shall have exterior building materials and somewhat similar appearances to custom built residential buildings and meet the standards on the applicable building codes.

**NONCONFORMING LOT OF RECORD:** A zoning lot which does not comply with the lot size requirements for any permitted use in the district in which it is located. (See Sections 8-100A and 101 for Nonconforming Lots of Record.)

**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. (See Sections 8-100B and C. 102 and 103 for Nonconforming Structures and Uses.)

**NURSING OR CONVALESCENT HOME:** An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including institutions for the care and treatment of mental illness, alcoholism or narcotics addiction. Regulations of the Kansas Department of Health and Environment designate such homes as "Adult Care Homes."

**OCCUPANCY CERTIFICATE:** A certificate by which the Zoning Administrator certifies that upon completion of an applicant's proposed structure and/or use or change in use that it complies with these regulations and, therefore, may be occupied and/or used. When applicable, such a certificate may be combined with the issuance of a certificate of occupancy as required by a building code. (See Section 8-103H for Change in Use and Section 9-101B for Occupancy Certificates.)

**PERMITTED USE:** A use of a structure or land which is permitted outright within a zoning district because of its suitability to the purpose of the other uses so designated. When a use may appear to be classified under more than one permitted use as well as a special or conditional use in any district, the most specific description or narrowly defined wording is applicable. The Zoning Administrator is authorized to issue zoning permits and occupancy certificates for such permitted uses when all other requirements of the regulations have been met.

**PORTABLE STORAGE UNIT:** A container specifically designed for storage or a converted former metal shipping container which is used for general storage purposes and painted a neutral color. Such a unit requires location on the ground, but is not permanently attached to the ground or to anything on the ground. Access is granted by doors on one or both ends. No other signage is permitted on the unit other than business identification signage of modest size. (See Section 2-102 for definition of STRUCTURE.)

**PREMISES:** A contiguous lot or tract of land together with all buildings and structures thereon.

**PRINCIPAL STRUCTURE:** The main use of land or structures as distinguished from a subordinate or accessory use.

**RECREATIONAL VEHICLE (RV):** A vehicle or a unit that may be independently motorized or may be mounted on or drawn by another vehicle, which is primarily designed and used for travel, camping, recreation, temporary living or occasional use. Recreational vehicles include motor

homes, mini-motor homes, converted buses, converted camper vans, pickup and truck campers, camping trailers, fifth-wheel trailers, boats and boat trailers, jet skis and jet ski trailers, all-terrain vehicles (ATVs) and similar vehicles. Conventional vans and pickup trucks with or without slide-in

pickup campers or toppers are not considered to be recreational vehicles nor are small trailers used for hauling animals, equipment or household goods of the occupant of the dwelling whereon such trailer is parked. (See Section 6-100B for storage of recreational vehicles.)

**RECYCLING CENTER:** A location where clean, source-separated, recyclable materials are accepted or deposited by the public for transfer elsewhere. As distinguished from the operation of salvage yards or hazardous waste facilities, such recyclable materials consist only of aluminum and steel cans, glass, paper, plastic, reusable containers and materials capable of being composted. A center must be maintained in a litter-free condition on a daily basis. The name and phone number of a responsible party must be clearly posted in case a problem occurs. Such a center may be further classified as follows: (See Sections 6-100B12 and 101G for recycling centers.)

1. **Small recycling collection center:** A center for collection containers or reverse vending machines not exceeding 100 square feet in ground area which may be approved by the Zoning Administrator as an accessory use in all business and industrial districts and on church and public property. Such a center may be located in the required front yard in business and industrial districts and on public property if proper vehicular safety and parking standards can be maintained.
2. **Large recycling collection center:** A center for collection containers larger than 100 square feet in ground area, on-site trailers, bulk-feed reverse vending machines, vehicles on-site during operating hours only and the like. As an accessory use, such a center may be approved by the Board of Zoning Appeals as a conditional use in all business and industrial districts and on church and public property.
3. **Recycling processing center:** A principal use in industrial districts only for handling the collection and processing of large volumes of bulky materials, some of which may originate at other recycling centers. Mechanical equipment may be used such as forklifts, balers, smashers and other related equipment. Outdoor storage may be permitted including composting operations.

**RESIDENTIAL BUILDING:** A building all or part of which contains one dwelling unit, such as single-family dwellings, earth-sheltered housing and modular homes.

**RESIDENTIAL-DESIGN MANUFACTURED HOME:** A structure manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards generally known as the HUD Code established in 1976 pursuant to 42 U.S.C. Sec. 5403. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with the County Sanitary Code. Such a structure shall be on a permanent-type, enclosed perimeter foundation which has minimum dimensions of 22 body feet in width, a pitched roof, siding and roofing materials which are customarily used on site-built homes, and which

complies with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:

1. The roof must be predominately double-pitched and have a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches which may include a gutter.
2. Exterior siding shall be of a non-reflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed.
3. The home shall be installed in accordance with the recommended installation procedures of the manufacturer. A continuous, permanent-type foundation shall be installed under the perimeter of the home which is similar in material and appearance to a site-built house.
4. At the main entrance door there shall be a landing that is a minimum of 20 square feet.
5. The moving hitch, axles, wheels and transporting lights must be removed at the time of installation of the home on the lot.
6. The finished floor of the home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
7. If 50% or more of the frontage of existing site-built housing on both sides of the street on which the residential –design manufactured home is to be installed have a garage and/or similar percentage have a covered porch or recessed entry, such a home shall also provide a garage and/or porch or entry based on the percentages determined by the Zoning Administrator. On a corner lot, the street shall mean that street on which the frontage of the façade has been designated for the household address number. External roofing and siding material of such garage, porch or entry shall be similar in appearance to the materials on the roofing and siding of the residential-design manufactured home.

For purposes of these regulations, the term “manufactured home”, when used by itself, shall not include a “residential-design manufactured home” as herein defined. Nothing in these regulations shall be construed to preempt or supersede valid restrictive covenants running with the land as to the placement or location of a residential-design manufactured home. (See MANUFACTURED HOME or MOBILE HOME.)

**RESTAURANT:** A public eating house, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, fast food restaurants and soda fountains, but not a drive-in establishment unless specifically permitted by the district regulations. Drive-through facilities such as service from a window, however, are permitted. (See DRIVE-IN ESTABLISHMENT.)

**RETAIL STORE:** A building where goods are kept for retail sale which is selling on the premises in small quantities to the ultimate consumer for direct consumption and/or use and not for resale.

Sales at auctions and sales lots for motorized vehicles, manufactured or mobile homes and recreational vehicles and the like are not considered as retail sales.

**SALVAGE YARD:**

1. Any land or building used for the collection or storage or sale of wastepaper, trash, rags, fibrous material, scrap metal or other discarded material; or for the collecting or dismantling or storing or salvaging of machinery or unlicensed motor vehicles not in operating condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures.
2. In residential districts, this definition shall prevent the storing of any more than two inoperable or unlicensed motor vehicles on the premises for a period of more than 72 hours which are in the process of restoration to operating conditions, unless such vehicles are stored inside a structure or screen from public view including adjacent properties. Similar provisions apply to nonfarm dwellings in agricultural districts, except that after the time period has expired, the two vehicles must be stored out of public view, i.e., from a roadway or adjacent property.

**SCREENING:** Fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fences or evergreen vegetation. When fencing is used for screening, it shall be not less than six or more than eight feet high, unless otherwise provided.

**SETBACK, BUILDING:** A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the front street right of way. The setback distance shall be measured from the existing right of way line or the proposed right of way line, whichever is the greater. (Note: Proposed right of way lines are based on the Comprehensive Plan and are further specified in the Subdivision Regulations for arterial, collector, local and marginal access streets.) (See YARD, FRONT.)

**SIGN:** Any writing (including letters, word or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols or trademarks), flag, banner, streamer, pennant, string of lights or display calculated to attract the attention of the public or any other figure of similar character which:

- a. Is a structure or any part thereof or a portable display, or is attached to, painted on, or in any other manner represented on a building or other structure or on the ground;
- b. Is used to announce, direct attention to, or advertise; and
- c. Is not located inside a building.

**SPECIAL USE:** A use of a structure or land which is not permitted outright within a zoning district because of characteristics that might have an adverse effect upon nearby properties or the future development of the district unless certain conditions can be placed on the use which would make it suitable to the purpose of the district and compatible to the other uses so designated. Such uses are "special" in that they are often large, one-of-a-kind, private or public uses serving as community facilities and/or whose location would have planning implications for a neighborhood or a larger area. Designated special uses are processed in the same manner for a hearing as zoning

amendments, except that a particular use is applied for within a district and conditions may be recommended by the Planning Board and attached to their approval by the Governing Body. (See Section 11-101 for Special Uses.)

**STORAGE, OUTDOOR:** The storage of goods and materials outside of any building or structure when specifically permitted by these regulations, but not including storage of a temporary or emergency nature or of new or used goods and materials on display for sale except when such display is permitted. Such storage does not permit the storing or parking of motor vehicles including recreational vehicles or utility trailers for sale at any location in any residential district. (See Section 5-100A1 for utilization of parking facilities exemption and Section 6-100B13 for outdoor storage.)

**STRUCTURAL ALTERATION:** Any change in a structure other than normal repairs and maintenance which may prolong its useful life; or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or any complete rebuilding of the roof; or the exterior walls; or the construction of any addition to or enlargement of a structure; or the removal of any portion of a structure. For the purpose of these regulations, the following shall not be considered a structural alteration:

- 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.

(See Section 3-100C for Structural Alterations and Section 3-103E for Permitted Obstructions in Required Yards regarding fire escapes.)

**STRUCTURE:** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, but not including hard surfaced walks, mail boxes, utility poles, fire hydrants, street light fixtures or street signs. Fences, driveways, parking spaces and signs other than street signs are considered to be structures. (See BUILDING.)

**TAVERN AND DRINKING ESTABLISHMENT:** An establishment which may be open to the general public wherein alcoholic liquor or cereal malt beverages are sold by the individual drink to customers for consumption on the premises. Such establishments shall include a Class B club. (See CLUB.)

**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.

**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.

**VARIANCE:** See Section 10-107 for description.

**VISION TRIANGLE:** A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection. Within the vision triangle, no one shall install, construct, plant, park or maintain any sign, fence, hedge, shrubbery, tree, natural growth or other obstruction including automobiles, trucks and other large vehicles or trailers which would materially impede vision between the heights of 33 inches and eight feet materially above the street level. These restrictions shall not apply to signs as provided for in Section 7-102J2 as well as official traffic signs, signals and utility poles. Such area on a corner lot shall have two sides which are measured from the center of the lot line intersection and a third side across the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extending in a straight line to a point of intersection. In all residentially zoned districts, the two sides forming the lot line intersection shall be a minimum distance of 30 feet and in all other zoning districts such distance shall be 20 feet.

**YARD:** Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in Section 3-103F.

**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 front lot line shall be considered a front yard. (See LOT LINE, FRONT and SETBACK, BUILDING.)

**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. (See LOT LINE, REAR and LOT, REVERSE FRONTAGE.)

**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. Dimensions of minimum side yards specified in the district regulations of these regulations refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified. (See LOT LINE, SIDE.)

**ZONING ADMINISTRATOR:** The person appointed and authorized by the Governing Body to administer and enforce the requirements of these regulations. (See Section 9-100 for Office of the Zoning Administrator.)

**ZONING PERMIT:** A certificate by which the Zoning Administrator certifies to an applicant that their proposed structure and/or use are in conformance with these regulations. (See Section 9-101A for Zoning Permits.)



**ARTICLE 4. ZONING DISTRICTS**

**100 Permitted Uses in All Districts.**

- A. Off-street parking and loading as required by Article 5.
- B. Accessory and temporary uses and home occupations as permitted by Article 6.
- C. Signs as permitted by Article 7.

**101 A-1 Agricultural District.** This district is intended (1) to conserve and promote the preservation of productive agricultural land; (2) to permit limited nonagricultural uses and very low-density residences which would not be incompatible to the rural area and require minimum public services; (3) to encourage the compact development of the urban area; and (4) to discourage the effects of “urban sprawl” into the rural areas.

A. Permitted Uses.

- 1. Single-family detached dwellings, modular, earth-sheltered dwellings, manufactured homes and residential-design manufactured homes.
- ~~1-2.~~ Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)
- ~~2-3.~~ Churches, chapels, temples and synagogues.
- ~~3-4.~~ Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

B. Special Uses.

- 1. Airports, heliports, ultralite landing areas and aircraft landing fields, publicly and privately owned.
- 2. Campgrounds, subject to the following regulations and accompanies by a plot plan:
  - a. Campgrounds shall be utilized only for the accommodations of RV campers and portable single-wide housing structures and under no circumstances shall a campground be utilized for the occupancy of manufactured or mobile homes.
  - b. The tract to be used for a campground shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

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- c. Campgrounds shall have a minimum area of 1,250 square feet for each space, and maintain a setback of no less than 25 feet from any public road or highway right of way or property line.
  - d. If deemed necessary to screen adjoining property and provide privacy to the campground, a solid or semi-solid fence or wall at least six feet high, may be required. In lieu of a fence, a landscape buffer may be provided not less than 20 feet in width and planted with coniferous and other plant materials. The fence or landscape buffer shall be properly maintained by the operator.
  - e. 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. (See Section 3-103H for Sewer and Water Facilities.)
  - f. The campground and any service buildings and refuse disposal systems must be maintained in a clean, sanitary condition and kept free of any condition that will harm the health of the occupants of the public or constitute a nuisance.
  - g. Such campgrounds shall only be approved as a special use for a limited time period which may be considered for extension upon reapplication of the zoning case, specifically for the extension period.
3. Cemeteries including crematories and mausoleums.
4. Commercial development of natural resources and extraction of raw materials such as rock, gravel or sand; provided, that fencing may be required where deemed necessary and that it is the intent of these regulations to require an orderly continuing use of all land permitted to be excavated for its resources. At the time an application is made for a special use, the applicant shall submit a general plan for restoration of the area to be excavated or to be used in any way as part of the operations. A special use amendment shall be required for all new or expanded operations or reopening of previously abandoned operations. Information to be submitted with the application includes the following: (See Section 6-101J for temporary permits for County and State extraction of rock, gravel or sand for road or highway projects.)
- a. 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.

- b. A general plan of operation, including blasting hours, removal plan and hours of operation.
  - c. A plan showing the finished topography of the restored areas including grades and slopes.
  - d. A general timing for restoring the various excavation pits and overburden for a continuing use.
  - e. A general description of the methods and materials proposed to provide for a continuing use.
  - f. Amount and type of planting to be done on the restored area or other approved restoration uses or methods.
5. Exhibiting or keeping exotic animals and/or birds either enclosed in a structure or outside. (See Section 2-102 for definition of EXOTIC ANIMALS OR BIRDS.)
6. Event Centers.
- ~~7.~~ Dog kennels for boarding dogs, breeding and training and for hobbies.
- ~~8.~~ Natural wildlife habitats and reserves open to the public.
- ~~9.~~ Privately owned seasonal or temporary or permanent parks and recreational areas such as youth camps, adult and family retreat areas, gun clubs, archery ranges, musical festivals or fishing and hunting preserves.
- ~~10.~~ Public buildings erected or land used by any agency of a city, township, county or state government.
- ~~11.~~ Riding stables and academies: providing, no structure housing horses shall be located nearer than 500 feet to the boundary of any residential district.
- ~~12.~~ Roadside stands for the sale of agricultural products by an operator other than the producer of the product. (See Section 6-101D for seasonal sale of farm products.)
- ~~13.~~ Salvage yards, subject to the following conditions:
- a. Located on a tract of land at least 300 feet from a residential district.

- b. The operation shall be conducted wholly within an enclosed, noncombustible building or within an area screened where necessary by a fence or wall at least eight feet high, but not more than 10 feet high. Such fence or wall shall be of uniform texture and color and shall be properly maintained by the owner.
- c. 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.
- d. No salvage materials shall be piled higher than the top of the required fence or wall.
- e. Burning or salvage materials shall be subject to applicable county, state and federal laws.

~~14.13.~~ Sanitary landfills, incineration plants, large recycling collection and processing centers, refuse transfer stations and hazardous waste facilities, all publicly and privately owned.

~~15.14.~~ Sexually oriented businesses as defined in K.S.A. 12-770 (A) (2) through (15) that are located in a portable or existing structure for a limited period of time for which the premises is at least 1,000 feet from any: (1) land being used for a public or private school, college, church or park; or (2) building being used for a residence. If such uses are established after such a business is properly approved to operate, the premises shall remain eligible for operating such a business.

~~16.15.~~ Utility and gas compressor stations and water towers, publicly and privately owned. (See Section 3-103F for lot size and bulk regulations.)

~~17.16.~~ Wind energy projects, commercial (CWEP). Sometimes referred to as "Wind Farms". (See Appendix for Special Use Application Criteria.)

~~18.17.~~ Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-101 and compatible with the uses permitted in Section 4-101A.

C. Conditional Uses.

~~1. Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)~~

~~2.1~~ Bed and breakfast homes and inns.

~~3.2~~ Boarding and rooming houses.

4.3. RV camper space for lease as an accessory use to a dwelling for a limited time period on land owned by the occupant of the dwelling. Such time period may be considered for extension upon reapplication of the zoning case specifically for the extension period.

D. Lot Site Requirements.

1. Minimum lot area:

a. Residential uses: 160 acres, except for the following:

- (1) All lots existing at the date of the adoption of these regulations which are smaller than 160 acres are declared to be legal, nonconforming lots and, thus, are eligible for zoning permits; provided, that they meet the requirements of the County Sanitary Code. (See Section 8-100A for definition of legal, nonconforming lot.)
- (2) Where natural or man-made topographic features, such as waterways, road or railroad rights of way, or other unavoidable factors, restrict the ability of the applicant to obtain or retain a zoning lot of at least 160 acres, the Zoning Administrator at his or her discretion may allow an adjustment of up to 10% in the size of the lot.
- (3) Smaller lots of not less than five acres for single family residences may be approved for a zoning permit by the Zoning Administrator when all of the following provisions are met:
  - (a) The residence or activities associated with the residence will not force a significant change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.
  - (b) The residence is situated upon a lot where at least 50% of the lot is generally unsuitable for the production of farm crops or livestock, due to the terrain, adverse soil or land conditions, drainage, flooding, vegetation, location and size or shape of the tract.
  - (c) The applicant must be able to demonstrate the availability of water and the suitability of the site for compliance with the County Sanitary Code before a zoning permit will be issued.
- (4) Historical dwelling sites: A parcel of at least five acres may be eligible for a permit for a single family residence where: (1) there is an abandoned residence and/or outbuildings or remnants of such structures; and (2) there

is evidence of previously used utility hookups (e.g., electricity, rural water, on-site water and sewage disposal); and (3) at least 70% of the site is not cultivated farmland.

(5) The creation of a smaller lot of not less than five acres to divide off an accessory farm residence from the principal agricultural land use is permitted.

b. Other uses: Three acres.

2. Minimum lot width: 150 feet.

3. Minimum lot depth: 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet, except grain elevators.

2. Yard requirements:

a. Minimum front yard: 35 feet on all sides abutting a street.

b. Minimum side yards:

(1) Residential: 20 feet.

(2) Other uses: 25 feet.

c. Minimum rear yards: 30 feet.

3. Maximum lot coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

F. Use Limitations.

1. Outdoor storage shall be permitted as defined by Section 2-102 for goods and materials as accessory uses related to the operation of the principal use as well as the display of new and used goods when the latter is approved as part of a special or conditional use.

**102 A-2 Agricultural District.** This district is intended (1) to conserve and promote the preservation of productive agricultural land; (2) to permit limited nonagricultural uses and very low or low density nonfarm residences which would not be incompatible to the rural area and require minimum public services or paved road access; (3) to encourage the compact development of the urban area; and (4) to discourage the effects of “urban sprawl” into the rural areas.

A. Permitted Uses.

1. Single-family detached dwellings, earth-sheltered dwellings, manufactured homes, modular homes and residential-design manufactured homes.

~~1-2.~~ Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)

~~2-3.~~ Churches, chapels, temples and synagogues.

~~3-4.~~ Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

B. Special Uses.

1. Any special use allowed in the A-1 Agricultural District, except exhibiting or keeping exotic animals and/or birds and commercial wind energy projects (CWEP).
2. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-102 and compatible with the uses permitted in Section 4-102A.

C. Conditional Uses.

1. Any conditional use allowed in the A-1 Agricultural District.

D. Lot Site Requirements.

1. Minimum lot area:
  - a. Residential uses: Any lots allowed in Section 4-101D1a of the A-1 Agricultural District plus smaller lots of not less than five acres for nonfarm residences within one and one-half miles of a paved State or County road.
  - b. Other uses: Three acres.
2. Minimum lot width: 150 feet.

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3. Minimum lot depth: 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet, except grain elevators.
2. Yard requirements:
  - a. Minimum front yard: 35 feet on all sides abutting a street.
  - b. Minimum side yards:
    - (1) Residential: 20 feet.
    - (2) Other uses: 25 feet.
  - c. Minimum rear yards: 30 feet.
3. Maximum lot coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

F. Use Limitations.

1. Outdoor storage shall be permitted as defined by Section 2-102 for goods and materials as accessory uses related to the operation of the principal use as well as the display of new and used goods when the latter is approved as part of a special or conditional use.

**103 A-3 Agricultural Transition District.** This district is designed to retain many of its rural characteristics, but to also serve as a transition area to accommodate selected nonagricultural uses and an increasing number of lower density nonfarm residences. Limited public services would be anticipated.

A. Permitted Uses.

1. Single-family detached dwellings, modular homes, earth-sheltered dwellings, manufactured homes and residential-design manufactured homes.

~~1-2.~~ Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)

~~2-3.~~ Churches, chapels, temples and synagogues.

~~3-4.~~ Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

~~4-5.~~ Public and private schools: educational buildings for primary, intermediate and secondary schools including administrative centers, transportation centers, recreation areas, spectator sports facilities and the like. All such uses must be located on land which is platted according to the County Subdivision Regulations.

B. Special Uses.

1. Any special use allowed in the A-2 Agricultural District, except commercial development of natural resources and sexually oriented businesses.
2. Animal clinics or hospitals with outside runs when permitted.
3. Commercial auction barns and yards.
4. Commercial storage and/or sale of anhydrous ammonia, propane or butane in bulk and the wholesale storage of gasoline and other manufactured petroleum products above ground level.
5. Rodeo or saddle clubs and riding stables and academies. No structure housing horses shall be located nearer than 500 feet to the boundary of any residential district.

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6. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-103 and compatible with the uses permitted in Section 4-103A.

C. Conditional Uses.

1. Any conditional use allowed in the A-2 Agricultural District.

D. Lot Size Requirements.

1. Minimum lot area:
  - a. Residential uses: Five acres. (217,800 square feet).
  - b. Other uses: One acre.
2. Minimum lot width: 140 feet.
3. Minimum lot depth: 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
  - a. Minimum front yard: 35 feet on all sides abutting a street.
  - b. Minimum side yards:
    - (1) Residential: 15 feet.
    - (2) Other uses: 20 feet.
  - c. Minimum rear yards: 30 feet.
3. Maximum lot coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

F. Use Limitations.

1. Outdoor storage shall be permitted as defined by Section 2-102 for goods and materials as accessory uses related to the operation of the principal use as well as the display of new and used goods when the latter is approved as part of a special or conditional use.

**104** **RR-1 Single-Family Rural Residential District.** This district is designed to provide for low density rural subdivisions of single-family residences without public sewerage and to allow certain community facilities. It is intended that no uses be allowed in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

A. Permitted Uses.

1. Single-family, detached dwellings, modular, earth-sheltered dwellings, residential-design manufactured homes and group homes as defined in Section 2-102.
2. Churches, chapels, temples and synagogues.
3. Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

B. Special Uses.

1. Public buildings erected or land uses by any agency of a city, township, county or state government.

C. Conditional Uses.

1. Accessory dwelling.
2. RV camper space for lease as an accessory use to a dwelling for a limited time period on land owned by the occupant of the dwelling. Such time period may be considered for extension upon reapplication of the zoning case specifically for the extension period.
3. Child care centers and preschool.

4. Utility substations, pumping stations and water towers, publicly and privately owned. (See Section 3-103F for lot size and bulk regulations.)

D. Lot Size Requirements.

1. Minimum lot area:
  - a. Residential uses: Three acres for septic tank and tile field installations and five acres for wastewater lagoons. \*
  - b. Other uses: One acre.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 140 feet.

\* Notwithstanding these minimum lot areas, all existing platted lots in this district which are smaller than these minimum areas are declared to be legal, nonconforming lots and, thus, eligible for zoning permits; provided, that the provisions of the County Sanitary Code are met. In the event that a hardship is created by the minimum side yard requirements, the provisions of Section 8-101A2a, b and c may be applied.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
  - a. Minimum front yard: 35 feet on all sides abutting a street.
  - b. Minimum side yards:
    - (1) Residential: 15 feet.
    - (2) Other uses: 20 feet.
  - c. Minimum rear yards: 30 feet.
3. Maximum lot coverage: 30%

F. Use Limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.
2. Animal husbandry, including the maintenance of horses, cows, swine, goats, cats, dogs, rabbits, chinchillas, guinea pigs, pigeons, poultry and the like shall be subject to all applicable ~~county and~~ state health and sanitation requirements.

**105** **V-1 Village District.** This district is intended to encourage the continued existence of small unincorporated “villages” by placing very minimal restrictions on their development. No development of new villages is contemplated under these provisions and only fill-in type development of existing villages with low intensity uses is intended.

A. Permitted Uses.

1. Single-family detached dwellings, modular and all types of manufactured and mobile homes on land owned by the home owner.
2. Business uses comparable to the permitted uses listed in the B-1 General Business District as determined by the Zoning Administrator.
3. Industrial uses comparable to the permitted uses listed in the I-1 Industrial District as determined by the Zoning Administrator.

B. Special Uses.

1. Other uses not specifically listed as a permitted, special or conditional use, but which are keeping with the intent of Section 4-105 and compatible with the uses permitted in Section 4-105A.

C. Standards. No restrictions are places on lot size requirements or bulk regulations. County Sanitary Code is still applicable.

**106** **B-1 General Business District.** This district is intended to provide for some of the existing business uses in the rural area and for a limited number of new businesses only when it would appear to be desirable for public convenience to have such a service outside of the existing business areas of cities.

A. Permitted Uses.

1. Animal clinics and hospitals with no outdoor facilities.
2. Bait shops, including hunting and fishing supplies and equipment.
3. Contractor's shops.
4. Construction, oil and agricultural equipment, sales and services.
5. Garden stores, greenhouses and nurseries.
6. Gift, antique and souvenir shops.
7. Marine sales, services and storage.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county or state government.
2. Crew camps as a principal use developed in conjunction with the permitted, special or conditional uses listed in this district.
3. Other uses not specifically listed as a permitted, special or other conditional use, but which are in keeping with the intent of Section 4-106 and compatible with the uses permitted in Section 4-106A.

C. Conditional Uses.

1. Outdoor storage, display or work area of a permitted use.

D. Lot Size Requirements.

1. Minimum lot area: 40,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 140 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
  - a. Minimum front yard: 35 feet.
  - b. Minimum side yard: 15 feet.
  - c. Minimum rear yard: 15 feet.
3. Maximum lot coverage 40%

F. Use Limitations.

1. All outdoor storage as defined by Section 2-102 and work areas shall be screened from public view, unless approved as a conditional use by the Board of Zoning Appeals including outdoor display areas.
2. No new building shall be used for residential purposes except for the use of the owner or operator of a business located on the premises.

**107** **I-1 Light Industrial District.** This district is intended for light industrial uses which do not require large amounts of land, generate modest amounts of traffic, are consistent with the capacity and availability of public and private services, create limited nuisance effects in the way of odor, smoke, dust, glare, vibration or sounds; and does not encourage the intermixing of residential uses.

A. Permitted Uses.

1. Agricultural feed, seed, grain and fertilizer mixing, sales and storage.
2. Automobile, truck, motorcycle and boat sales, services and refinishing.
3. Assemble, manufacture or repair of electrical and mechanical appliances, instruments and the like.
4. Building material production, storage and sales including manufactured housing.
5. Clothing and textile manufacture.
6. Construction, oil and agricultural equipment distribution, repair, storage and sales.
7. Construction contractor's office, equipment and storage area.
8. Food and meat processing, distribution and storage.
9. Furniture manufacture and repair.
10. Greenhouses.
11. Laundry, dry cleaning and dyeing works.
12. Manufactured products such as bags, bicycles, brooms, brushes, cosmetics, drugs, jewelry, paint, paper goods, plastics, shoes, sporting and office equipment, and the like.

13. Metal fabrication and assembly.
14. Printing and publishing companies.
15. Research laboratories.
16. Sign shops and service.
17. Transportation storage, bus and trucking area.
18. Wholesale businesses, storage facilities and the like.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county or state government.
2. Bulk storage and sale, but not used as part of a normal manufacturing process, of such items as anhydrous ammonia, oil, gas, explosives and other products which may be considered as highly explosive, combustible or of a volatile nature.
3. Crew camps as a principal use developed in conjunction with the permitted, special or conditional uses listed in this district.
4. Recycling processing centers and large recycling collection centers.
5. Salvage yards. (See Section 4-101B13 for standards.)
6. Other industrial type uses not specifically listed as a permitted, special or other conditional use, but which are in keeping with the intent of Section 4-107 and compatible with the uses permitted in Section 4-107A.

C. Conditional Uses.

1. Asphalt and concrete mixing plants.
2. Retail and service business uses not specifically listed as a permitted, special or other conditional use, but which would provide a particular benefit to the industrial uses and/or serve as a convenience to the employees hereof.

D. Lot Size Requirements.

1. Minimum lot area: 40,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 140 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet exclusive of grain elevator.
2. Yard requirements:
  - a. Minimum front yard: 35 feet on all sides abutting a street.
  - b. Minimum side yard: 10 feet, but if adjacent to a residential district, 20 feet.
  - c. Minimum rear yard: 20 feet, but if adjacent to a residential district, 30 feet.

F. Use Limitations.

1. Outdoor storage as defined in Section 2-102 of goods and equipment must be related to the principal use of the permitted, special and conditional uses.
2. No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises in a residential building or manufactured home. (See Section 3-103L6.)
3. There shall be no emission of dust, noise, odor or vibration which shall be detectable as a nuisance beyond the lot line.

**108 I-2 Heavy Industrial District.** This district is intended for basic or primary medium sized industries which are not otherwise provided for in other districts and which are not considered compatible with residential and/or commercial activity, but could in some limited way be provided for. Care must be taken in determining their location due to the nature and intensity of the potential uses which may create obnoxious or hazardous environmental conditions and overburden the capacity of public services to perform their function. Access to arterial streets and possible rail sidings would be important considerations.

A. Permitted Uses.

1. Any use permitted in the I-1 Industrial District including cotton ginning.

B. Uses Not Permitted.

1. Acid manufacture.
2. Cement, lime gypsum or plaster of Paris manufacture.
3. Distillation of bones.
4. Explosives manufacture.
5. Fat rendering.
6. Garbage, offal or deal animal incineration or reduction.
7. Glue or soap manufacture.
8. Primary smelting of base metals from ore.
9. Tanning, curing or storage of rawhides or skins.

C. Special Uses.

1. Any special use allowed in the I-1 Industrial District.
2. Crew camps as a principal use developed in conjunction with the permitted, special or conditional uses listed in this district.
3. Public and private hazardous waste facilities.

D. Conditional Uses.

1. Any conditional use allowed in the I-1 Industrial District.

E. Lot Size Requirements.

1. Minimum lot area: 80,000 square feet.
2. Minimum lot width: 140 feet.
3. Minimum lot depth: 200 feet.

F. Bulk Regulations.

1. Maximum structure height: 45 feet, exclusive of grain elevator.
2. Yard requirements:
  - a. Minimum front yard: 35 feet on all sides abutting a street.
  - b. Minimum side yard: 15 feet, but if adjacent to a residential district, 25 feet.
  - c. Minimum rear yard: 25 feet, but if adjacent to a residential district, 35 feet.
3. Maximum lot coverage: 50%

G. Use Limitations.

1. Outdoor storage as defined in Section 2-102 of goods and equipment must be related to the principal use of the permitted, special and conditional uses.

2. No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises in a residential building or a manufactured home. (See Section 3-103L6.)
3. There shall be no emission of dust, noise, odor or vibration which shall be detectable as a nuisance beyond the lot line.

**109 FP Floodplain District.**

(See Appendix for Floodplain Management Regulations.)

**RESOLUTION 2020-\_\_**

**A RESOLUTION APPROVING AND READOPTING BY REFERENCE THE ZONING REGULATIONS OF HARPER COUNTY, KANSAS, AS ORIGINALLY ADOPTED BY RESOLUTION NO. 2019-13, AND REPEALING PRIOR RESOLUTIONS.**

**Section 1. ADOPTION:** That Zoning Regulations are hereby approved and readopted pursuant to K.S.A., 12-741, et seq., as amended, and 12-756, which govern the zoning of land in the unincorporated area of Harper County, Kansas.

**Section 2. OFFICIAL MAP(S):** That there are further herein incorporated by reference and readopted as Official Zoning Map(s) delineating the boundaries of zoning districts and the classification of such districts, which map(s) shall be marked "Official copy of zoning district maps incorporated into zoning regulations by adoption of Resolutions No. 2020- \_\_ by the Governing Body of Harper County Kansas on the 27<sup>th</sup> day of July, 2020.

**Section 3. PUBLIC HEARING:** That such regulations were prepared in book form as model regulations for Harper County and were adopted by the Planning Board on July 21, 2020 following an advertised public hearing as required by Kansas law, and the same is hereby declared to be approved and incorporated by reference as fully as if set out herein pursuant to K.S.A. as amended, 12-3001 and 12-3003 through 12-3005.

**Section 4. OFFICIAL COPIES:** That not less than three copies of the Zoning Regulations in book form marked "Official Copy as Incorporated by Resolution No. 2020-\_\_ and to which there shall be a published copy of this Resolution appended, shall be filed with the County Clerk to be open of inspection and available to the public at all reasonable business hours.

**Section 5. VIOLATIONS:** That pursuant to K.S.A. 12-761, as amended, any violations of this Resolution shall be enforced by the following penalties and remedies.

- A. Penalties. According to state statutes, any violations of these regulations shall be deemed to be a misdemeanor. The owner or agent of a building, structure 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, structure or premises in or upon which a violation has been committed or shall exist shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
- B. Remedies. In case any building or structure is erected, constructed, reconstructed, structurally altered, converted or maintained; or any building, structure or land is used or is proposed to be used in violation of these regulations, the appropriate authorities of Harper County, in addition to using other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or to correct or abate such violation, or to prevent the occupancy of such building, structure or land. In addition to the County, any person, the value or use of whose property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these regulations and to abate nuisances in violation thereof.
- C. Floodplain Remedies. Violation of the provisions of this resolution or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with granting of variances shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and

expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Board of County Commissioners or other appropriate authorities including the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 6. INVALIDITY OF A PART:** That any provisions of this Resolution which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of said Resolution.

**Section 7. REPEAL:** That Resolution No. 2019-13 is hereby repealed and any other resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

**Section 8. EFFECTIVE DATE:** That this Resolution shall take effect on August 5, 2020 from and after its adoption and publication once in the official county newspaper.

**Adopted by the Board of County Commissioners of Harper County, Kansas, on July 27<sup>th</sup>, 2020.**

ATTEST:

\_\_\_\_\_  
Ruth A. Elliott, County Clerk

\_\_\_\_\_  
Carla Pence, Chairman

\_\_\_\_\_  
Lee Adams, Commissioner

\_\_\_\_\_  
Brian Waldschmidt, Commissioner

CHECKLIST TO CONSIDER APPROVAL of  
REVISED ZONING REGULATIONS OF HARPER COUNTY, KANSAS

1. Announce agenda item (see above).
2. Receive and file the Unapproved Minutes of the Planning Board for July 21, 2020.
3. Call on the Zoning Administrator for a presentation and answer questions.
4. Inquire if there is anyone in the audience to speak on this matter.
5. Ask Clerk if there are any communications to consider.
6. Discuss any comments received and consider a motion:
  - (1) Move to accept the recommendation of the Planning Board to approve revised Zoning Regulations of Harper County, Kansas in Model Code format by approval of Resolution 2020- \_\_\_\_ and to direct the Clerk to publish it on August 5, 2020. (Majority vote needed.)
  - (2) Move to override the Planning Board's recommendation to approve revised Zoning Regulations of Harper County, Kansas in Model Code format and disapprove the proposed Resolution. (2/3 majority vote needed.)
  - (3) Move to return the proposed Zoning Regulations to the Planning Board for reconsideration at its next regular meeting to (specify the concern). (Majority vote needed.)
  - (4) Move to revise the proposed Zoning Regulations by amending the Resolution. (insert revision(s) desired) and to approve the revised Resolution No. \_\_\_\_ and to direct the Clerk to publish it on August 5, 2020. (2/3 majority vote needed.)
  - (5) Move to table the proposed Resolution until \_\_\_\_\_, 2020 at \_\_\_\_:\_\_\_\_ a.m. in the same meeting room for (information) (and) (study) in regard to \_\_\_\_\_. (Majority vote needed.)