

# FINNEY COUNTY KANSAS



## FINNEY COUNTY, KANSAS ZONING REGULATIONS

**Official Copy as Incorporated  
By Resolution No. 40-95, August 14, 1995**

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# Finney County Zoning Regulations

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# ARTICLE 1

## GENERAL PROVISIONS

### SECTIONS:

- 1.010 Title**
- 1.020 Purpose**
- 1.030 Intent**
- 1.040 Conflicting Provisions**
- 1.050 Licenses To Conform**
- 1.060 Not A Licensing Regulation**
- 1.070 Building Permits Required**
- 1.080 Permits To Comply With The Zoning Regulations**
- 1.090 Building Permits - Site Plan Required**
- 1.100 Permitted Uses**
- 1.110 Conditional Uses**
- 1.120 Determination Of Uses Not Listed**
- 1.130 Lot Size Requirements**
- 1.140 Use Limitations**
- 1.150 Accessory And Temporary Structures Or Uses**
- 1.160 Home Occupations**
- 1.170 Signs And Outdoor Advertising**
- 1.180 Minimum Yards, Parking Spaces, Open Spaces, And Lots**
- 1.190 Agricultural Lands**
- 1.200 Vesting Of Development Rights**

**1.010 TITLE.** These regulations, including the Zoning District maps and overlays made a part thereof, shall be known and may be cited as the “Finney County, Kansas, Zoning Regulations”, and shall hereinafter be referred to as “Zoning Regulations.”

**1.020 PURPOSE.** These Regulations are intended to serve the following purposes:

- A. To promote the health, safety, morals, comfort and general welfare of the citizens of Finney County, Kansas.
- B. To create a variety of zoning districts sensitive to the peculiarities of the various permitted uses and designed to protect and enhance the values inherent in each zone; while encouraging the redevelopment and revitalization of the cities within the County.
- C. To conserve good agricultural land and protect it from the intrusion of incompatible uses, but not to regulate or restrict the principal use of land for agriculture uses.
- D. To regulate and restrict the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; size of

yards, courts, regulate the minimum lot size, establish regulation for the division of property, and other open space.

- E. To provide for adequate light and air, and acceptable noise levels.
- F. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
- G. To provide adequate notice on subsequent changes to these regulations and an opportunity for interested parties to be heard.
- H. To provide information regarding possible flood hazards.
- I. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Finney County, Kansas, Comprehensive Plan.
- J. To promote the achievement of the Finney County, Kansas, Comprehensive Plan.
- K. To inform the public regarding future development in Finney County, Kansas, thereby providing a basis for wise decisions with respect to such development.

**1.030 INTENT.** The intent of the regulations set forth herein shall be to further the purpose of the title and promote the objectives and characteristics of the respective zones.

**1.040 CONFLICTING PROVISIONS.** These regulations shall not nullify the more restrictive provisions of other private covenants and agreements, or other laws or general Regulations of the County, but shall prevail and take precedence over such provisions which are less restrictive.

**1.050 LICENSES TO CONFORM.** All Departments, Officials, and Employees of Finney County which are vested with the duty or authority to issue permits and licenses shall conform to the provisions of these regulations and shall issue no permit or license for a use, building, or purpose where the same would be in conflict with the provisions contained herein.

**1.060 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 locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation, or activity.

**1.070 BUILDING PERMITS REQUIRED.** No residential building or structure shall be constructed, altered, nor shall the use of land be changed except after the issuance of a permit for the same by the Building Inspection Department. The County has adopted Chapter 18 of the Code of Ordinances of the City of Garden City. *Exemptions from Building Codes: All individuals and entities engaged in agricultural pursuits as defined in Article 2.030;6 of these zoning regulations, on land designated Agricultural as set forth in these zoning regulations shall be exempt from application of the building codes to be enforced by Building Inspection Department.* (Reso.#10-200-05/08/09)

**1.080 PERMITS TO COMPLY WITH THE ZONING REGULATIONS.** Permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building onto a lot or parcel of land, or for the change of the use in any land, building, or structure, if such construction, alteration, moving, or change in use would be a violation of any of the provisions of these regulations. No liquid waste service line, no water line, no electrical, gas, or telephone utilities shall be installed to serve such premises if such use will be in violation of the regulations contained herein.

**1.090 BUILDING PERMITS (SITE PLAN REQUIRED).** All applications for building permits shall be accompanied by an approved site plan.

1. **Site Plan Requirements:** The Site Plan submittal of three (3) sets of hard copy plans and applicable planning documents and one (1) set of electronically submitted plans and documents shall contain the following information as outlined on the Site Plan Review Application:
  - (A) A legal description and site address (available from the County Engineer, County Surveyor or GIS).
  - (B) A Title Block including the Date of the submittal, Name and Contact information, North Arrow indicator, Scale of drawing and Key or Vicinity Map.
  - (C) Lot dimensions.
  - (D) Location and size of existing and proposed structure(s) on the site (with sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the site plan), and Building Elevations. Include a Building Code Footprint where applicable [(K.A.R) 22-1-7].
  - (E) Identification of setbacks.
  - (F) Location and layout of parking areas- denote handicapped parking and curb stops, including parking calculations.
  - (G) Location of ingress and egress. A traffic impact study may be required where applicable.
  - (H) Location and size of sign(s), including elevations (attach additional concept drawing with dimensions).
  - (I) Location and size of Accessory Building(s).
  - (J) Landscape Plans, as required by district (e.g. buffer areas, open space requirements).

- (K) Utility easements conforming to all applicable zoning, fire and building codes (Show all recorded easements on drawing).
- (L) Location of utility service lines and meter sizes servicing the structure(s) on the lot.
- (M) Solid waste pickup locations with associated screening.
- (N) Drainage in conformance with subdivision drainage plan (use arrows to indicate direction of proposed drainage for minor plans or present a detailed drainage plan for major development, County Engineer to review and approve). SWPPP plans and documentation maybe required, to meet County and KDHE standards.
- (O) Additional documents may be required (e.g. Elevation Certificate, Development Agreement, Parking Lot Lighting or other additional permits as required on a case by case basis with respect to the development of the property).
2. Agricultural properties over forty (40) acres are exempt for site plan reviews.
  3. Site plans for all commercial, industrial and multi-family units (larger than a Duplex) shall be stamped by an architect or engineer registered in the State of Kansas; and at the discretion of the Planning Commission Secretary shall be submitted to the Planning Commission at least ten (10) days prior to the Planning Commission meeting whereby review and approval is requested.
  4. The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Zoning Regulations, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent code, ordinances and regulations.
  5. Process Timeline. Planning Staff will determine the completeness, accuracy, and sufficiency of the application. A typical site plan review process is seven to fourteen (7-14) days, and may be longer dependent upon the complexity of the development proposal.
  6. Approvals. Building permits for the project will not be issued until a site plan has been approved.
  7. Time Limitations on Approvals. If the owner has obtained preliminary site plan approval, but fails to obtain a building permit within one (1) year from the date of approval of the site plan, the site plan approval shall be deemed to have expired, and the owner shall be required to resubmit a new plan for approval.

8. Adjacency Compatibility: Staff will review site plans for compatibility with adjacent properties.
9. Electronic Submittals. The submitted site plans are electronically distributed to various city departments and public utility companies and then convene for review and comment. The planner assigned to the project will contact the applicant to discuss the review comments and suggest any revisions which may be needed before the site plan can be processed for administrative action.

**1.100 PERMITTED USES.** No structure shall hereafter be built, moved, or remodeled and no structure of land shall be 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.

**1.110 CONDITIONAL USES.** No use of a structure or land that is designed 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 permit is secured in accordance with the provisions of Article 29 in this Zoning Regulation.

**1.120 DETERMINATION OF USES NOT LISTED.** Whenever there is doubt as to the classification of a use not specifically listed or mentioned in these regulations, the determination shall be made by the Planning Commission within a reasonable time, but not to exceed forty-five (45) days, and the request of clarification/determination shall be heard at the next regularly scheduled Planning Commission Meeting after the request is made. Such determination shall state the districts in which the proposed use will be permitted and whether it is a permitted use, a special use, or conditional use in keeping with the intent of these regulations. The determination of the proposed use shall be effective immediately and the Building Inspector shall use such determination in issuing permits. Application for determination shall be in writing. No specific form is required.

**1.130 LOT SIZE REQUIREMENTS.**

1. No structure, or part thereof, shall hereafter be built, moved, or remodeled and no structure or land shall hereafter be used, occupied or arranged, or designed for use of occupancy on a lot which is:
  - (A) Smaller in area than the minimum area, or minimum lot area per dwelling unit, required in the zoning district in which the structure or land is located;
  - (B) Narrower than the minimum lot width required in the zoning district in which the structure or land is located; or
  - (C) Shallower than the minimum lot depth required in zoning district in which the structure or land is located.
2. No existing structure shall hereafter be remodeled as to conflict or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located.

## DISTRICT HEIGHT, AREA AND BULK REGULATIONS

DISTRICT	Maximum Height of Building		Minimum Yard Requirement (Feet)			Minimum Lot Dimensions (Feet)		Minimum Lot Area
	Feet	Stories	Front Yard (A)	Side Yard (B)	Rear Yard	Width	Depth	
"A" Agriculture (D)	--	--	75	50	50	660 (C)	660 (C)	40 acres
"R-R" Rural Residential (D)	35	2 ½	75	20	50	125	150	0.5 acres
"S-E" Suburban Estates (D)	35		75	30	50	200	300	2 acres
"L-R" Low Density Residential (D)	35	2 ½	60	5	25	80	110	0.2 acres (8,800 SF)
"M-R" Medium Density Residential (D)	35	2 ½	60	5	25	60	100	0.137 acres (6,000 SF)

- (A) On major roads and highways only.
- (B) A side yard shall be provided on each side of the lot. The dimensions given are for one side only, not abutting an alley.
- (C) Lot width to lot depth ratio shall not be greater than 4:1.

NO BUILDING IS PERMITTED TO BE CONSTRUCTED IN ANY EASEMENT.

**1.140 USE LIMITATIONS.** No permitted or conditional use hereafter established, altered, modified, or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is, or will be, located. No permitted or conditional use already established on the effective date of this Zoning Regulation shall be altered, modified, or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located.

**1.150 ACCESSORY AND TEMPORARY STRUCTURES AND USES.** No accessory or temporary structures or uses as defined in Article 25 shall hereafter be built, established, moved, remodeled, altered, or enlarged unless such uses are permitted by Article 25 of this Zoning Regulation.

**1.160 HOME OCCUPATIONS.** No home occupations as defined in Article 2 shall hereafter be established, altered, or enlarged in any residential district unless approved as provided in Article 28.

**1.170 SIGNS AND OUTDOOR ADVERTISING.** No signs shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies, or will thereafter comply, with the conditions set forth in Article 24.

**1.180 MINIMUM YARDS, PARKING SPACES, OPEN SPACES, AND LOTS.** The minimum yards, parking spaces, open spaces, including lot area per family, required by these Regulations for each and every building existing at the time of the passage of these Regulations, or of any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of these Regulations.

**1.190 AGRICULTURAL LANDS NOTICE.** All lands used for agricultural purposes as defined within these Regulations, including those agricultural activities that are designated as accessory uses to rural residential, suburban residential uses, and urban residential uses, are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring properties may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants, and users of this property and neighboring properties should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that K.S.A. 2-3201 et seq, the “right-to-farm law”, may bar them from obtaining a legal judgment against such normal agricultural operations.

**1.200 VESTING OF DEVELOPMENT RIGHTS.** In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

- A. The rights of landowners of properties platted or subdivided for rural residential, suburban estates, suburban, low density residential, medium density residential, and high density residential in conformance with the definition of said terms in the these Regulations shall be protected for use of said land for the intended rural residential, suburban estates, suburban, low density residential, medium density residential, and high density residential purposes for a period of five (5) years from the time in which such property was first platted or subdivided, provided:
  - 1. Verifiable evidence is presented showing the date in which said plat, parcel plat (minor subdivision plat) or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the lots proposed to be created, dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for development;
  - 2. Non-conforming sized parcels shall present acceptable evidence which shall be: signed and sealed certificates of survey from a Registered Land Surveyor showing the created lots, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or recorded Affidavits of Equitable Interest on contract for deed for said tracts of land.
  - 3. Within said five (5) year period actual sales occur resulting in separate owners on the tracts of land.

4. The division of land was legally done in conformance with the then Finney County Subdivision Regulations.
  - B. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot, as defined in these Regulations, and subsequent division of said lot shall be in conformance with the Subdivision Regulations then in effect.
  - C. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with these Regulations and the Finney County Subdivision Regulations. Persons who obtain a validly issued permit under the previous Finney County Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous Finney County Zoning Regulations does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these Regulations or the Finney County Subdivision Regulations then in effect.

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## ARTICLE 2

### DEFINITIONS

#### SECTIONS:

- 2.010 Interpretation
- 2.020 Rules of Interpretation
- 2.030 Definitions
- 2.040 Words Not Defined Herein

**2.010 INTERPRETATION.** In the interpretation and application of this Zoning Regulation, the provisions of said regulation shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. Where this Zoning Regulation imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, regulation, contract, or deed, the provisions of the Zoning Regulations shall take precedent.

**2.020 RULES OF INTERPRETATION.** For the purpose of this Zoning Regulation the following rules shall apply:

1. Words used in the present tense shall include the future.
2. Words in the singular number include the plural number, and words in the plural number include the singular, unless the context clearly indicates the contrary.
3. The word “person” includes a corporation, a member or members of a partnership or other business organization, a committee, board, trustee, receiver, agent, or other representative and all other legal entities.
4. The word “shall” is mandatory and not directory.
5. The word “may” is permissive.
6. The word “should” relates to statements to be followed unless there are compelling reasons to do otherwise.
7. The word “use”, “used”, or “occupied” as applied to any land, building, or structure shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied.
8. The word “County” means Finney County, Kansas.
9. Unless otherwise specified, all distances shall be measured horizontally.

10. Words which are not defined herein, but are defined in the Uniform Building Code, shall have the meaning as defined within said Uniform Building Code.
11. Chapter and Section Headings contained herein, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section herein.
12. The term “Governing Body” shall mean the Finney County Board of County Commissioners.

**2.030 DEFINITIONS.** (Res.#22-2020 08/07/20, Res.#20-25 10/03/20) For the purpose of this Zoning Regulation, words or terms not herein defined shall have their ordinary and customary meaning in relation to the context and certain terms or words used herein shall be interpreted or defined as follows:

1. Abutting - Adjoining or bordering.
2. Access - The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
3. Accessory Building - A subordinate building or portion of the main building, located on the same lot, the use of which is clearly incidental to that of the main building or to the use of the land on which it is located. Customary accessory buildings include, but are not limited to, garages, carports, garden houses, small storage shed and children’s playhouses.
4. Accessory Use - A subordinate use which serves as an incidental function to that of the principal use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, air conditioners, barbecue grills and fireplaces.
5. Administrative Officer - See Zoning Administrator.
6. Agricultural Purposes, Land Used For: The use of a tract of land for the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. A feed lot, as defined by this section, is land use for agricultural purpose. Land used for agricultural purposes shall not include the following:
  - (A) Lands which are used for recreational purposes; urban residential acreage’s; suburban residential acreage’s; rural residential or recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein except those formed under the “Parcel Plat” procedure involving

the “Farmstead” or those whose lot formation was verified before this Regulation became effective as outlined under the Regulation.

- (B) The operation or maintenance of greenhouses, nurseries or hydroponics farms operated at retail.
  - (C) Wholesale or retail sales as an accessory use unless the same are permitted by these Regulations.
  - (D) The operation or maintenance of a commercial stockyard unless specifically authorized by a Conditional Use Permit only after they have been reviewed and approved as required by Article 29.
  - (E) The operation of an auction sales yard.
  - (F) The operation of horse training tracks unless specially authorized by a Conditional Use Permit through the Board of Zoning Appeals.
  - (G) The operation or maintenance of a Soils Regeneration Facility only after they have been reviewed and approved with a Conditional Use Permit as required by Article 29 and licensed by the State of Kansas.
  - (H) The operation of Motocross areas/tracks unless specifically authorized by a Conditional Use Permit only after they have been reviewed and approved as required by Article 29.
  - (I) The operation of or maintenance of Open Pit Mining within Finney County unless specially authorized by Conditional Use Permit only after they have been reviewed and approved as required by Article 29 and licensed by the State of Kansas.
7. Alley - A public or private thorough fare which affords only a secondary means of access to property abutting thereon.
8. Alteration - A change or rearrangement in the structural parts of an existing building or structure. Enlargement whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered as an alteration.
9. Amendment - The process of change or alteration to the Zoning Regulations in one of the following forms:
- (A) A comprehensive revision or modification of the zoning text and/or maps.
  - (B) A text change in the zoning requirements.

- (C) The approval of a Conditional Use Permit as provided within these Regulations.
- (D) A change in the maps, i.e., the zoning designation of a particular parcel or parcels. This form is also known as “rezoning.”
10. 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.
  11. Apartment - (See Dwelling, Multiple Family).
  12. Applicant - The owner of a tract of land, or his duly designated representative, for which an amendment has been requested. Consent shall be required from the record owner of the premises if the applicant is other than the owner.
  13. Auction Sales - A building and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise offered on consignment.
  14. Automobile and Machinery Repair Shops - A building used for the repair of motor vehicles or machinery. This shall include, but not be limited to, body and paint shops, glass service shops and auto service centers.
  15. Automotive Sales Area - An open area, other than a street, used for display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor vehicles to be displayed and sold on the premises.
  16. Automotive Service Station - Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including tire recapping, major repair work such as motor replacement, body and fender repair or spray painting, provision of rental equipment, or open motor vehicle sales lots.
  17. Automobile Wrecking and Salvage Yards - A lot, plot or parcel of land where three (3) or more motor vehicle, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.
  18. Board of Zoning Appeals - That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to these Regulations.
  19. Boarding House - A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty people.

20. Buildings - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.
21. Building Height - The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story of a flat roof, to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
22. Building Line - A line established, in general, by plat or elsewhere in this ordinance parallel to the front street line between which no building or portion thereof shall project except as otherwise provided in this ordinance.
23. Building Main/Principal - A building or structure in which is conducted the main or principal use of the lot or group of lots on which it is located. In any residential district, any dwelling shall be deemed to be a principal building on the plot on which it is located.
24. Building, Public - A publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately owned buildings used for the same public-type purposes.
25. Car Wash - An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles, to include automatic car wash.
26. Cemetery - Land used for burial and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
27. Channel - Shall mean the geographical area within the natural or artificial banks of a watercourse required conveying continuously or intermittently flowing water.
28. Church - An establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, assembly rooms, kitchen, recreational facilities and/or library.
29. Clinic, Dental or Medical - A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.

30. Club - Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.
31. Club, Membership - Membership clubs, including private clubs, as defined by K.S.A. 41-2601 et seq., and succeeding amendments, including but not limited to such clubs as the American legion, VFW, and the Elks.
32. Cluster, Housing - The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.
33. Commercial Renewal Energy Systems (CRES) – Any facility or installation such as a wind energy conversion system, solar collecting or concentrating array, or hydroelectric system, designed and intended to produce energy from natural forces such as wind, sunlight, geothermal heat, or from biomass with the intention to generate profit.
34. Common Open Space - An area of land, water or combination thereof, planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
35. Comprehensive Plan - The currently adopted Finney County, Kansas, Comprehensive Plan and amendments thereto.
36. Conditional Use - A use of any building, structure or parcel of land that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses are allowed only after public notice, hearing and approval as prescribed in these Regulations and may have special conditions and safeguards attached to assure that the public interest is served.
37. Conditional Use Permit - A written document of certification issued by the Zoning Administrator permitting the construction, alteration or establishment of a Conditional Use.
38. Condominium - A building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. 58-3710 et seq.) of the State of Kansas.
39. Construction/Demolition Landfill - A permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.

40. Construction/Demolition Waste - Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, pavements, curbing, bridges, and trees and brush; but not asbestos.
41. County - The Board of County Commissioners of Finney County, Kansas, or its delegated staff, boards or agencies.
42. County Attorney - The County Attorney, or such licensed attorney designated by the County Attorney, responsible for the prosecution of all violations of these Regulations in accordance with the provisions contained herein, and as established by law.
43. County Counselor - The County Counselor, or such licensed attorney designated by the County Counselor or Governing Body, to furnish legal assistance for the administration of these Regulations.
44. County Engineer - The County Engineer, or such licensed engineer designated by the County Engineer or Governing body, to provide engineering assistance in administering these and other Regulations governing areas of normal responsibilities assigned to the County Engineer.
45. Curb Level - The officially established grade of the curb in front of the mid-point of the lot.
46. Day Care Home, Licensed - means the premises in which care is provided for a maximum of ten (10) children under sixteen (16) years of age with limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(e)(1). This total includes children less than eleven (11) years of age related to the provider.
47. Child Care Center - means a non-residential facility in which care and educational activities are provided for thirteen (13) or more children two (2) weeks to sixteen (16) years of age for more than three (3) hours and less than twenty-four (24) hours per day including day time, evening, and nighttime care, or which provides before and after school care for school-age children. A facility may have fewer than thirteen (13) children and be licensed as a center if the program and building meet child care center regulations.
48. Day Care Home, Group - means the premises located in a single family dwelling unit where care is provided by two (2) providers, one of whom shall be a bona-fide resident of the, dwelling unit, in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(f)(1). This total includes children under eleven (11) years of age related to the provider; and which is licensed and regulated through the Finney County Health Department by the Kansas Department of Health and Environment.

49. Distance - Horizontal distances unless otherwise designated.
50. District - A section or sections of the zoning jurisdiction for which the regulations governing permitted use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.
51. Dock (Loading) - A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles. (See Article 23).
52. Dog: - Any canine species over one (1) year of age.
53. Drainage Course (Water Course) - Any natural depression, draw or ravine which directs and facilitates the flow of water.
54. Drive - A private right-of-way which affords principal means of vehicular access to or through a mobile home park, and which is owned and maintained by the owner or operator of the park.
55. Dwelling - Any building, or portion thereof, designed or used primarily for residential purposes, including residential-design manufactured homes and modular homes.
56. Dwelling, Single-Family - A building having accommodations for and occupied exclusive by one family. A residential-design manufactures home shall be considered a single family dwelling.
57. Dwelling, Two-Family - A building designed for, occupied exclusively by two families.
58. Dwelling, Multi-Family - A building or portion thereof designed for or occupied by three or more families for more than one family.
59. Dwelling Unit - A building, or part thereof, containing complete housekeeping facilities for one family.
60. Easement - A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
61. Exception - An exception shall always mean the allowance of otherwise prohibited use within a given district, such use and conditions by which it may be permitted being clearly and specifically stated within this Zoning Regulation, and the allowance being granted by conditional use permit from the Board of Zoning Appeals.

62. Fabrication - That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining or other initial processing of basic raw materials.
63. Family - One or more persons related by blood or marriage or adoption, living together as a single housekeeping unit plus usual domestic servants; or a group of not more than four unrelated persons living together as a single housekeeping unit.
64. Feed Lot - The use of land for commercial dry lot, livestock feeding operations where any number of livestock or poultry are confined in a concentrated area for the distinct purpose of meat, milk or egg production, where the livestock or poultry are fed at the place of confinement and crop or foliage is not sustained in the area of confinement. Also included are any feeding endeavors which are operated on a contract basis. Not included are pasturing and grazing operations.
65. Fence - An un-roofing barrier or unroofed enclosing structure, including retaining walls.
66. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from: (1) the overflow of inland or tidal waters, (2) the unusual and rapid accumulation or runoff or surface waters from any source.
67. Floodplain - That area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.
68. Floodway - The channel of a river or other watercourse, and the adjacent portion of the floodplain that must be received in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point assuming equal conveyance reduction outside the channel from the two (2) sides for the flood plain.
69. Floodway Fringe Area - The area of the floodplain, outside the flood way, that on an average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent chance of flood occurrence in any one year).
70. Floor-Area - For computing off-street parking requirements, the floor area shall mean the gross area used or intended to be used by the owner or tenant for service to the public as customers, patrons or clients, including areas occupied by fixtures and equipment used for display It shall not include areas used principally for maintenance of the building, restrooms or utility rooms.

71. Foster Home - A facility licensed by the State of Kansas for the care of four (4) or less persons unrelated to the operator(s).
72. Foundation, Permanent - A site-built foundation, with or without basement, that meets or exceeds the foundation requirements of the Edition of the International Conference of Building Official (ICBO) Uniform Building Code currently in effect by the County, and subsequent amendments thereto, that portion of which is incorporated by reference herein.
73. Front - The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.
74. Frontage –
- (A) Street Frontage: All of the property on one side of a street between two intersection streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
  - (B) Lot Frontage: The distance for which the front boundary line of the lot and the right-of-way are coincident.
75. Garage - An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.
76. Garage, Public - A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.
77. Garage, Storage - A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangement and not to transient, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired or sold.
78. Governing Body - The Finney County Board of County Commissioners.
79. Grade - Grades for any building is the grade established by the county building inspector and/or county engineer's office.
80. Greenhouse - A translucent enclosure used for the cultivation or protection of tender plants.

81. Group Home - Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas and complies with K.S.A. 12-736.
82. Hauling Trailer - A light-duty utility trailer intended for residential use, including open-bed small trailers designed to be towed behind a car or truck.
83. Hard-surfaced - Roadways shall be constructed with an all-weather County Road standard for paved surfaces as approved by the County Engineer.
84. Hazardous Waste - Any waste meeting the definition of K.S.A. 65-3430 and amendments thereto.
85. Highway - A Street designated as a highway by an appropriate local, state or federal agency.
86. Highway, Limited Access - A freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.
87. Hobby Car Collecting- A pursuit other than one's regular occupation engaged in especially for relaxation, which results in collecting, and may include the restoration of, automobiles. Such a collection shall be managed by the householder so as not to resemble an automobile wrecking or salvage yard or junkyard. If any of the collected automobiles is inoperable, it shall be kept completely enclosed within a garage, shed, or privacy fence.
88. Home Occupation - The term "Home Occupation" shall mean any occupation conducted entirely within the dwelling unit or accessory building and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is no display nor stocking trade or commodities sold except those which are produced on the premises.
89. Hospital - A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the inpatient medical and surgical care of sick or injured humans, and which may include related facilities such as

laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

90. Hotel - A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist unit or otherwise.
91. Industrial Park - A special or exclusive type of planned industrial are designated and equipped to accommodate a community of industries, providing than with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.
92. Institutional Home - A place where the specialized care of babies, children, pensioners or older people, and those under care for drug or alcohol abuse, is provided, except those for correctional or mental cases. An Institutional Home shall in no way be interpreted to mean a Day Care Center.
93. Intensity - The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.
94. Junk - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.
95. Junkyard - An establishment which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a motor vehicle graveyard. This term shall include salvage yards.
96. Kennel, Boarding - Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.
97. Kennel, Breeder - Any place, area, lot, building or structure where more than four dogs are kept for any purposes.

98. Laboratory, Medical - An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.
99. Landscaping - The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
100. Laundry - An establishment where commercial laundry and dry cleaning work is undertaken.
101. Laundry, Self-Service - An establishment equipped with individual coin-operated washing, drying and/or dry cleaning machines.
102. Loading Space or Loading Berth - A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.
103. Lodging House - A building or place where lodging is provided or which is equipped regularly to provide lodging, by pre-arrangement for definite periods, for compensation, for three or more persons in contradistinction to hotels open to transients.
104. Lot - A parcel of platted land occupied or intended for occupancy by one main building together with its accessory buildings, including the open spaces required by this Zoning Regulation.
105. Lot Area - The area of a horizontal place bounded by the front, side and rear lot lines, excluding any road right-of-way or road easements.
106. Lot, Corner - A lot abutting upon two or more streets at their intersection.
107. Lot Coverage - The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof, excluding projecting roof eaves.
108. Lot, Depth of - The mean horizontal distance between the front and rear lot lines.
109. Lot, Double Frontage - A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
110. Lot Line - Any line bounding a lot or separating one lot from another.

111. Lot of Record - A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds of Finney County, Kansas.
112. Manufacture - Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.
113. Manufactured Home Pad - That portion of the manufactured home lot on which the manufactured home unit, and any attached awning, is placed.
114. Manufactured Home Park - An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes provided the manufactured home spaces shall not be sold or offered for sale individually. The term “manufactured home park” does not include sale lots on which unoccupied manufactured homes whether new or used, are parked for the purpose of storage, inspection or sale.
115. Manufactured Home Park Permit - A written document of certification issued by the Building Official permitting the construction, alteration or extension of a Manufactured Home Park.
116. Manufactured Home, Residential-Design (RDMH) - A manufactured home on a permanent foundation which has
- (A) Minimum dimensions of 22 body feet in width,
  - (B) A pitched roof, and
  - (C) Siding and roofing materials which are customarily on site-built homes.
117. Manufactured Home Sales Area- An open space, other than a street, used for display or sale of new or used manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.
118. Manufactured Home Skirting - The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.
119. Manufactured Home Subdivisions - A subdivision developed for the purpose of selling individual lots on which mobile homes, manufactured homes or modular homes may be located.

120. Minimum Building Elevation - Shall mean the elevation to which uses regulated by this ordinance are required to be elevated or floodproofed. This elevation would be equal to the elevation that could be reached by the 100-year flood if it occurred under the conditions existing at the time this ordinance was passed, plus one foot to allow for encroachments permitted by the establishment of a floodway.
121. Motor Home - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.
122. Motor Vehicle - A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.
123. Motor Vehicle Graveyard - Any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.
124. Multi-Family Land Use - The use of any lot or tract of land for two-family residential and/or multi-family dwellings.
125. Non-Conforming Lot - An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
126. Natural Obstruction - Shall mean artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, building structure, wire, fence, rock, gravel, refuse, fill, or other related structures or mater in, along, across or projecting into any floodway which may impede, retard, change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
127. Nursery - Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.
128. Nursing or Convalescent Home - An institution or agency licensed by the State for the reception, board, care or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.

129. Open Space - Usable open space designed and intended for the use of all residents or a residential development, including space dedicated to the public.
130. Outdoor Storage - The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature, unless approved via temporary waiver by the Governing Body.
131. Overlay District or Overlay Zone - An area or zone in the county which acts in conjunction with the underlying zoning district or districts.
132. Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient propriety interest in a tract of land.
133. Package Liquor Store - An establishment in which alcoholic beverages are sold for consumption off the premises.
134. Parking Space - An area surfaced with all-weather surfacing, for the purpose of storing one parked automobile. For the purpose of this Zoning Regulation, one parking space shall have a minimum width of nine (9') feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required, off-street, for access drives to each parking space.
135. Parking Lot - An area, paving being a private parking area, street or alley, used for parking of motor vehicles and available for public or semi-public use.
136. Pasturage or Pasture - Shall be defined as land or a plot of land used for the grazing, feeding and the confinement of livestock.
137. Person - A person shall be understood in its broadest legal sense, including person, partnership, firm, company, corporation or another organized or unorganized group of person acting together.
138. Planning Commission - The Holcomb-Garden City-Finney County Area Planning Commission.
139. Professional Office - Any building used by one or more persons engaged in the practice of law, architecture, engineering, medicine, real estate, insurance or other similar business.
140. Preschool - A non-residential facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten and who are thirty (30) months of age or older; conducts sessions not exceeding three (3)

hours per session; which does not enroll any child more than one session per day; and which does not serve a meal.

141. Public Utility - Any business the purpose of which is to furnish to the general public:
- (A) Telephone Service
  - (B) Telegraph Service
  - (C) Electricity
  - (D) Natural Gas
  - (E) Water
  - (F) Transportation of Persons and Property
  - (G) Solid Waste Disposal
  - (H) Wastewater Treatment Plant
  - (I) Any other business so affecting the public interest as to be subject to the supervision or regulation by any agency of the State.
  - (J) Community closed circuit telecast.
142. Recreational Vehicle (R-V) - A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.
143. Recreational Vehicle Park - A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
144. Residential Center - A non-secure facility licenses by the State of Kansas providing residential care for more than ten (10) persons unrelated to the operator(s).
145. Residential Design Manufactured Home - A manufactured home on a permanent foundation which has a minimum dimension of twenty-two (22) feet in body width,

a pitched roof, and siding and roofing materials which are customarily used on site-built homes.

146. Restaurant - A public eating establishment in which the primary function is the preparation and serving of the food on the premises.
147. Riding Stables - Structures in which saddle horses are kept, maintained and/or boarded, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings shall be considered uses accessory to the use of the premises for a riding stable.
148. Right-of-Way - A strip of land dedicated to the public or private interest, which is intended for use as an alley, crosswalk, court, place, road, thoroughfare, or utility easement.
149. Rooming House - Any dwelling in which more than three persons either individually or as families are housed or lodge for hire, with or without meals.
150. Rural Residential - A lot of more than ten (10) but less than forty (40) acres in size created for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling.
151. Sanitary Landfill - A disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump or pit and which has a solid waste disposal permit issued under K.S.A. 65-3401 et seq., and amendments thereto.
152. School - Any public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general educational instruction, as sanctioned or licensed by the State of Kansas.
153. Service Station - Any building or premise used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels, or oils, when the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as public garage.
154. Setback - The minimum horizontal distance between the property line and the building line.
  - (A) Front Yard - is determined from the fact of the building excluding steps, unenclosed porches, and eave overhang.
  - (B) Rear Yard - is determined from the face of the building excluding steps, unenclosed porches and eave overhang.

- (C) Side Yard - shall be determined from the eave overhang.
155. Sidewalk - A hard surfaced walk for pedestrians at the side of a street. All sidewalks will be constructed as specified by the building inspector and/or county engineer's office.
156. Sign - See Article 24, Section 24.020 of this Zoning Regulation for definitions.
157. Single-site Solar Energy System – A single solar array and system installed as an accessory structure for the primary purpose of on-site use and not for generating profit.
158. Single-site Wind Energy System – A single wind energy conversion system installed as an accessory structure for the primary purpose of on-site use and not for generating profit.
159. Stockyard, Commercial - A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.
160. Story - That portion of a building, other than a basement, or cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
161. Street - An easement or right-of-way, other than an alley, which provides principal access to adjacent properties
162. Street Classification -
- (A) Arterial - A street or road which provides for through traffic movement and around areas and across a city, with direct access to abutting property; subject to necessary control of entrances, exits and curb uses.
  - (B) Collector - A Street or road which provides for traffic movement between arterials and local streets, with direct access to abutting property.
  - (C) Local - A Street or road which provides for direct access to abutting land, and for local traffic movement whether in business, industrial or residential areas.
163. Street or Road Line - A dividing line between a lot, tract or parcel of land and the contiguous street or road.
164. Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but not including fences.

165. Structural Alterations - Any change in the supporting members of a building, such as, bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Zoning Regulation, the following shall not be considered structural alterations:
- (A) Attachment of new front where structural supports are not changed and do not encroach beyond building line.
  - (B) Addition of fire escapes where structural supports are not materially changed.
  - (C) Minor repair or replacement of non-structural members.
166. Suburban Residential - A lot equal to or greater than one (1) acre but less than ten (10) acres in size created for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling.
167. Tavern/Class A Club/Class B Club/Private Club/Night Club/Fraternal Lodge/Drinking Establishment/Lodge – Any establishment that meets at least one of the following:
- (A) Any establishment whose primary function is the sale and on-site consumption of cereal malt beverages or alcoholic liquor.
  - (B) Any establishment whose sale of cereal malt beverages or alcoholic liquor accounts for more than fifty (50) percent of its gross receipts in sales.
  - (C) A premises which is owned or leased by a corporation, partnership, business trust, or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, for the exclusive use of the corporate stockholders, partners, trust beneficiaries, associates, members, and their families and guests accompanying them.
  - (D) A premise which may be open to the general public, where alcoholic liquor by the individual drink is sold.
  - (E) A premise operated for profit by a corporation, partnership or individual, to which members of such club may resort for consumption of food or any beverage and for entertainment.
168. Townhouse - Means one single-family townhouse residential unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation: Provided, however, that in any event, the term "townhouse" shall not mean a condominium as defined in K.S.A. 58-3102.

169. Tower – Any structure that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone towers.
170. Tract - An area or parcel of land other than a lot of record described and recorded in the Office of the Register of Deeds of Finney County as a single parcel of land under individual ownership.
171. Trailer - Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term "Trailer" shall include recreational vehicles.
172. Trailer Park - Means a tract of land containing sites for the overnight or short term parking of two or more camping trailers. Camping trailers may be parked in a campground or camper park provided such camp area is in conformance with the codes and Regulations of Finney County.
173. Trailer, Advertising - A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other medial for advertising purposes, such advertising being the prime purpose and use of the trailer.
174. Trailer, Camping - A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath, and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this Zoning Regulation.
175. Trailer, Hauling - A trailer, as defined above, and designed and normally used for over-the-road transporting of belongings, equipment, merchandise, livestock, and other objects, but not equipped for human habitation.
176. Use - The specific purpose for which land or a building is used.
177. Usable Open Space - Land or water which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Usable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.
178. Vision Clearance Area - A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five.(25) feet from the intersection of the street lines. The vision clearance area shall contain no

temporary or permanent obstructions in the excess of one (1) foot in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets the vision clearance area is created by points forty (40) feet from the intersection of the property lines.

179. Yard - A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
180. Yard, Front - A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.
181. Yard, Rear - A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line.
182. Yard, Side - A yard between the side building line and the side line of the lot and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.
183. Zone or District - A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space about buildings are herein established.
184. Zoning Administrator - The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.
185. Zoning Use Permit - The intent of the ZUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know what is going on at the site but not so severe as to require a Conditional Use Permit through the Board of Zoning Appeals (BZA). The administrative cost shall be \$15.00 for the permit, to cover processing and notification to affected agencies.

**2.040 WORDS NOT DEFINED HEREIN.** Words or terms not herein defined shall have their ordinary meaning in relation to the context.

# ARTICLE 3

## ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

### Sections:

**3.010 Declaration of Purpose**

**3.020 Location on Map**

**3.030 Determining Boundaries**

**3.040 District Requirements**

**3.010 DECLARATION OF PURPOSE.** In order to accomplish the purposes of this ZONING REGULATION, Finney County is hereby divided into district (zones) in accordance with a Comprehensive Plan of the County as hereinafter set forth. The zoning districts of Finney County shall be known as (REF: Establishment of Districts and Zones authorized by K.S.A. 19-2928).

“A”	AGRICULTURAL DISTRICT
“R-R”	RURAL RESIDENTIAL DISTRICT
“W-R”	WORKING RURAL RESIDENTIAL DISTRICT
“RRP”	RURAL RESIDENTIAL PIERCEVILLE DISTRICT
“S-E”	SUBURBAN ESTATES DISTRICT
“L-R”	LOW DENSITY RESIDENTIAL DISTRICT
“M-R”	MEDIUM DENSITY RESIDENTIAL DISTRICT
“MHP”	MANUFACTURED HOME PARK DISTRICT
“MHS”	MANUFACTURED HOME SUBDIVISION DISTRICT
“N-C”	NEIGHBORHOOD COMMERCIAL DISTRICT
“G-C”	GENERAL COMMERCIAL DISTRICT
“C-R”	COMMERCIAL RECREATION DISTRICT
“R-I”	RURAL INDUSTRIAL DISTRICT
“I-I - I-2”	LIGHT - MEDIUM INDUSTRIAL DISTRICT
“I-3”	HEAVY INDUSTRIAL DISTRICT
“P-F”	PUBLIC FACILITIES DISTRICT
“P-P”	PUBLIC PARKS DISTRICT
“P-L”	PUBLIC LANDS DISTRICT
“PUD”	PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
“AIO”	AIRPORT INFLUENCE OVERLAY DISTRICT
“FSO”	FLIGHT SAFETY OVERLAY DISTRICT
“AOO”	AIRPORT OPERATIONS OVERLAY DISTRICT

**3.020 LOCATION ON MAP.** The location and boundaries of the districts contained herein are shown on the zoning map entitled the “District Zoning Map of Finney County, Kansas.” All boundaries, notations, and other data shown thereon are hereby adopted as part of this Zoning Regulation and are as much a part of these zoning regulations as if such notions, references and other matters were specifically set forth herein. Said "District Zoning Map" is property attested and is on file with the County Clerk of Finney County, Kansas.

**3.030 DETERMINING DISTRICT BOUNDARIES.** Where uncertainty exists, with respect to the boundaries of various districts, the following rules shall apply:

- A. Where the indicated boundaries on the Zoning Map are approximately street, roads or alley lines, the center line of said street, road or alley shall be construed to be the district boundary.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the district boundary unless otherwise indicated.
- C. Where the indicated boundaries are approximately drainage ditches, water courses or other clearly defined natural features, the centerline of such shall be construed to be the zone, boundaries unless otherwise indicated.
- D. In the absence of any street, road, land survey, lot ditch water course or other natural feature or measurement, the district boundary shall be determined by the use of the scale of measurement shown on the map.
- E. Where other uncertainty exists, the Area Planning Commission shall interpret the locations of zone boundaries upon said District Zoning Map.

**3.040 DISTRICT REQUIREMENTS.** The following rules apply to all districts contained herein:

- 1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in which the building or land is located.
- 2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located, except as provided in Article 23.
- 3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area regulations of the district in which the building is located, except as provided in Article 23.
- 4. The minimum yards and other open spaces, including lot area per family, required by the Zoning Regulation for each and every building existing at the time of passage of this Zoning Regulation or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Regulation.

5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provide.

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# ARTICLE 4

## “A” AGRICULTURAL DISTRICT

### Sections:

- 4.010 Purpose and Intent
- 4.020 Permitted Uses
- 4.030 Conditional Uses
- 4.040 Zoning Use PermitAg
- 4.060 Yard Requirements
- 4.070 Parking Requirements
- 4.080 Sign Regulations
- 4.090 Supplemental Development Standards

**4.010 PURPOSE AND INTENT.** *Agricultural (A).* The purpose of this land use category is to provide for a full range of agricultural activities on land used for agricultural purposes, including processing and sale of agricultural products raised on the premises; and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectionable, hazardous, incompatible and unsightly uses. This land use category is also intended to protect watersheds and water supplies; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of suburban residential, rural residential, and/or more dense urban development.

**4.020 PERMITTED USES.** The following uses and structures, and no others, are permitted in the "A" District. (Res.#22-202 08\07\20, Res.#25-2020 10\03\20)

1. All agricultural uses including farm dwellings and accessory buildings.
2. Agricultural Machine Shop/ Repair Services.
3. Cemeteries
4. Churches
5. Custom Cutters’ offices and equipment.
6. Farm Supply Sales.
7. Gas and Oil exploration and operations, wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas. Temporary on-site storage of oil and gas field-related equipment and supplies, but not a junkyard.
8. Irrigation/Pump/Well Repair Service.

9. Manure Spreaders Offices, Repair Shop, and Equipment, Temporary on-site storage of related equipment and supplies, but not a junkyard.
10. Public Parks and Recreation Areas subject to the supervision or regulation by an agency of the State or County.
11. Non-conforming parcels which are a minimum of five (5) acres or more, and less than forty (40) acres may be platted by parcel plat procedure as long as a home or agricultural accessory building existed prior to July 1, 2006. No parcel of 40 acres or less may be subdivided if it is vacant, or currently used for agricultural purposes unless properly rezoned to a new zoning district. This includes corners of existing crop circles. (Res. #19-2006, 06/05/06)
12. Telephone Exchange.
13. Seed and Fertilizer Sales.
14. Utility substations, pumping stations.
15. Water Reservoirs.
16. Grain Elevators, Equipment and Storage
17. Schools, public or private, primary, intermediate, and secondary. (Res. # 12-97, 3/17/97)
18. Public facilities operated by a public agency. (Res. # 12-97, 3/17/97)
19. Single-site Solar Energy System.
20. Towers in accordance with Article 23.

**4.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29. (Res.#22-202 08/07/20, Res. #25-2020 10/03/20)

1. (Reserved) (Res. #18-2017, 12/21/17)
2. Water and sewage treatment plants.
3. Riding Stables keeping more than two (2) horses per acre used exclusively for the care and keeping thereof and Horse workout facilities/arenas. (Res. # 27-96, 6/10/96)
4. Dog Kennels in excess of six (6) dogs. (Res. # 27-96, 6/10/96)
5. Fur bearing animal farms.
6. State approved and sand and gravel quarries.

7. State approved solid waste disposal sites.
8. Ready Mix Concrete and Asphalt Plants, permanent facilities. (Res. # 27-96, 6/10/96)
9. A commercial or retail business, the same to include a cereal malt beverage establishment or private club.
10. Manufactured home for a family member or employee based upon the principle use as approved.
11. Hunting/Game Preserves (not exotic animals).
12. Wholesale/Retail Chemical Sales.
13. Chemical Brokers.
14. Chemical Storage Facilities.
15. Motocross/4-Wheel Areas/Tracks.
16. Commercial Equestrian Race Track Facilities Including Timing Tracks & Rodeos. (Res. #38-05 09/12/05)
17. Single-site Wind Energy System in accordance with Article 23.
18. Commercial Renewable Energy Systems in accordance with Article 23.

#### **4.050 LOT SIZE REQUIREMENTS.**

1. Minimum area:
  - (A) 40 Acre Minimum Lot Size

#### **4.060 YARD REQUIREMENTS.**

1. Front Yard:
  - (A) Farm related buildings: 75 feet from the centerline of road easements for building.
  - (B) Other permitted uses: 60 feet from the centerline of road easements.
2. Side Yard:
  - (A) Farm related buildings none.
  - (B) All other permitted uses: 50 feet.
3. Rear Yard:

(A) Farm related buildings: none

(B) All other permitted uses: 50 feet.

**4.070 PARKING REQUIREMENTS.**

1. Farm related buildings: None.
2. All uses shall conform with the requirements of Article 25.

**4.080 SIGN REGULATIONS.** See Article 24.

**4.090 SUPPLEMENTAL DEVELOPMENT STANDARDS.** See Article 23.

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# ARTICLE 5

## "R-R" RURAL RESIDENTIAL DISTRICT (Res.# 05-2019, 3/4/19)

### Sections:

- 5.010 Purpose and Intent
- 5.020 Permitted Uses
- 5.030 Conditional Uses
- 5.040 Zoning Use Permit
- 5.050 Lot Size Requirements
- 5.060 Lot Coverage
- 5.070 Yard Requirements
- 5.080 Height Requirements
- 5.090 Parking Requirements
- 5.100 Sign Requirements
- 5.110 Supplemental Development Standards

**5.010 PURPOSE AND INTENT.** *Rural Residential (RR).* All Rural Residential Districts may be included in Rural Development Areas (RDA's), Suburban Development Areas (SDA's) and Urban Development Areas (UDA's). This District will permit single family development on lots of one-half (0.5) or more acres. Lots with environmental concerns (e.g. steep slopes, rock outcroppings, etc.) shall be required to exceed the minimum of one-half (0.5) acres to mitigate for such concerns. Micro-farm activities, such as maintaining livestock, orchards and other similar agriculturally-related activities may exist in these areas as outlined in this article, **unless subdivision covenants or deed restrictions set more stringent standards than these Regulations.** These areas shall remain primarily residential in character. Developed areas may continue to be served by septic systems, wells, and other services planned at rural levels as required by KDHE and the County Building Official. In the event that septic system fails on properties with less than two (2) acres, and no public sewer is available within four-hundred (400) feet, the septic system shall be replaced by an on-site sewage system with aerator (OSSS), with a treatment tank with a minimum capacity of one-thousand (1,000) gallons per day (GPD). New lots of five (5.0) acres or less shall be connected to public sewer systems where available within four-hundred (400) feet of the property, otherwise, shall be serviced by an OSSS and a treatment tank with a minimum capacity of one-thousand (1,000) GPD.

**5.020 PERMITTED USES.** The following uses and structures, and no others are permitted in the "R-R" Districts.

1. Single family dwellings.
2. Utility substations or pumping station

3. Water Reservoirs
4. Telephone Exchange
5. Public Parks and Recreation Areas
6. Churches or similar place of worship and Cemeteries
7. Schools, public or private, primary, intermediate and secondary
8. Pasture or Rangeland
9. Field and Seed Crops
10. Animal husbandry shall be limited as follows:

- (A) Equine and Bovine: There shall be no more than one (1) equine or bovine on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) equine or bovine or a combination thereof, per fenced acre, for the care and keeping thereof, but not to exceed a total of ten (10) of such animals for properties less than five (5.0) acres; and/or
- (B) Swine: There shall be no more than two (2) swine on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) swine, per fenced acre, for the care and keeping thereof, but not to exceed a total of eight (8) such animals for properties less than five (5.0) acres; and/or
- (C) Sheep or Goats: There shall be no more than four (4) sheep or goats or a combination thereof on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) sheep or goats or a combination thereof, per fenced acre, for the care and keeping thereof, but not to exceed a total of twelve (12) of such animals for properties less than five (5.0) acres; and/or
- (D) Rabbits, and other small animals: There shall be no more than ten (10) such animals on the premises on lots of two (2.0) acres or less; and/or
- (E) Fowl shall be permitted in accordance with Article 22.020 (12) of these zoning regulations, but not to exceed a total of fifty (50) such animals on properties smaller than five (5.0) acres.

(F) Any additional types of animals not listed above for the care and keeping thereof will require a Zoning Use Permit.

11. Accessory buildings customarily incident to the above permitted uses.
12. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 23.
13. Licensed Day Care Home.

**5.030 CONDITIONAL USES:** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. Riding Stables/Training Facilities
2. Dog Kennels/Training Facilities
3. Fur bearing animal farms
3. Group Day Care Homes or Child Care Centers licensed by the State, and preschools.
5. Recreation activities such as golf courses, miniature courses and driving tees.
6. Veterinarian or Animal Hospital Services.
7. Other uses similar in nature listed in Article 5.030.
8. Commercial Equestrian Race Track Facilities Including Timing Tracks & Rodeos
9. Hobby Car Collecting, on lots of five (5) to forty (40) acres the maximum inoperable vehicles permitted for hobby car collecting shall be fifteen (15) unless otherwise determined by the Board of Zoning Appeals.
10. Animals in excess to limits set in 5.020(10).
11. Truck Parking with the following conditions:
  - (A) On an improved surface, one (1) truck and one (1) trailer for owner operated only.
  - (B) May not be parked within two hundred (200) feet of another residential structure.

- (C) Minor maintenance of the truck may be performed on the property that include: oil or other fluid changes, tire repairs, battery replacement etc.
- (D) No body work or engine/mechanical repair.
- (E) All waste materials must be removed from the property within 72 hours and properly disposed as required by State and Federal Regulations.
- (F) No maintenance may be performed between sunset to sunrise
- (G) No outside storage of truck parts, materials or tires.

**5.040 ZONING USE PERMIT:**

- 1. Manufactured home for a rural residential family as temporary living quarters while a site constructed home under the review of the building official with a building permit is constructed. The manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official.
- 2. Home Occupations.

**5.050 LOT SIZE REQUIREMENTS:** Subject to the Environmental Code and FEMA Flood Regulations, Subdivision Regulations for “Homesteads”, except as otherwise provided in Article 23 of this Zoning Regulation, the minimum lot size shall be one-half (0.5) acre. The minimum lot width shall not be less than one-hundred-twenty-five (125) feet.

**5.060 LOT COVERAGE:** The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40) percent. Not more than one single family dwelling may be placed on a lot.

**5.070 YARD REQUIREMENTS:** The following minimum yard requirements shall apply in all "R-R: Districts.

- 1. Front Yard:
  - (A) Each lot in the "R-R" District shall have a front yard of not less than seventy-five (75') feet from the center of road easement, unless otherwise provided in Article 26.
  - (B) Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.
- 2. Side Yard:

(A) Except as otherwise provided in the following paragraph and Article 23, there shall be a side yard having a minimum width of twenty (20) feet.

3. Rear Yard:

(A) Each lot in the “R-R” District shall have a minimum rear yard of fifty (50) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

**5.080 HEIGHT REGULATIONS.** No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23. Chimneys, flagpoles, church towers and similar structures not used for human occupancy shall be excluded in determining height.

**5.090 PARKING REQUIREMENTS:** See Article 25.

**5.100 SIGN REQUIREMENTS:** See Article 24.

**5.110 SUPPLEMENTAL DEVELOPMENT STANDARDS:**

1. Enclosures, accessory structures and compost piles must be managed in such a manner that the property maintains its predominantly rural residential character, such as to prevent noxious odors, sounds and waste from becoming a nuisance to adjacent properties.
2. Enclosures, accessory structures and compost piles must be located a minimum distance of fifty (50) feet from any groundwater source.
3. Animal waste is not permitted to be introduced into the public sewer system or local bodies of standing or running water under any circumstances.
4. The incineration of animal waste, by-products, body parts or corpses shall not be permitted under any circumstances.
5. For additional requirements - See Article 23.

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## ARTICLE 5.5

### “W-R” WORKING RURAL RESIDENTIAL DISTRICT (Res # 08-2019 5/7/2019)

#### Sections:

- 5.5.010 Purpose and Intent
- 5.5.020 Permitted Uses
- 5.5.030 Conditional Uses
- 5.5.040 Zoning Use Permit
- 5.5.050 Lot Size Requirements
- 5.5.060 Lot Coverage
- 5.5.070 Yard Requirements
- 5.5.080 Height Requirements
- 5.5.090 Parking Requirements
- 5.5.100 Sign Requirements
- 5.5.110 Supplemental Development Standards

**5.5.010 PURPOSE AND INTENT. Working Rural Residential (W-R).** All Working Rural Residential Districts are permitted outside the Development Envelope within the Comprehensive Plan. This district will permit single family development on lots of five (5.0) acres or more. Environmental concerns (e.g. steep slopes, rock outcroppings, etc.) shall be required to exceed the minimum of five (5.0) acres to mitigate for such concerns. Micro-farm activities, such as maintaining livestock, orchards and other similar agriculturally-related activities may exist in these areas as outlined in this article, **unless subdivision covenants or deeds restrictions set more stringent standards than these Regulations.** These areas shall remain primarily residential in character. Developed areas may continue to be served by septic systems, wells, and other services planned at rural levels as required by KDHE and County Building Official. New lots of five (5.0) acres shall be connected to public sewer where available within four-hundred (400) feet of the property.

**5.5.020 PERMITTED USES.** The following uses and structures, and no others are permitted in the “W-R” Districts.

1. Single family dwellings
2. Utility substations or pumping station
3. Water Reservoirs
4. Telephone Exchange
5. Public Parks and Recreation Areas
6. Churches or similar place of worship and Cemeteries
7. Schools, public or private, primary, intermediate and secondary

8. Pasture or Rangeland
9. Field and Seed Crops
10. Animal husbandry shall be limited as follows:
  - (A) Equine and Bovine: Two (2) equine or bovine or a combination thereof, per fenced acre, for the care and keeping thereof; and/or
  - (B) Swine: Two (2) swine, per fenced acre, for the care and keeping thereof; and/or
  - (C) Sheep or Goats: Two (2) sheep or goats or a combination thereof, per fenced acre for the care and keeping thereof; and/or
  - (D) Rabbits, and other small animals:
  - (E) Fowl shall be permitted in accordance with Article 22.020 (12) of these regulations.
  - (F) For any additional types of animals not listed above the care and keeping thereof will require a Zoning Use Permit.
11. Accessory buildings customarily incident to the above permitted uses.
12. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 23.
13. Licensed Day Care Home.
14. Truck Parking with a single dwelling unit with the following conditions:
  - (A) One (1) truck and one (1) trailer owned or leased by property owner.
  - (B) All waste materials must be removed from the property within 72 hours and properly disposed as required by State and Federal Regulations.

**5.5.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. Riding Stables/Training Facilities
2. Dog Kennels/Training Facilities
3. Fur bearing animal farms

4. Group Day Care Homes or Child Care Centers licensed by the State, and preschools.
5. Recreation activities such as golf courses, miniature courses and driving tees.
6. Veterinarian or Animal Hospital Services
7. Other uses similar in nature listed in Article 5.5.030
8. Commercial Equestrian Race Track Facilities including Timing Tracks and Rodeos.
9. Hobby Car Collecting, the maximum inoperable vehicles permitted for hobby car collecting shall be fifteen (15) unless otherwise determined by the Board of Zoning Appeals.

**5.5.040 ZONING USE PERMIT.**

1. A manufactured home as a temporary living quarters for a period not to exceed five (5) years while the permanent living structure is constructed. The manufactured home must be removed within thirty (30) days of issuance of a Certificate of Occupancy by the building official.
2. Home Occupations

**5.5.050 LOT SIZE REQUIREMENTS.** Subject to the Environmental Code and FEMA Flood Regulations, Subdivision Regulations for “Homesteads”, except as otherwise provided in Article 23 of this Zoning Regulation, the minimum lot size shall be five (5.0) acres.

**5.5.060 LOT COVERAGE.** The maximum lot coverage by all buildings, principal and accessory structure, shall not exceed forty (40) percent. Not more than one single family dwelling unit may be placed on a lot.

**5.5.070 YARD REQUIREMENTS.** The following minimum yard requirements shall apply in all “W-R” Districts.

1. Front Yard:
  - (A) Each lot in the “W-R” Districts shall have a front yard of not less than seventy-five (75) feet from the center of road easement, unless otherwise provided in Article 26.
  - (B) Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.

2. Side Yard:

(A) Except as otherwise provided in the following paragraph and Article 23, there shall be a side yard having a minimum width of twenty (20) feet.

3. Rear Yard:

(A) Each lot in the "W-R" District shall have a minimum rear yard of fifty (50) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

**5.5.080 HEIGHT REGULATIONS.** No building shall exceed shall exceed thirty-five (35) feet in height except as otherwise provided in Article 23. Chimneys, flagpoles, church towers and similar structures not used for human occupancy shall be excluded in determining height.

**5.5.090 PARKING REQUIREMENTS.** See Article 25.

**5.5.100 SIGN REQUIREMENTS.** See Article 24.

**5.5.110 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

1. Enclosures, accessory structures and compost piles must be managed in such a manner that the property maintains its predominantly working rural residential character, such as to prevent noxious odors, sounds and waste from becoming a nuisance to adjacent properties.
2. Enclosures, accessory structures and compost piles must be located a minimum distance of fifty (50) feet from any groundwater source.
3. Animal waste is not permitted to be introduced into the public sewer system or local bodies of standing or running water under any circumstances.

The incineration of animal waste, by-products, body parts or corpses shall not be permitted under any circumstances.

4. For additional requirements- See Article 23.

# ARTICLE 6

## "S-E" SUBURBAN ESTATES DISTRICT (Res.#05-2019, 3/4/19)

### Sections:

- 6.010 Purpose and Intent
- 6.020 Permitted Uses
- 6.030 Conditional Uses
- 6.040 Zoning Use Permit
- 6.050 Lot Size Requirements
- 6.060 Lot Coverage
- 6.070 Yard Requirements
- 6.080 Height Regulations
- 6.090 Projections Into Yards
- 6.100 Parking Requirements
- 6.110 Sign Regulations
- 6.120 Supplemental Development Standards

**6.010 PURPOSE AND INTENT.** *Suburban Estates (SE).* This suburban land use is characterized by single family lots, with typical lot sizes ranging from two (2) to five (5) acres. It is a category used in the Suburban Development Areas (SDA's). Residential land uses are the primary uses in a Suburban Estate area. Many lots will use well water, but this will vary based on groundwater conditions and proximity to existing organized water system. Developed areas may continue to be served by septic systems, wells, and other services planned at rural levels as required by KHDE. New lots of five (5.0) acres or less shall be connected to public sewer systems where available within four-hundred (400) feet of the property, otherwise, such lots shall be serviced by an on-site sewage system with aerator (OSSS) and a treatment tank with a minimum capacity of one-thousand (1,000) gallons per day (GPD).

**6.020 PERMITTED USES.** The following uses and structures, *and no others*, are permitted in the "S-E" District.

1. Single Family Dwelling - Detached.
2. Church or similar place of worship.
3. Public parks, playgrounds and recreation areas and related buildings operated by a public agency.
4. Schools, public or private, primary, intermediate and secondary.
5. Vegetable and flower gardens, trees, shrubs and lawns, and non-commercial orchards and other landscaping as it relates to residential use.

6. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principal use as explained in Article 23.
7. Accessory buildings customarily incident to the above permitted uses..
8. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 23.
9. Licensed Day Care Homes.
10. Suburban Estates Residential and non-commercial animal husbandry provided such activities are accessory to the residential use and no persons are employed on the premises, **unless subdivision covenants or deed restrictions set more stringent standards than these Regulations.** Limitations on animal husbandry are:
  - (A) Horses: There shall be no more than two (2) horses per fenced acre used exclusively for the care and keeping thereof; and/or
  - (B) Fowl shall be permitted in accordance with Article 22.020 (12) of these zoning regulations, but not to exceed a total of fifty (50) such animals on properties smaller than five (5.0) acres.

**6.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. Public libraries, museums or similar public buildings.
2. Group Day Care Homes or Child Care Centers licensed by the State, and preschools.
3. Golf courses, miniature golf courses and driving ranges.
4. Community buildings, recreational fields. YMCA, and similar uses as defined in these regulations.
5. Nursing Homes and Homes for the Aged approved and licenses by the State of Kansas.
6. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.
  - (A) Electric and telephone substations

- (B) Gas regulator stations
  - (C) Police and Fire Stations
  - (D) Water Towers
  - (E) Etc.
7. Hobby car collecting on lots between two (2) and five (5) acres the maximum inoperable vehicles permitted for hobby car collecting shall be ten (10).
  8. Truck Parking with the following conditions:
    - (A) On an improved surface, one (1) truck and one (1) trailer for owner operated only.
    - (B) May not be parked within two hundred (200) feet of another residential structure.
    - (C) Minor maintenance of the truck may be performed on the property that include: oil or other fluid changes, tire repairs, battery replacement etc.
    - (D) No body work or engine/mechanical repair.
    - (E) All waste materials must be removed from the property within 72 hours and properly disposed as required by State and Federal Regulations.
    - (F) No maintenance may be performed between sunset to sunrise.
    - (G) No outside storage of truck parts, materials or tires.

**6.040 ZONING USE PERMIT.**

1. Manufactured home for a suburban estates residential family as temporary living quarters while a site constructed home under the review of the building official with a building permit is constructed. The manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official.
2. Home Occupation.

**6.050 LOT SIZE REQUIREMENTS.** Subject to the County Environmental Code and except as otherwise provided in Article 23 of this Zoning Regulation, no building shall be erected or altered on a lot which makes provisions for less than two (2) acres of lot area. Minimum lot widths shall not be less than 200 feet and minimum lot depths shall not be less than 300 feet.

**6.060 LOT COVERAGE.** The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40) percent. Not more than one single family dwelling may be placed on a lot.

**6.070 YARD REQUIREMENTS.** The following minimum yard requirements shall apply in all "S-E" Districts.

1. Front Yard:

- (A) Each lot in the "S-E" District shall have a front yard of not less than seventy-five (75) feet from the center of road easement, unless otherwise provided in Article 26.
- (B) Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.

2. Side Yard:

- (A) Except as otherwise provided in the following paragraph and in Article 23, there shall be a side yard on each side of a building, having a width of not less than thirty (30) feet.
- (B) Wherever a side yard abuts an alley, the side yard shall not be less than thirty (30) feet.

3. Rear Yard:

- (A) Each lot in the "S-E" District shall have a rear yard having a depth of not less than fifty (50) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

**6.080 HEIGHT REGULATIONS.** No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23. Chimneys, flagpoles, church towers and similar structures not used for human occupancy shall be excluded in determining height.

**6.090 PROJECTIONS INTO YARD.**

- 1. The following elements may project into or be erected into any required yard.
  - (A) Landscaping elements.
  - (B) Fences and walls in conformance with County Resolutions.

- (C) Necessary elements for the delivery of Utility Services.
- 2. The following structures may project into a minimum front or rear yard not more than four (4) feet.
  - (A) Chimney and fireplace structures
  - (B) Eaves, sills, cornices and similar architectural features.
  - (C) Stairways, balconies and awnings.
- 3. All side yard setbacks shall be measured from the building overhand and not the building wall

**6.100 PARKING REQUIREMENTS.** See Article 25.

**6.110 SIGN REGULATIONS.** See Article 24.

**6.120 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

- 1. Enclosures, accessory structures and compost piles must be managed in such a manner that the property maintains its predominantly rural residential character, such as to prevent noxious odors, sounds and waste from becoming a nuisance to adjacent properties.
- 2. Enclosures, accessory structures and compost piles must be located a minimum distance of fifty (50) feet from any groundwater source.
- 3. Animal waste is not permitted to be introduced into the public sewer system or local bodies of standing or running water under any circumstances.
- 4. The incineration of animal waste, by-products, body parts or corpses shall not be permitted under any circumstances.
- 5. For additional requirements - See Article 23.

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# ARTICLE 7

**Reserved.**

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# ARTICLE 8

## “L-R” LOW DENSITY RESIDENTIAL DISTRICT (Res.#05-2019, 3/4/19)

### Sections:

- 8.010 Purpose and Intent
- 8.020 Permitted Uses
- 8.030 Conditional Uses
- 8.040 Lot Size Requirements
- 8.050 Lot Coverage
- 8.060 Yard Requirements
- 8.070 Height Regulations
- 8.080 Projections Into Yards
- 8.090 Parking Requirements
- 8.100 Sign Regulations
- 8.110 Supplemental Development Standards

**8.010 PURPOSE AND INTENT.** *Low Density District (L-R).* This district is designed to reflect development between one (1) and five (5) units per acre if lots are served by public water or sewer services. This category is used only in Urban Development Areas (UDA's). Community sewer or approved onsite sewage disposal and water systems are required, as are other urban services. Low-density residential areas will be developed exclusively with single-family homes. Two (2) acres minimum lot sizes are required for a private on site water and sewer systems. Developed areas may continue to be served by septic systems, wells, and other services planned at rural levels as required by KDHE and the County Building Official. New lots of five (5.0) acres or less shall be connected to public sewer systems where available within four-hundred (400) feet of the property, otherwise, such lots shall be serviced by an on-site sewage system with aerator (OSSS) and a treatment tank with a minimum capacity of one-thousand (1,000) gallons per day (GPD) per dwelling unit.

**8.020 PERMITTED USES.** The following uses and structures *and no others*, are permitted in the "L-R" District.

1. Single Family Dwelling.
2. Church or similar place of worship
3. Public parks, playgrounds and recreation areas and related buildings operated by a public agency.
4. Schools, public or private, primary, intermediate and secondary.
5. Vegetable and flower gardens, trees, shrubs, and lawns, and non-commercial orchards and other landscaping as it relates to residential use.

6. Customary accessory uses and structures located on the same lot with the principle use and which do not include activity or use unrelated principle use as explained in Article 23.
7. Temporary structures incidental to construction work only for the period of such work as permitted in Article 23.
8. The renting of not to exceed two sleeping rooms with a total occupancy of not to exceed two persons for whom board may be furnished, but with the prohibition of separate culinary accommodation for such tenants.
9. Licensed Day Care Homes.

**8.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. Public libraries, museums or similar public buildings.
2. Group Day Care Homes or Child Care Centers licensed by the State, and preschools.
3. Golf courses, miniature golf courses and driving ranges.
4. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
5. Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.
6. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.
  - (A) Electric and telephone substations
  - (B) Gas regulator stations
  - (C) Police and Fire Stations
  - (D) Water towers
  - (E) Etc.

7. Home occupations.
8. Hobby Car Collecting, on lots of two (2) acres or less the maximum inoperable vehicles permitted for hobby car collecting shall be five (5).
9. Truck Parking with the following conditions:
  - (A) On an improved surface, one (1) truck and one (1) trailer for owner operated only.
  - (B) May not be parked within two hundred (200) feet of another residential structure.
  - (C) Minor maintenance of the truck may be performed on the property that include: oil or other fluid changes, tire repairs, battery replacement etc.
  - (D) No body work or engine/mechanical repair.
  - (E) All waste materials must be removed from the property within 72 hours and properly disposed as required by State and Federal Regulations.
  - (F) No maintenance may be performed between sunset to sunrise.
  - (G) No outside storage of truck parts, materials or tires.

**8.040 LOT SIZE REQUIREMENTS.** Subject to the County Environmental Code and except as otherwise provided in Article 23, of this Zoning Regulation, no building shall be erected or altered on a lot which makes provisions for less than **8,800** square feet of lot area. Minimum lot widths shall be not less than **80** feet and minimum lot depths shall not be less than **110** feet.

**8.050 LOT COVERAGE.** The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40) percent not more than one single-family dwelling may be placed on a lot.

**8.060 YARD REQUIREMENTS.** The following minimum yard requirements shall apply in all "L-R" Districts.

1. **Front Yard:**

- (A) Each lot in the "L-R" Districts shall have a front yard of not less than sixty (60) feet measured from the center of the road, unless otherwise provided in Article 23.
- (B) Where platted lots have a double frontage or located at the intersections of two streets, the required front year shall be provided on both streets.

2. Side Yard:

- (A) Except as otherwise provided in the following paragraph and in Article 23, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.
- (B) Wherever a side yard abuts an alley, the side yard shall not be less than eight (8) feet.

3. Rear Yard:

- (A) Each lot in the "L-R" District shall have a rear yard having a depth of not less than twenty-five (25) feet
- (B) Or twenty (20) percent of the depth of the lot, whichever amount is greater.

**8.070 HEIGHT REGULATIONS.** No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23.

**8.080 PROJECTIONS INTO YARDS.**

- 1. The following elements may project into or be erected into any required yard.
  - (A) Landscaping Elements.
  - (B) Fences and walls in conformance with County Resolution.
  - (C) Necessary elements for the delivery of Utility Services.
- 2. The following structures may project into a minimum front or rear yard not more than four (4) feet.
  - (A) Chimneys and fireplace structures.
  - (B) Eaves, sills, cornices and similar architectural features.
  - (C) Stairways, balconies and awning.
- 3. All side yard setbacks shall be measured from the building overhang and not the building wall.

**8.090 PARKING REQUIREMENTS.** See Article 25.

**8.100 SIGN REGULATIONS.** See Article 24.

**8.110 SUPPLEMENTAL DEVELOPMENT STANDARDS.** See Article 23.

# ARTICLE 9

## "M-R" MEDIUM DENSITY RESIDENTIAL DISTRICT (Res.#05-2019, 3/4/19)

### Sections:

- 9.010 Purpose and Intent
- 9.020 Permitted Uses
- 9.030 Conditional Uses
- 9.040 Lot Requirements
- 9.050 Lot Coverage
- 9.060 Yard Requirements
- 9.070 Height Regulations
- 9.080 Projection Into Yards
- 9.090 Parking Requirements
- 9.100 Sign Regulations
- 9.110 Supplemental Development Standards

**9.010 PURPOSE AND INTENT.** *Medium Density Residential District (M-R).* This urban land use category is used to show areas with five (5) or more dwelling units per acre, but less than fifteen (15) dwelling units per acre. Typical residential uses in these areas are patio and zero lot line homes, manufactured home parks, manufactured home subdivisions, duplexes, some multi-family projects, and, where specifically approved as part of a planned development, neighborhood commercial development. **Full urban services are required** for Medium Density Residential developments.

**9.020 PERMITTED USES.** The following uses and structures, *and no others*, are permitted in the "M-R" District.

1. Single Family Dwelling.
2. Two Family Dwelling.
3. Three Family Dwelling.
4. Four Family Dwelling.
5. Church or similar place of worship.
6. Public parks, playgrounds and recreation area and related buildings operated by a public agency.
7. Schools, public or private, primary, intermediate and secondary.

8. Vegetable and flower gardens, trees, shrubs and lawns, and non-commercial orchards and other landscaping as it relates to residential use.
9. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use as explained in Article 23.
10. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 23.
11. The renting of not to exceed two (2) sleeping rooms with a total occupancy of not to exceed two (2) persons for whom board may be furnished, but with the prohibition of separate culinary accommodations for such tenants.
12. Licensed Day Care Homes.

**9.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. Public libraries, museums or similar public buildings.
2. Nursing Homes and Homes for the Aged that are approved and licensed by the State of Kansas.
3. Golf courses, miniature golf courses and driving ranges.
4. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
5. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.
  - (A) Electric and telephone substations.
  - (B) Gas regulator stations.
  - (C) Police and Fire Stations.
  - (D) Water towers.
  - (E) Etc.
6. Home occupations.
7. Hobby Car Collecting, on lots of two (2) acres or less the maximum inoperable vehicles permitted for hobby car collecting shall be five (5).
8. Group Day Care Homes or Child Care Centers licensed by the State and preschools.

9. Truck Parking with the following conditions:

- (A) On an improved surface, one (1) truck and one (1) trailer for owner operated only.
- (B) May not be parked within two hundred (200) feet of another residential structure.
- (C) Minor maintenance of the truck may be performed on the property that include: oil or other fluid changes, tire repairs, battery replacement etc.
- (D) No body work or engine/mechanical repair.
- (E) All waste materials must be removed from the property within 72 hours and properly disposed as required by State and Federal Regulations.
- (F) No maintenance may be performed between sunset to sunrise.
- (G) No outside storage of truck parts, materials or tires.

**9.040 LOT SIZE REQUIREMENTS.** Subject to the County Environmental Code and except as otherwise provided in Article 23 of this Zoning Regulation, no single family dwelling shall be erected or altered on a lot which makes provisions for less than six thousand (6,000) square feet of lot area. Minimum lot widths shall not be less than sixty (60) feet and minimum lot depths shall not be less than 100 feet.

A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand (3,000) square feet per family.

A lot on which there is erected a three and four family dwelling shall contain an area of not less than one thousand five (1,500) square feet per family.

**9.050 LOT COVERAGE.** The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40) percent.

**9.060 YARD REQUIREMENTS.**

1. Front Yard:

- (A) Each lot in the "M-R" District shall have a front yard of not less than sixty (60) feet from center of road easement, unless otherwise provided in Article 23.
- (B) Where platted lots have a double frontage, or located at the intersection of two streets, the required front yard shall be provided on both streets.

2. Side Yard:

- (A) Except as otherwise provided in the following paragraph and in Article 23, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.
- (B) Wherever a side yard abuts an alley, the side yard shall be not less than eight (8) feet.

3. Rear Yard:

- (A) Each lot in the "M-R" District shall have a rear yard having depth of not less than twenty-five (25) feet or twenty (20%) percent of the depth of the lot, whichever amount is smaller.

**9.070 HEIGHT REGULATIONS.** No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 23.

**9.080 PROJECTIONS INTO YARD.**

- 1. The following elements may project into any required yard.
  - (A) Landscaping elements.
  - (B) Fences and walls in conformance with these Regulations.
  - (C) Necessary elements for the delivery of Utility Services.
- 2. The following structures may project into a minimum front or rear yard not more than four (4') feet.
  - (A) Chimneys and fireplace structures.
  - (B) Eaves, sills, cornices and similar architectural features.
  - (C) Stairways, balconies and awnings.
- 3. All side yard setbacks shall be measured from the building overhang and not the building wall.

**9.090 PARKING REQUIREMENTS.** See Article 25.

**9.100 SIGN REGULATIONS.** See Article 24.

**9.110 SUPPLEMENTAL DEVELOPMENT STANDARDS.** See Article 23.

# ARTICLE 10

**Reserved.**

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# ARTICLE 11-A

## “MHP” MANUFACTURED HOME PARK DISTRICT (Ord.#25-2007 08/10/07)

### SECTIONS:

- 11-A.010 Purpose and Intent
- 11-A.020 Permitted Uses
- 11-A.030 Conditional Uses
- 11-A.040 Site Plan Requirements
- 11-A.050 Development Standards For Manufactured Home Parks
- 11-A.060 Development Standards for Manufactured Home Lots
- 11-A.070 Grandfathered Manufactured Home Parks
- 11-A.075 Non-Conforming Manufactured Home Parks
- 11-A.080 Reserved

**11-A.010 PURPOSE AND INTENT.** *The MHP Manufactured Home Park District is established for the purpose of providing residential environments within the County for the accommodation of Manufactured Homes within a Manufactured Home Park under one ownership, or one parcel designated as a Manufactured Home Park. Manufactured homes shall not be used for dwelling purposes, except in a manufactured home park as authorized in these regulations. Manufactured home parks are prohibited in any district other than those authorized in these regulations.*

*As a prerequisite to the development of a “MHP” a detailed site plan shall be prepared. A Development Agreement between the “Developer” and the County which shall spell out specifics as it relates to the project may also be required. In any district where a manufactured home is either a permitted or conditional use, the regulations and minimum standards shall apply as contained herein.*

*A manufactured home may be permitted by the County Administrator or his designated agent for purposes of temporary relief from a local disaster such as fire, wind, or flood damage, provided such manufactured home shall be removed as ordered by the County Administrator after the disaster.*

The following definitions apply to this Article:

Manufactured Home - A factory built home or structure federally regulated by the HUD Code placed on a site upon a permanent foundation unless located in a manufactured home park which may be placed according to manufacturers specifications.

Modular Home or Structure – A home or structure modular in nature and may be partially or completely fabricated off site designed and constructed to the currently adopted building code of the city or county placed on a site upon a permanent foundation, to be used for residential, commercial, educational or industrial purposes.

Mobile Home or Structure – A factory built home or structure built prior to June 15, 1976.

**11-A.020 PERMITTED USES IN THE MHP DISTRICT.** The following uses and structures and no others are permitted in the Manufactured Home Park District:

1. One (1) manufactured home per manufactured home lot.
2. Manufactured homes located in an approved Manufactured Home Park (not transient trailer courts or recreational vehicle parks) used exclusively for single-family occupancy.
3. Park Offices and attendant/manager residence.
4. Recreation and service facilities (e.g. club house, storage rental units, swimming pool, Laundromat, storm shelters, sanitary facilities, maintenance buildings, etc.) for the occupants of the park.
5. Licensed Day Care Homes, Group Day Care Homes or Child Care Centers licensed by the State, schools, and Preschools.
6. Accessory structures such as garages, carports, greenhouses, storage buildings and similar structures which are customarily used in conjunction with and incidental to a principle use or structure.

**11-A.030 CONDITIONAL USES**

1. Transient trailers and RV's allowed with a minimum number of fifty (50) units all located within a centralized location on a site plan.
2. Manufactured Homes of model years 1976 to 1985 at the discretion of the Board of Zoning Appeals.

**11-A.040 SITE PLAN REQUIREMENTS**

1. Name and address of the owner.
2. Location and legal description of the Manufactured Home Park.

3. Topographic survey of the property with contour intervals of 2 feet, natural features and existing utilities identified, both on site and off site (within 100' of the boundaries of the project).
4. The area and dimensions of the tract of land proposed for the Manufactured Home Park.
5. The number, location and dimensions of all manufactured home lots, including proposed setbacks of manufactured homes from the Park's exterior property lines and setbacks on individual lots; location of riser pipes and other utilities.
6. The location and width of roadways and walkways.
7. The number, location and size of all parking stalls and parking areas.
8. Plans for emergency shelter facilities.
9. Plans for the water supply, refuse and sewage disposal facilities (include appropriate State Agency Approvals, i.e. KDHE, etc), electrical service and gas service.
10. Plans for controlling surface drainage to be approved by the County Engineer.
11. The location of recreation areas, storage areas, laundry areas, emergency shelter facility, sanitation facilities, and other facilities and/or service buildings common to the Manufactured Home Park.
12. The location and description of the lighting system.
13. Plans for screening through the use of fencing, the use of landscape material (organic and inorganic) and other landscape structures and features. The design of the park shall preserve natural features such as large trees, outcropping, etc., when feasible.
14. Submit a copy of property/park covenants and park rules.
15. Other information as provided herein and as may be requested by the Governing Body or the Area Planning Commission.
16. A complete site plan shall be prepared by a State of Kansas licensed architect or engineer to be submitted for approval by the Community Development Department, and/or Planning Commission.

## **11-A.050 DEVELOPMENT STANDARDS FOR MANUFACTURED HOME PARKS.**

1. Community sewer or approved onsite sewage disposal and water systems are required as are other urban services all private on site water and sewer systems will be reviewed and approved by and to KDHE and the Environmental Code of Finney County. Adequate provision shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy state and local codes, regulations, and specifications. All utilities for the park will be in platted easements.
2. Minimum Park Frontage: Three hundred (300) feet.
3. Maximum Density of Units per Gross Acre: Seven (7).
4. Minimum Number of Lots Completed and Ready for Occupancy Before First Occupancy is Permitted: Twenty (20) manufactured home lots.
5. Setbacks Adjacent to Public Streets: Thirty (30) feet.
6. Setbacks Adjacent to Private Streets within the Park: Fifteen (15) feet.
7. Access: To be designed for safe and convenient movement of traffic into and out of the park, with minimization of marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances or exits. No manufactured home shall have direct access to a public street.
8. Utilities: Landscaped utilities easements may be provided along the rear or front of each manufactured home lot. Easements shall be no less than ten (10) feet in width. No permanent structures shall be located within utility easements, and permitted structures shall be located so as not to impede the maintenance of underground facilities. Such utilities shall be underground. Streetlights shall be provided on all streets and may be overhead or low level, but must reflect onto the street.
9. Streets and Drainage: Internal collector streets shall have a minimum pavement width of twenty-eight (28) feet back-to-back of gutter. All streets in a manufactured home park shall be private and shall comply with applicable County pavement and drainage standards; an adequately engineered drainage plan is required. The County will adopt pavement standards for manufactured home parks.
10. Sidewalks shall be at least forty-eight (48”) inches in width that lead from manufactured home spaces to service and recreational areas. Pedestrian walkways shall connect with walkways in surrounding recreational areas (picnic areas, playgrounds, ball fields).

11. Recreation Facilities: Five (5) percent of gross land area shall be developed for recreational purposes (picnic areas, playgrounds, ball fields), and such percentage shall not include setbacks, buffers, utilities easements or storage areas.
12. Storage Areas: While not required, storage areas may be provided for travel trailers, campers and boats; such equipment shall be permitted only in such areas, and the use of such storage areas is limited to park residents. Such storage areas shall not be visible from streets or front setbacks and shall be buffered with a six (6) foot high, ten (10) foot wide planted area or a six (6) foot high structure in a five (5) foot wide planted area.
13. Buffers and Required Setbacks: All required setbacks shall be landscaped. Where the boundary of a mobile home park abuts a public street, there shall be provided a six (6') foot wall constructed of wood, vinyl, block, brick, stone or approved concrete wall design in addition to a landscaped area on the street side of the wall. This area shall be planted with a mixture of grass (or other approved cover material), trees, and shrubs to provide an attractive landscaped appearance. Where the boundaries of a manufactured home park do not abut on a public street, there shall be constructed a decorative six (6') foot high wall or fence of suitable materials along these boundaries, except where these boundaries abut a public park or dedicated open space in which case, suitable screening shall be accomplished by appropriate landscaping. The interior of the manufactured home park shall have adequate grass, trees, and shrubs to provide a dust-deterrent, shades, and park-like atmosphere.
14. Signs: One non-animated or non-flashing identification sign shall be allowed in conformance with state and local codes, ordinances, and specifications.
15. Except as hereinafter provided, it shall be unlawful for any person to park set up and /or reside in any individually sited manufactured homes on any street, alley, highway or other public place, or on any land whether owned by the person himself or by others, within Finney County which is not property zoned for manufactured homes.
16. No space shall be rented for residential use of a manufactured home in any park except for periods of thirty (30) days or more.
17. Storm Shelter: Further, each new manufactured home park may provide a storm shelter for the park residents or a storm shelter for each individual lot. The storm shelter shall be constructed to accommodate the population of the park, which is established as three (3) persons per household/manufactured home space, times four (4) square feet per person. The facility shall have adequate fresh air change during occupancy and be accessible to the park residents during all storm notices involving the emergency siren notification system or the emergency broadcast notification system where the citizens are instructed to take shelter.

18. Refuse Collection: Disposal systems may be used as approved by the Governing Body. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow. Larger containers with lids may be set in recreation areas or storage areas, and shall be properly screened from view.
19. Management: Each manufactured home park or non-conforming mobile home park shall be operated in a sanitary, orderly, and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated manufactured homes, or mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the manufactured homes shall be continually enforced by manufactured home park owners. All drives, playground areas and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the County. All portions of the manufactured home park shall be open and accessible to fire, law enforcement, and other emergency and protective vehicles and personnel, including county, state inspectors and utility meter readers.

#### **11-A.060 DEVELOPMENT STANDARDS FOR MANUFACTURED HOME LOTS.**

All home lots in manufactured home parks shall conform to the following standards:

1. Minimum Lot Size. Five thousand six hundred (5,600) square feet.
2. Minimum Lot Width. Fifty (50) feet.
3. There shall be no more than one (1) Manufactured Home per park space.
4. Setbacks. Manufactured homes shall be so located on each space such that there shall be clearance between manufactured homes; provided, however, that manufactured homes parked end-to-end, the end-to-end clearance may not be less than ten (10') feet. No manufactured home shall be located closer than ten (10') feet to any building or manufactured home within the park. No manufactured home shall be located closer to any property line of the park abutting upon a public street or highway than thirty (30') feet or such other distance as may be established by regulation as a front yard or setback requirement with respect to conventional buildings in the district in which the manufactured home park is located. On private streets, a manufactured home may be placed no closer than fifteen (15) feet from the front property line. In cases where no utility easement exists along the rear line of 2 adjoining lots situated end-to-end, the Manufactured homes may be set to the rear property line so long as they maintain an offset distance of ten (10) feet from each other. There shall be a minimum side yard setback of five (5) feet.

5. Off-Street Parking. There shall be provided at least two (2) off-street parking spaces to be located on the manufactured home space. There shall be no on street parking within the park except for moving trucks/vans, emergency vehicles or for temporary (15 minute) loading/unloading of vehicles. In addition, there shall be provided 1 ½ visitors' off-street parking spaces for every five (5) manufactured homes. Visitor parking spaces shall be located within convenient walking distances to home spaces. (On street parking will need to be increased if visitor parking is eliminated).
6. Concrete Slab. Each lot shall have one (1) concrete slab for carport, patio use, or other approved accessory structure of no less than ten (10) feet by twenty (20) feet. Such slab is not required until after the manufactured home is in place.
7. Lot Identification: Each lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a sequence and consistent manner throughout the Manufactured Home Park as approved by the County. The lot number and address shall be displayed on the lot and be visible at all times from the street, minimum size of lettering shall be six (6) inch.
8. Every manufactured home controlled by this regulation shall meet all installation requirements including but not limited to anchoring, foundation, tie-down and support requirements as per Kansas State law and/or Federal Law, or as required by local building code.
9. Alterations, additions, foundations, tie-downs and anchorage of manufactured homes which are affected by provisions herein, within, without, or to a park and facilities, shall be made only after application to the Building Official in conformity with all local, state, and federal regulations.
10. For new Manufactured Home Parks, the minimum number of lots required shall be twenty (20).
11. The maximum lot coverage shall be forty (40) percent.
12. A storm shelter may be provided by the park owner.
13. Every manufactured home within the park shall have skirting made of fire resistant material and matching the primary structure; or there shall be screening (landscaping or fencing) around the entire park.
14. All manufactured home parks shall be subject to annual inspections to confirm compliance with these regulations. (*Manufactured homes and manufactured home parks are unlike single family or multi-family homes in residential districts due to their temporary nature and construction.*)

### **11-A.070 GRANDFATHERED MANUFACTURED HOME PARKS**

1. All manufactured home parks existing prior to August 6, 2007 with a minimum number of four (4) manufactured home pad sites, with each site having separate existing and operable electric and gas meters shall be grandfathered as they exist so long as minimum health and life safety codes permit and any manufactured home replaced must be 1986 model year or newer (or according to title or registration) . Improvements may be made on an annual basis that do not exceed \$25,000.00 or thirty percent (30%) of the value of the park, whichever is greater, without a Conditional Use Permit. Manufactured homes of like size or meeting the following setback requirements shall be replaced: minimum side to side clearance between manufactured units is no less than ten (10) feet; Minimum end to end clearance between manufactured units is no less than ten (10) feet; Minimum clearance of manufactured unit to front property line shall be no less than ten (10) feet. However no manufactured home park shall be expanded, enlarged or extended from its current condition in any way.

### **11-A.075 NONCONFORMING MANUFACTURED HOME PARKS**

1. Existing manufactured home parks which have not been grandfathered under Section 070 of these regulations and/or manufactured home parks that do not conform with these regulations and conditions shall be considered as nonconforming and shall be allowed to continue under the provisions as stated in Article 22, Section 22.080(B) "Nonconforming uses permitted to continue". A Manufactured home may be replaced, However no nonconforming mobile home park shall be expanded, enlarged, or extended or rearranged from its current condition in any way unless it is done in conformance of the standards of new manufactured home parks. This will include a detailed site plan prepared by a licensed architect or engineer with the State of Kansas. No manufactured home may be installed in a space which has been vacant for one (1) year. If a nonconforming mobile home park is discontinued the use of the land shall thereafter conform to a use permitted in the zone in which it is located.
2. Annual Inspection – All Non-Conforming Manufactured Home Parks must undergo an annual audit by the inspection department to determine compliance with Article 11.070.
3. All other non-conforming issues as previously addressed and required must be adhered to.

All items listed above shall comply, where applicable, with all other rules and regulations governing any portion of the development of said Manufactured Home Park.

### **11-A.080 (RESERVED)**

## ARTICLE 11-B

### “MHS” MANUFACTURED HOME SUBDIVISION DISTRICT” (Res.#05-2019, 3/4/19)

#### SECTIONS:

- 11-B.010 Purpose and Intent
- 11-B.020 Permitted Uses
- 11-B.030 Conditional Uses
- 11-B.040 Lot Size Requirements
- 11-B.050 Lot Coverage
- 11-B.060 Yard Requirements
- 11-B.070 Height Regulations
- 11-B.080 Projections Into Yards
- 11-B.090 Parking Requirements
- 11-B.100 Sign Regulations
- 11-B.110 Supplemental Development Standards
- 11-B.120 Reserved

**11-B. 010 PURPOSE AND INTENT.** *Manufactured Home Subdivision (MHS). This district is designed to reflect development between one (1) and five (5) units per acre if lots are served by a public water or sewer services. Community sewer or approved on-site sewage disposal and water systems are required, as are other urban services. A minimum lot size of 80 feet by 100 feet (or 8,000 square feet) is required. Two (2) acres minimum lot sizes are required for a private on-site water and sewer systems and must be approved according to the approved Environmental Code of Finney County. (Res.26-2020 11/05/20.)*

*The following definitions apply to this Article:*

**Manufactured Home** - A factory-built home or structure federally regulated by the HUD Code and built in 1986 or newer, placed upon a permanent foundation approved by the Chief Building Inspector or designee

**Modular Home or Structure** – A home or structure partially or entirely fabricated off-site, and constructed to the adopted building code of the county, placed upon a permanent foundation, to be used for residential purposes.

**Mobile Home or Structure** – A factory-built home or structure built prior to June 15, 1976.

**11-B. 020 PERMITTED USES IN THE MHS DISTRICT.** The following uses and structures and no others are permitted in the Manufactured Home Subdivision District: (Res.#26-2020 11/05/20)

1. Single Family Dwelling, including Residential Design Manufactured Homes, as defined in Article 2.
2. Manufactured Homes as defined in Section 11-B.010.
3. Modular Homes, as defined in Section 11-B.010.
4. Church or similar place of worship
5. Public parks, playgrounds and recreation areas and related buildings operated by a public agency.
6. Schools, public or private, primary, intermediate and secondary.
7. Vegetable and flower gardens, trees, shrubs, and lawns, and non-commercial orchards and other landscaping as it relates to residential use.
8. Customary accessory uses and structures located on the same lot with the principle use and which do not include activity or use unrelated principle use as explained in Article 23.
9. Temporary structures incidental to construction work only for the period of such work as permitted in Article 23.
10. Off-street parking as required by Article 25.
11. The renting of not to exceed two sleeping rooms with a total occupancy of not to exceed two persons for whom board may be furnished, but with the prohibition of separate culinary accommodation for such tenants.
12. Licensed Day Care Homes.

#### **11-B. 030 CONDITIONAL USES**

1. Public libraries, museums or similar public buildings.
2. Group Day Care Homes or Child Care Centers licensed by the State and preschools.
3. Golf courses, miniature golf courses and driving ranges.
4. Community buildings, recreation fields, YMCA, and other similar uses as defined in these regulations.
5. Nursing Homes and Homes for the Aged approved and licensed by the State of Kansas.

6. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.
  - (a) Electric and telephone substations
  - (b) Gas regulator stations
  - (c) Police and Fire Stations
  - (d) Water towers
  - (e) Etc.
7. Home occupations.
8. Manufactured Homes of model years 1976 to 1985 at the discretion of the Board of Zoning Appeals.
9. Truck Parking with the following conditions:
  - (A) On an improved surface, one (1) truck and one (1) trailer for owner operated only.
  - (B) May not be parked within two hundred (200) feet of another residential structure.
  - (C) Minor maintenance of the truck may be performed on the property that include: oil or other fluid changes, tire repairs, battery replacement etc.
  - (D) No body work or engine/mechanical repair.
  - (E) All waste materials must be removed from the property within 72 hours and properly disposed as required by State and Federal Regulations.
  - (F) No maintenance may be performed between sunset to sunrise.
  - (G) No outside storage of truck parts, materials or tires.

**11-B. 040 LOT SIZE REQUIREMENTS.** Subject to the County Environmental Code and except as otherwise provided in Article 23, of this Zoning Regulation, no building shall be erected or altered on a lot which makes provisions for less than **8,000** square feet of lot area. Minimum lot widths shall be not less than **80** feet and minimum lot depths shall not be less than **100** feet.

**11-B. 050 LOT COVERAGE.** The maximum lot coverage by all buildings, principal and accessory, shall not exceed forty (40%) percent not more than one single-family dwelling may be placed on a lot.

**11-B. 060 YARD REQUIREMENTS.** The following minimum yard requirements shall apply in all "MHS" Districts.

1. Front Yard:

(A) Each lot in the "MHS" Districts shall have a front yard of not less than sixty (60') feet measured from the center of the road, unless otherwise provided in Article 23. Where platted lots have a double frontage or located at the intersections of two streets, the required front yard shall be provided on both streets.

2. Side Yard:

Except as otherwise provided in the following paragraph and in Article 23, there shall be a side yard on each side of a building, having a width of not less than five (5') feet.

3. Rear Yard:

Each lot in the "MHS" District shall have a rear yard having a depth of not less than twenty-five (25') feet Or twenty (20) percent of the depth of the lot, whichever amount is **greater**.

**11-B. 070 HEIGHT REGULATIONS.** No building shall exceed thirty-five (35') feet in height, except as otherwise provided in Article 23.

**11-B. 080 PROJECTIONS INTO YARDS.**

1. The following elements may project into or be erected into any required yard.

- (A) Landscaping Elements.
- (B) Fences and walls in conformance with County Resolution.
- (C) Necessary elements for the delivery of Utility Services.

2. The following structures may project into a minimum front or rear yard not more than four (4') feet.

- (A) Chimneys and fireplace structures.
- (B) Eaves, sills, cornices and similar architectural features.

(C) Stairways, balconies and awning.

3. All side yard setbacks shall be measured from the building overhang and not the building wall.

**11-B.090 PARKING REQUIREMENTS.** See Article 25.

**11-B.100 SIGN REGULATIONS.** See Article 24.

**11-B.110 SUPPLEMENTAL DEVELOPMENT STANDARDS.** See Article 23.  
(Ord. #7-2005 04/04/05)

**11-B.120** (RESERVED)

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF FINNEY COUNTY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-276-1170 WITH QUESTIONS.

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# ARTICLE 12

## “N-C” NEIGHBORHOOD COMMERCIAL DISTRICT

### Sections:

- 12.010 Purpose and Intent
- 12.020 Permitted Uses
- 12.030 Sales and Storage
- 12.040 Height Regulations
- 12.050 Yard Requirements
- 12.060 Parking Requirements
- 12.070 Sign Regulations
- 12.080 Supplemental Development Standards
- 12.090 Conformance to Comprehensive Plan

**12.010 PURPOSE AND INTENT.** *Neighbor Commercial (NC).* Neighborhood commercial uses are those that meet the needs of residents in the adjacent neighborhood. Drive through uses, particularly those employing speakers, should be discouraged in neighborhood commercial areas. Small scale retail and service establishments, as well as small office buildings, may be permitted in this land use category.

**12.020 PERMITTED USES.** The following uses and structures, *and no others* are permitted in the “N-C” District:

1. Banks.
2. Bakery shops (retail only).
3. Barber Shops.
4. Beauty Shops.
5. Candy and ice cream stores (except drive-ins).
6. Churches.
7. Cleaning and laundry (non-industrial/commercial).
8. Convenience store.
9. Custom dressmaker, furrier, millinery, and tailor shops employing less than five persons on the premises at one time.
10. Drug Stores.

11. Electric and telephone substations.
12. Fix-it shops (radio, T.V., electronic and small appliances).
13. Flower and gift shops.
14. Food stores (grocery, meat, and delicatessen).
15. Hardware stores.
16. Jewelry stores.
17. Key shops and locksmiths.
18. Laundry (self-service).
19. Libraries.
20. Medical and dental offices and clinics (for people only).
21. Messenger, mail, and telegraph stations.
22. News stands.
23. Offices - business, professional, and public.
24. Parking lots (public or private).
25. Quick print shops.
26. Hobby and craft shops.
27. Sporting goods stores.
28. Photographers.
29. Restaurants with lounge (if lounge generates less than 50% of revenue).
30. Retail stores.
31. Shoe repair and shoe shine shops.
32. Stores and shops, for the conduct of retail business, similar to the uses enumerated above.
33. Theaters (indoor only).
34. Travel agents.

35. Accessory uses to those listed above.

**12.030 SALES AND STORAGE.** All retail sales and storage of merchandise shall be conducted entirely within the building or buildings of each retail or business establishment.

**12.040 HEIGHT REGULATIONS.** No buildings shall exceed three stories or forty (40) feet in height, except as otherwise provided in Article 23.

**12.050 YARD REQUIREMENTS.**

1. Front Yard:

- (A) Each lot in the “N-C” District shall have a front yard of not less than thirty (30) feet unless otherwise provided in Article 24.
- (B) Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on the intersection of two streets and on both streets unless a one-foot (1’) Vehicle Non-Access Easement (VNAE) is provided with a solid wall of block, brick, stone or approved ornamental concrete that is six (6’) feet in height on the back lot line as determined by adjacent developed property.

2. Side Yard:

- (A) No side yard shall be required except where such use is adjacent to a Residential District in which case there shall be a ten (10’) foot side yard on the side of the lot which abuts the Residential District.
- (B) Three story buildings on a lot adjacent to a Residential District shall have a fifteen (15’) foot side yard.

3. Rear Yard:

- (A) A five (5’) foot hard-surfaced rear yard shall be required except where such use is adjacent to a Residential District in which case there shall be a ten (10’) foot hard-surfaced rear yard.

**12.060 PARKING REQUIREMENTS.** See Article 25.

**12.070 SIGN REGULATIONS.** See Article 24.

**12.080 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

1. Buffer Strip: Whenever the “N-C” District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5’) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
  - (A) Separation requirements between a Residential District shall require a fence. Such fence shall meet the following:
    - 1) In a Rural Residential District the minimum shall be a five (5’) chain-link fence.
    - 2) In a Suburban District the minimum shall be a six (6’) foot solid fence of wood, the design shall be approved by the Area Planning Commission or Commission Staff.
    - 3) In a Urban District the minimum shall be a six (6’) foot solid fence of brick, block, stone or concrete (concrete fences shall be approved by the Area Planning Commission for design).
  - (B) In all cases the first to develop the property shall be exempt from the cost to construct the fence. Specifically Agricultural land changed to Commercial land with agricultural land adjacent to it will not be required to erect the separation fence. If residential land develops afterward the developer of the residential land is responsible for the separation fence. If the reverse is true then the Commercial developer shall be responsible for the separation fence.
2. For other requirements - See Article 23.

**12.090 CONFORMANCE TO THE COMPREHENSIVE PLAN.** The placement of businesses that comply with this Article is contingent with the Land Use Category of the Comprehensive Plan matching the Zoning District. The Area Planning Commission shall consider amendments to the Land Use Plan in accordance with the procedures outlined in the Finney County, Kansas, Comprehensive Plan.

# ARTICLE 13

## “G-C” GENERAL COMMERCIAL DISTRICT

### Sections:

- 13.010 Purpose And Intent
- 13.020 Permitted Uses
- 13.030 Conditional Uses
- 13.040 Lot Size Requirements
- 13.050 Height Regulations
- 13.060 Yard Requirements
- 13.070 Parking Requirements
- 13.080 Sign Regulations
- 13.090 Supplemental Development Standards
- 13.100 Conformance to Comprehensive Plan

**13.010 PURPOSE AND INTENT.** *General Commercial (GC).* This land use category is used to indicate locations for retail service and office uses that serve an entire community or region. Major retail centers, fast food restaurants, service stations, multi-story office buildings and other intensive commercial uses should be located in areas designated for general commercial uses.

**13.020 PERMITTED USES.** The following uses and structures, *and no others*, are permitted in the “G-C” District:

1. Ambulance Service.
2. Antique shops and stores, providing all merchandise is enclosed in a building.
3. Apparel and accessory stores.
4. Armories.
5. Art and art supply stores.
6. Auditoriums and similar places of public assembly.
7. Automobile repair, sales or services, but no salvage or storage of vehicles outside of an enclosed building or approved solid fence.
8. Automobile service stations (may include the sale of alternative fuels if properly installed).

9. Auto-Vehicle-Parts store.
10. Bait shops.
11. Bakeries.
12. Banks and other savings and lending institutions.
13. Barber and beauty shops.
14. Bicycle shops.
15. Boarding and lodging houses.
16. Boat sales and storage.
17. Books and stationary stores.
18. Bowling alleys and recreation buildings.
19. Business and technical schools and schools for photography, music and dance.
20. Business machine repair, sales, and service.
21. Candy and ice-cream stores.
22. Car Wash.
23. Carpenter and cabinet shops employing five or less persons but no salvage or storage of lumber outside of an enclosed building or approved solid fence.
24. Camping trailer sales, storage and service but no salvage or storage of damaged trailers outside of an enclosed building or approved solid fence.
25. Clothing sales and costume rental.
26. Commercial Recreation uses (including golf driving ranges and driving tees with approved screening).
27. Construction equipment sales and rentals.
28. Convenience store.
29. Farm machinery and supply sales.
30. Field crops, nurseries, green houses (retail), garden supply sales, tree crops, and truck gardens.

31. Fire stations, police stations and jails.
32. Furniture and home furnishing stores.
33. Garage storage (public and private).
34. Golf courses (including miniature golf and other recreation facilities ancillary to the primary use).
35. Government administration buildings.
36. Grocery stores (including retail meat markets and produce stores).
37. Hardware stores.
38. Hotels and motels.
39. Jewelry and metal craft stores.
40. Key shops and locksmiths.
41. Leather goods and luggage stores.
42. Libraries and museums.
43. Livestock equipment and supplies.
44. Meeting halls and auditoriums.
45. Newspaper offices.
46. Offices and office buildings.
47. Office supply and office equipment stores.
48. Optician and optometrist shops.
49. Package liquor stores.
50. Paint stores.
51. Parks and recreation areas.
52. Pawn shops.
53. Pet shops.
54. Post office and court buildings.

55. Plumbing and heating shops employing five or less persons but no salvage or storage of plumbing supplies outside of an enclosed building or approved solid fence.
56. Printing and publishing houses (including newspaper).
57. Public and parochial schools (elementary through junior college).
58. Restaurants, including drive-in establishments, serving food or beverages to customers for consumption on the premises or in parked motor vehicles.
59. Retail sales outlets.
60. Semi tractor and trailer sales and repair.
61. Service stations.
62. Service and fraternal clubs and lodges.
63. Self storage rental units.
64. Skating rinks.
65. Tailor shops employing five or less persons.
66. Theaters (in-doors only).
67. Truck sales and service.
68. Tire repair shops.
69. Used furniture, when entire stock is stored within the building.
70. Utility company offices.
71. Wholesale establishments.
72. Accessory uses customarily incidental to the above uses.
73. Church or similar place of worship. (Res.#17-2008, 07/08)
74. Medical and Dental Offices and Clinics. (Res. #14-2010, 07/19/10)

**13.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. License Day Care Homes, Group Day Care Homes and Child Care Centers licensed by the State.
2. Manufactured home sales and service.
3. Private clubs, fraternities, sororities, and lodges.
4. Taverns.
5. Any dwelling built or moved in, or any existing structure remodeled, for use as quarters for night watchman for security purposes.
6. Commercial Equestrian Race Track Facilities Including Timing Tracks & Rodeos (Ord. #38-2005 09/12/05)

**13.040 LOT SIZE REQUIREMENTS.**

1. The tract for such use or uses shall not be less than five (5,000) thousand square feet.
2. The utilization of the lot or tract shall be dictated by off-street parking and loading requirements, adequate circulation, and proper site utilization.

**13.050 HEIGHT REGULATIONS.** No building shall exceed five (5) stories or sixty (60') feet in height, except as otherwise provided in Article 23.

**13.060 YARD REQUIREMENTS.**

1. Front Yard:
  - (A) Each lot in the "G-C" District shall have a front yard of not less than thirty (30') feet unless otherwise provided in Article 23.
2. Side Yard:
  - (A) No side yard shall be required, except where such use is adjacent to a Residential District in which case there shall be a ten (10') foot side yard on the side of the lot which abuts the Residential District.
3. Rear Yard:
  - (A) A five (5') foot hard-surfaced rear yard shall be required except where such use is adjacent to a Residential District in which case there shall be a ten (10') foot hard-surfaced rear yard.

**13.070 PARKING REQUIREMENTS.** See Article 25.

**13.080 SIGN REQUIREMENTS.** See Article 24.

**13.090 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

1. Buffer Strip: Whenever the “G-C” General Commercial District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5’) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
  - (A) Separation requirements between a Residential District shall also require a fence. Such fence shall meet the following:
    - 1) In a Rural Residential District the minimum shall be a five (5’) chain-link fence.
    - 2) In a Suburban District the minimum shall be a six (6’) foot solid fence of wood, the design shall be approved by the Area Planning Commission or Commission Staff.
    - 3) In a Urban District the minimum shall be a six (6’) foot solid fence of brick, block, stone or concrete (concrete fences shall be approved by the Area Planning Commission for design).
  - (B) In all cases the first to develop the property shall be exempt from the cost to construct the fence. Specifically Agricultural land changed to Commercial land with agricultural land adjacent to it will not be required to erect the separation fence. If residential land develops afterward the developer of the residential land is responsible for the separation fence. If the reverse is true then the Commercial developer shall be responsible for the separation fence.
2. For other requirements -See Article 23.

**13.100 CONFORMANCE TO THE COMPREHENSIVE PLAN.** The placement of businesses that comply with this Article is contingent with the Land Use Category of the Comprehensive Plan matching the Zoning District. The Area Planning Commission shall consider amendments to the Land Use Plan in accordance with the procedures outlined in the Finney County, Kansas, Comprehensive Plan.

# ARTICLE 14

## “C-R” COMMERCIAL RECREATION DISTRICT

### Sections:

- 14.010 Purpose And Intent
- 14.020 Permitted Uses
- 14.030 Recreational Vehicle Park Regulations
- 14.040 Conditional Uses
- 14.050 Lot Size Requirements
- 14.060 Height Regulations
- 14.070 Yard Requirements
- 14.080 Parking Requirements
- 14.090 Sign Regulations
- 14.100 Supplemental Development Standards
- 14.110 Conformance to Comprehensive Plan

**14.010 PURPOSE AND INTENT.** *Commercial Recreation (CR).* This land use category encompasses a broad range of privately-owned or leased facilities for active recreation, where the primary activity occurs outside of buildings. Uses include golf courses, equestrian centers, small and large scale amusement parks, as well as recreational vehicle parks and campgrounds providing sites for temporary habitation.

**14.020 PERMITTED USES.** The following uses and structures, *and no others*, are permitted in the “C-R” District:

1. Amusement parks/places.
2. Art galleries.
3. Billiards and Pool Halls.
4. Bowling Alley.
5. Civic Centers/Auditoriums (outdoor amphitheater).
6. Child Care Centers licensed by the State.
7. Equestrian Facilities/Ranches (public/private) (not race tracks).
8. Gymnasium and Health Club (public/private).
9. Golf courses (including miniature golf and driving tees).

10. Grocery/Service Station convenience stores.
11. Hotels, motels, hostels and lodges.
12. Museum/Library.
13. Parks and recreation areas.
14. Post office and court buildings.
15. Private clubs, fraternities, sororities, and lodges.
16. Public and private parking lots for temporary storage of automobiles.
17. Public and parochial schools (elementary through high school) (educational facilities - museum/zoo).
18. Recreational Vehicle Parks (See Section 14.030).
19. Restaurants with lounges. (lounges report 49% or less total revenue of the business to Kansas Tax & Revenue Department).
20. Self service laundries.
21. Service stations.
22. Skating Rinks (indoor/outdoor) (includes skate-boards and roller-blades).
23. Sporting goods stores (includes gun repair, and indoor archery ranges).
24. Tennis Club (public/private).
25. Theaters (in-door only).
26. Transportation facilities (intermodal, airports, bus, rent-a-car, train, or taxi).
27. Travel bureaus.
28. Video Arcades.
29. Water parks and pools (public/private) (does not relate to private home pools).
30. Zoo (public).
31. Stores and shops, for the conduct of retail business, similar to the uses enumerated above.

## **14.030 RECREATIONAL VEHICLE PARKS.**

1. Permitted Zones and Uses:
  - A. Concessionaire or incidental commercial operations are allowed in recreational vehicle parks in “C-R District if such services are operated for the sole convenience of park guests. Such uses as recreational facilities, dumping stations, showers, coin operated laundries, camp stores or other uses incidental to guest convenience are allowed as secondary uses as long as such uses are restricted to park occupants and are designed so as not to attract outsiders. No part of any park shall be used for any purpose other than temporary residential use in conjunction with travel, vacation, or emergency habitation, except such uses that are required for the direct servicing and well being of the park patrons for the management and maintenance of the park.
  - B. A Building Permit shall be required for buildings or other permanent structures within the park area.
  - C. Open storage of materials or belongings other than boats, automobiles or operational vehicles is prohibited.
  - D. No accessory structures shall be permitted on individual R-V spaces in an R-V park.
2. Recreational Vehicle Parks shall contain a minimum of two (2) acres. Parks less than two (2) acres in size may be allowed with approved Conditional Use Permit when proposed in conjunction with a Manufactured Home Park, truck stop, campground or similar uses and determined by the Finney County Board of Zoning Appeals.
3. Recreational Vehicle Park Plan Regulations and Procedures.
  - A. Procedures.
    1. The plan proposal submitted to the Area Planning Commission shall include facilities or any other provision required by and acceptable for approval by the State and local Health Departments and any other jurisdictional agency to whom it will be submitted for review.
    2. Ten (10) copies of the plans and all necessary fees shall be deposited with the Planning Department for distribution to the County Health Department, County Engineer, and other jurisdictional agencies for their evaluation prior to approval or hearing by the Area planning Commission. Two (2) copies of the drainage report and percolation and soils tests (if applicable) shall accompany the submittal. Within ten (10)

working days of receipt of the plan, each department will send written comments and recommendations to the Planning Director.

3. R-V park plans shall be prepared, stamped, and signed by a Kansas registered engineer in accordance with Kansas State Statutes and Rules.
4. If a zone change, land use plan change or Conditional Use Permit is required, the necessary applications, fees, and other materials may be submitted for processing simultaneously with the R-V park plans. If desired or appropriate, the developer/applicant may elect to have any zoning action and land use plan change processed and heard by the Area Planning Commission and Board of County Commissioners prior to submittal of the R-V park plans. In addition to any zoning action, park plans must be approved by the Board of County Commissioners after receiving a recommendation from the Area Planning Commission.

Within fifteen (15) working days from deposit of the park plan, the Planning Director or his designate shall review the park plan, preferably with the subdivider, as it relates to the following:

- a. Any Finney County comprehensive plan.
  - b. Suitability of the site for development proposed.
  - c. The improvements, design and dedications required by these regulations and those of other jurisdictions.
  - d. Zoning requirements.
5. All information, documents, maps and fees including evaluations by the various agencies/departments shall be submitted to the Planning Director at least ten (10) working days prior to the next Area Planning Commission meeting date.
  6. Fees: \$100.00 plus \$2.00 for each R-V space.
  7. Any changes in design, after approval by the Area Planning Commission shall invalidate that approval and the plan shall be reprocessed as a new proposal.
  8. Approval by the Area Planning Commission and Board of County Commissioners shall be conditional to approval by the other jurisdictional reviewing agencies.

#### B. Plan Design and Format.

All applications for recreational vehicle parks shall contain the following:

1. Complete Park Plans and Specifications of the R-V Park depicting but not limited to:
  - a. Names and addresses of the applicant(s), owner(s), and project engineer.
  - b. Title and vicinity map showing the location and legal description of the park including the location of existing roads, existing or proposed access to the park and the nature and status of the access road.
  - c. North arrow, date of preparation, scale, source and date of topography information as established by field or aerial survey methods.
  - d. The complete boundary of the park, area and dimensions of the tract of land and the density of the park.
  - e. Existing (and proposed) zoning and location of any existing development or structures within the park boundary.
  - f. Proposed method and source of water supply, sewage disposal, fire protection, electricity, telephone, etc... (general statement).
  - g. Number, location and dimensions and sizes of all spaces; each space shall be numbered.
  - h. Location and width dimensions of all roadways, walkways, and the entrance/exit ways including the access road.
  - i. Location and amount of parking and/or storage area.
  - j. Location, size, and description of the recreation area(s) or other amenities.
  - k. Drainage arrows depicting direction of drainage flows. Location if required of retention/detention ponds to capture water created on site. If detention pond, show how it will be fenced or secured.
  - l. Location of water, sewer lines, riser pipes, fire hydrants (if applicable) and the electrical layout and proposed lighting, if provided.

- m. Dimensions, location and nature of all buildings or facilities to be constructed in the park.
  - n. Plans and specifications of the water supply, refuse and sewage disposal, and sanitary facilities (as required by Kansas Department of Environmental Health).
  - o. Engineer's stamp and date of preparation.
2. Additional Accompanying Materials.

The following material shall accompany the submittal of all R-V park plans. If this data is not on the park plan, ten (10) copies are required:

- a. A statement regarding the nature of proposed improvements within the park, including but not limited to roadways, parking areas, access road, method of sewage disposal, water supply and distribution, screening, landscaping, and extent and nature of recreational facilities.
- b. A descriptive statement of the design concept and traffic circulation system of the park.
- c. A description of how streets and spaces will be numbered or identified for emergency vehicle response.
- d. Rezone application, request to amend the Comprehensive Plan and applicable fees.
- e. Drainage Report: A general drainage report prepared and stamped by a Kansas registered professional engineer shall accompany the R-V park plan submittal. Such report shall cover flood and drainage conditions and the method of handling drainage and/or flooding conditions. This report shall include but should not be limited to the following items:
  - 1. A map with the drainage area delineated (not less than one [(1") inch + 2,000 feet].
  - 2. Calculations for 100-year storm runoff entering or passing through the proposed park.
  - 3. The general description of the existing and/or proposed methods of handling storm runoff.

4. Arrows shall be shown on the park plan indicating in a general manner the direction of flow in major watercourses and streets. Evaluation of the report shall be made by the County Engineer, using Kansas Highway Department Hydrologic Design Procedures.

f. When individual sewage disposal systems are proposed, percolation soils tests as per guidelines outlined in THE KANSAS ENVIRONMENTAL HEALTH HANDBOOK, Appendix F, shall also be submitted with the park plan.

4. Park Design and Improvement Standards.

a. Environmental Requirements.

1. General: Condition of soil, groundwater level, drainage and topography shall not create hazards to the property of the health or safety of the occupants. The site shall not be exposed, in the opinion of the Area Planning Commission, to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

2. Site Drainage: The ground surface in all parts of every recreational vehicle park shall be graded and equipped to drain all surface water in a safe, efficient manner.

b. R-V Space Dimensions.

The following dimensions and standards shall apply to R-V spaces:

	Minimum Width	Minimum Depth	Minimum Area
Back In	25	45	1400 sq. ft.
Drive Through	20	50	1400 sq. ft.
Overnight Back In	25	35	1000 sq. ft.
Overnight Drive Through	20	40	1000 sq. ft.
Compact	25	35	1000 sq. ft.

Overflow and compact spaces may comprise no more than twenty (20%) percent, one-fifth (1/5), of the total number of recreational vehicle spaces

within a park; overnight spaces shall be located so as to facilitate entry to and from the park without being in conflict with the primary park users and area.

Overnight spaces shall have a two (2) week maximum stay.

Compact spaces shall be limited to trailer-tents, vans, compact trailers and rigs of similar size requiring lesser area.

Lot Measurements: Measured width and depth on perpendicular distance between the side lot lines and the front and rear lot lines, respectively.

Each lot shall be accessible from an approved private street of accessway.

c. Recreational vehicular separation and setbacks.

1. Separations: Recreational vehicles and any portion thereof shall be separated from each other and from other buildings and structures by at least ten (10') feet on all sides. Parking pads for recreational vehicles shall be so arranged as to comply with the requirement for a ten (10') foot separation between recreational vehicles as well as the required R-V space setbacks.

2. Setbacks:

a. No lot or space shall be located within fifty (50') feet of the right-of-way line at any major street or within twenty-five (25') feet of the right-of-way line of any minor street unless such space is adequately screened from the street.

b. The minimum space setbacks for recreational vehicles shall be observed, as follows:

Front: Five (5') feet.

Side: Three (3') feet. If the side fronts on an interior street, then the side setback shall be five (5') feet.

Rear: Three (3') feet. If the space is designed as a drive-through space, then five (5') feet shall be the minimum setback for the area.

d. Lot Improvements.

Each space may be provided water from a central water system; each space may be provided sewage disposal from a central community sewage disposal system; each space shall be provided electricity.

Each space shall have a graveled or paved parking pad to be a minimum of ten (10') feet in width by a minimum of forty (40') feet in length (10' x 40') and shall extend to the street. Where drive-through spaces are provided said paved or graveled pads shall extend across the space from street to street. "Compact" and "overflow" spaces shall be a paved or graveled parking pad with a minimum width of ten (10') feet and a minimum length of thirty (30') feet.

If provided, barbecue pits or fire rings and related setbacks thereof shall be subject to approval by the governing fire townships.

e. R-V Park Density.

The overall maximum allowed density permitted for recreational vehicle parks shall be twenty (20) recreational vehicle spaces per acre (less area proposed for manager's residence, dedicated rights-of-way). In the case of an emergency situation whereby the R-V park is utilized for more permanent residents until the emergency is past the density authorization is reduced to ten (10) recreation vehicle spaces per acre. This is achieved by eliminating every other space for occupancy. The Fire Chief upon review of the park setup may reinstate up to the maximum number of spaces set out in the park if proper fire separations are adhered to.

f. Recreational Area Requirements.

Recreation and/or usable common, open area(s) shall be provided and conveniently accessible to all park guests and shall be no less than seven (7%) percent of the total park area. Floor space in enclosed or open recreation halls and/or recreational amenities may be included in the requirement. The recreation open area requirement may not include parking, streets, or incidental landscaped or open parcels not suitable or intended for recreational use.

g. Screening.

1. Where needed to enhance or preserve the character of the area or insure public safety, the perimeter of R-V parks shall be adequately screened to the extent necessary, with vegetation, fencing (see Section 14.100 for adjacent to residential development), masonry walls, earthen berms or by other methods as determined and approved by the Area Planning Commission.
2. In case where "overflow" and/or tent spaces are provided, acceptable screening shall be provided to the extent necessary to screen and separate these types of spaces from the primary portion of the R-V park.

h. Parking.

1. No on-street parking shall be allowed within any R-V park.
2. Adequate off-street parking shall be provided for automobiles, boats, etc. One (1) space for every four (4) lots shall be the minimum provided. Additional parking spaces or added storage area may be required by the Area Planning Commission when warranted by special conditions or circumstances such as but not necessarily limited to the size, nature, and location of the park.
3. Each R-V space shall have adequate room for a least one (1) parking space in addition to the R-V pad.

i. Streets and Access.

Park Street System.

1. Access to recreational vehicle park lots shall be by internal private drive only. No lot shall have direct access to a public street or way.
  2. Entrances to recreational vehicle parks shall be designed to minimize congestion and traffic hazards through designated driveways and allow free movement of traffic on adjacent streets.
  3. Park street width shall be at least twenty (20') feet if one-way and twenty-four (24') feet if two-way.
  4. All internal streets must be improved to minimum applicable County standards for paved or unpaved streets (except width). Specific required standards as determined by the Area Planning Commission shall relate to and depend on (but not limited to) such factors as park size, site character, density, drainage, site (soils) type, character and use of surrounding lands, amount of park traffic, proximity to urban or developed area, input from the County Engineer, etc.
  5. Dead-end streets shall be limited to serve no more than twelve (12) lots, and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least sixty (60') feet.
- j. For parks with roads serving more than twelve (12) sites, these roads shall be continuous and return to a public road or way.
- k. Service Buildings (where applicable).

1. All service buildings shall be convenient to the units, which they serve, and shall be maintained in a clean and sanitary condition.
  2. All service buildings shall be of permanent construction and in accordance with local requirements.
  3. Facilities in service buildings such as lavatories, toilets, showers, etc., shall be provided and constructed in accordance with State and local health code requirements.
1. Sanitary Stations (where provided)
    1. Sufficient facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of waste from all holding tanks in a clean, efficient and convenient manner.
    2. Sanitary stations shall be approved by the Finney County Building Inspector.
5. Exceptions.

Any plans submitted with deviations from these recreational vehicle park regulations shall be accompanied by a petition of exception.

- a. Any person seeking any exception(s) to the requirements of this Regulation, shall file two (2) copies of a signed petition with the Planning staff at the same time they submit the plan needing the exception.
- b. The petition must be a request for an exception to a circumstance actually contained on the plan. Petitions shall not be in the abstract, but shall include the specific reason for each and every exception requested. The staff shall accept the petitions of each and any exception, as herein described, and initiate or continue the processing of the plan as long as it complies with all other requirements.
- c. The petition (s) may be heard at the same meeting as that of the plan to which they refer, or may be heard separately at the discretion of the Area Planning Commission.
- d. The Area Planning Commission may recommend that the Board of County Commissioners authorize exceptions to any of the requirements in Section 14.030. In order to do so, it shall be necessary for the Area Planning Commission to find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting said property;  
and
2. That the granting of the exception(s) will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated; and
3. That it will not have the effect of nullifying the intent and purpose of the Finney County, Kansas, Comprehensive Plan, or of these Regulations.

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF FINNEY COUNTY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-276-1000 WITH ANY QUESTIONS.

“Sample”

A SUGGESTED FORM

PETITION OF EXCEPTION TO SECTION 14.030  
FINNEY COUNTY ZONING REGULATION

Gentlemen:

I have (submitted) (plan to submit) a recreational vehicular park plan to the Area Planning Commission for approval which includes (a certain deficiency) (deficiencies) from the stated requirements of Section 14.030, Zoning Regulations. The (deficiency is) (deficiencies are) as follows:

(List and specify each one as required by the Zoning Regulation, Section 14.030)

This petition is submitted as a request that the Area Planning Commission recommend to the Board of County Commissioners the granting of an exception from the Finney County Zoning Regulation as outlined in Section 14.030, for the following reasons:

(Clearly delineate each item separately or related groups of items as stated above. Do not group your requests or exception under one reason.)

1. The granting of this petition will not be detrimental to the public welfare or injurious to other adjacent properties because. . . . (describe why here).
2. This request will not nullify the intent or purpose of the Finney County, Kansas, Comprehensive Plan, or other regulations because . . . . (describe why here).
3. The special circumstances or conditions affecting said property are as follows . . . . (list all circumstances that you believe apply).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Address of Applicant

Signed this \_\_\_\_ day of \_\_\_\_\_, 199 \_\_\_\_

Subdivision Name \_\_\_\_\_

**NOTE: AN INCOMPLETE PETITION WILL BE RETURNED TO THE APPLICANT.**

**14.040 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. Mini storage/rental storage buildings.
2. Equestrian Race Track Facilities (public/private) (Timing Tracks not part of an Equestrian Facilities/Ranches).
3. Go-cart tracks, automotive race car/truck tracks, and motor cycle (dirt or paved) to include bleachers.
4. Taverns.
5. Zoo (private).
6. Any dwelling built or moved in, or any existing structure remodeled, for use as quarters for night watchman for security purposes.

**14.050 LOT SIZE REQUIREMENTS.**

1. The tract for such use or uses shall not be less than two (2) acres.
2. The utilization of the lot or tract shall be dictated by off-street parking and loading requirements, adequate circulation, and proper site utilization.

**14.060 HEIGHT REGULATIONS.** No building shall exceed five (5) stories or sixty (60') feet in height, except as otherwise provided in Article 23.

**14.070 YARD REQUIREMENTS.**

1. Front Yard:
  - (A) Each lot in the "C-R" District shall have a front yard of not less than thirty (30') feet unless otherwise provided in Article 23.
2. Side Yard:
  - (A) No side yard shall be required, except where such use is adjacent to a Residential District in which case there shall be a ten (10') foot side yard on the side of the lot which abuts the Residential District.
3. Rear Yard:

- (A) A five (5') foot hard-surfaced rear yard shall be required except where such use is adjacent to a Residential District in which case there shall be a ten (10') foot hard-surfaced rear yard.

**14.080 PARKING REQUIREMENTS.** See Article 25.

**14.090 SIGN REQUIREMENTS.** See Article 24.

**14.100 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

1. Buffer Strip: Whenever the "C-R" Commercial Recreation District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5') feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
  - (A) Separation requirements between a Residential District shall also require a fence. Such fence shall meet the following:
    - 1) In a Rural Residential District the minimum shall be a five (5') chain-link fence.
    - 2) In a Suburban District the minimum shall be a six (6') foot solid fence of wood, the design shall be approved by the Area Planning Commission or Commission Staff.
    - 3) In a Urban District the minimum shall be a six (6') foot solid fence of brick, block, stone or concrete (concrete fences shall be approved by the Area Planning Commission for design).
  - (B) In all cases the first to develop the property shall be exempt from the cost to construct the fence. Specifically Agricultural land changed to Commercial land with agricultural land adjacent to it will not be required to erect the separation fence. If residential land develops afterward the developer of the residential land is responsible for the separation fence. If the reverse is true then the Commercial developer shall be responsible for the separation fence.
2. For other requirements -See Article 23.

**14.110 CONFORMANCE TO THE COMPREHENSIVE PLAN.** The placement of businesses that comply with this Article is contingent with the Land Use Category of the Comprehensive Plan matching the Zoning District. The Area Planning Commission shall consider amendments to the Land Use Plan in accordance with the procedures outlined in the Finney County, Kansas, Comprehensive Plan.

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF FINNEY COUNTY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-276-1170 WITH QUESTIONS.

# ARTICLE 15

## “R-I” RURAL INDUSTRIAL DISTRICT

### Sections:

- 15.010 Purpose and Intent
- 15.021 Permitted Uses
- 15.030 Conditional Uses
- 15.040 Lot Coverage
- 15.050 Yard Requirements
- 15.060 Height Requirements
- 15.070 Area of District
- 15.080 Parking Regulations
- 15.090 Supplemental Developmental Standards

**15.010 PURPOSE AND INTENT.** This land use category provides for industrial activities in rural areas.

**15.020 PERMITTED USES.** The following uses and structures are permitted in the “R-I” District. (Res.#22-2020 08/07/20, Res.#20-25 10/03/20)

1. Animal hospitals or clinics.
2. Automatic storage and delivery services.
3. Express storage and delivery services.
4. Building material sales.
5. Carpenter, cabinet, plumbing or sheet metal shops.
6. Contractors office and equipment storage yards, providing the storage yard is completely enclosed with a six-foot (6’) wall.
7. Dog kennels.
8. Frozen food lockers.
9. Grain Elevators, Equipment and Storage
10. Greenhouses, retail and wholesale.
11. Lumber yards.
12. Machinery sales or storage lots.

13. Monument and burial vault sales.
14. Motor vehicle sales, automobile and truck.
15. Mobile home sales and service.
16. Public utility and public service uses as follows:
  - (A) Substations
  - (B) Railroads
  - (C) Telephone exchanges
  - (D) Public utility storage yards when the entire storage area is enclosed by at least a six foot (6') wall or fence.
17. Moving company, storage and terminal.
18. Storage rental units.
19. Truck and rail terminals.
20. Vehicle repair, body shops and painting. Storage area is enclosed by at least a six foot (6') wall or fence.
21. Warehouses.
22. Wholesale merchandise sales and storage.
23. Light manufacturing operations - where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration, or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
24. Feed store.
25. Machine shop.
26. Printing shops.
27. Motels and hotels.
28. Public buildings.
29. Restaurants.

30. Service stations.
31. Other uses, similar or accessory, customary incidental to the above uses.
32. Single-site Solar Energy System.
33. Towers in accordance with Article 23.

**15.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29. (Res.#20-22 08/07/20, Res.25-2020 10/03/20)

1. Telephone transmission buildings.
2. Any dwelling built or moved in, or any existing structure remodeled, for use as quarters for night watchman for security purposes.
3. Single-site Wind Energy System in accordance with Article 23.
4. Commercial Renewable Energy Systems in accordance with Article 23.

**15.040 LOT COVERAGE.** There shall be no requirements except as may be dictated by off-street parking and set back requirements. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as provided by the more restrictive requirements of this Zoning Regulation.

**15.050 YARD REQUIREMENTS.**

1. Front Yard:

Each lot in the “RI” District shall have a front yard of not less than sixty (60’) feet from the center of the roadway easement, unless otherwise provided in Article 22.

2. Side Yard:

No side yard shall be required for uses permitted in this district except where such abuts a residential district, in which case there shall be required fifteen (15’) feet of side yard on the side of the lot which abuts the residential district.

3. Rear Yard:

No rear yard shall be required for uses in the district except where the district abuts a residential district, in which case there shall be a twenty (20’) foot rear yard provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10’) feet.

**15.060 HEIGHT REGULATIONS.**

1. Maximum height for building structure shall be seventy-five (75') feet.
2. When a building or structure is within one hundred fifty (150') feet of a residential district zone, said building structure shall not exceed forth-five (45') feet in height.

**15.070 PARKING REQUIREMENTS.** See Article 25.

**15.080 SIGN REGULATIONS.** See Article 24.

**15.090 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

1. Buffer Strip: Whenever the "RI" District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5') feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
2. For additional requirements - See Article 23.

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# ARTICLE 16

## “I - 1”, “I - 2” LIGHT - MEDIUM INDUSTRIAL DISTRICT

### Sections:

- 16.010 Purpose and Intent
- 16.020 Permitted Uses
- 16.030 Conditional Uses
- 16.040 Lot Coverage
- 16.050 Yard Requirements
- 16.060 Height Requirements
- 16.070 Area of District
- 16.080 Parking Regulations
- 16.090 Supplemental Developmental Standards

**16.010 PURPOSE AND INTENT.** This land use category is intended for a variety of lighter industrial uses. These uses typically involve fewer impacts on the surrounding areas, in terms of noise, fumes, nuisances and hazards, than do the uses described under Heavy Industrial. This category includes such uses as warehousing, wholesale sales and distribution, and light manufacturing. Some related office uses also occur in this category. Most activities associated with uses in this category take place within buildings.

**16.020 PERMITTED USES.** The following uses and structures are permitted in the “I -1” and “I - 2” Districts. (Res.#22-2020 08/07/20, Res.#25-2020 10/03/20)

1. Animal hospitals or clinics.
2. Automatic storage and delivery services.
3. Express storage and delivery services.
4. Bottling works.
5. Building material sales.
6. Carpenter, cabinet, plumbing or sheet metal shops.
7. Contractors office and equipment storage yards, providing the storage yard is completely enclosed with a six-foot (6') wall.
8. Dog kennels.
9. Dry cleaning and /or laundry plants.
10. Frozen food lockers.

11. Greenhouses, retail and wholesale.
12. Lumber yards.
13. Machinery sales or storage lots.
14. Monument and burial vault sales.
15. Motor vehicle sales, automobile and truck.
16. Mobile home sales and service.
17. Public utility and public service uses as follows:
  - (A) Substations
  - (B) Railroads
  - (C) Telephone exchanges
  - (D) Public utility storage yards when the entire storage area is enclosed by at least a six-foot (6') wall or fence.
18. Moving company, storage and terminal.
19. Storage rental units.
20. Truck and rail terminals.
21. Upholstery shops.
22. Warehouses.
23. Wholesale merchandise sales and storage.
24. Auto repair and painting.
25. Body shops.
26. Foundry and light casting (light casting and foundry products of which the heaviest casting shall weigh not more than fifty (50) pounds).
27. Light manufacturing operations - where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration, or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.

28. Feed store.
29. Machine shop.
30. Printing shops.
31. Motels and hotels.
32. Public buildings.
33. Restaurants.
34. Service stations.
35. Other uses, similar or accessory, customary incidental to the above uses.
36. Sporting goods stores including firearms sales and repair and indoor firearms or archery ranges.
37. Single-site Solar Energy System.
38. Towers in accordance with Article 23.

**16.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29. (Res.#22-2020 08/07/30, Res.#25-2020 10/03/20)

1. Concrete Ready Mix Plants (04/11/08 Res.#8-2008).
2. Telephone transmission buildings.
3. Taverns.
4. Any dwelling built or moved in, or any existing structure remodeled, for use as quarters for night watchman for security purposes.
5. Commercial Equestrian Race Track Facilities Including Timing Tracks & Rodeos (Res. #38-2005, 09/12/05).
6. Child Care Centers licensed by the State.
7. Wholesale and retail fireworks sales and storage. (Res. #6-2017, 06/05/17)
8. Church and similar place of worship. (Res. #9-2017, 08/10/17)
9. Single-site Wind Energy System in accordance with Article 23.
10. Commercial Renewable Energy Systems in accordance with Article 23.

**16.040 LOT COVERAGE.** There shall be no requirements except as may be dictated by off-street parking and set back requirements. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as provided by the more restrictive requirements of this Zoning Regulation.

**16.050 YARD REQUIREMENTS.**

1. Front Yard:

Each lot in the “I - 1” and “I - 2” Districts shall have a front yard of not less than sixty (60’) feet from the center of the roadway easement, unless otherwise provided in Article 23.

3. Side Yard:

No side yard shall be required for uses permitted in this district except where such abuts a residential district, in which case there shall be required fifteen (15’) feet of side yard on the side of the lot which abuts the residential district.

4. Rear Yard:

No rear yard shall be required for uses in the district except where the district abuts a residential district, in which case there shall be a twenty (20’) foot rear yard provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10’) feet.

**16.060 HEIGHT REGULATIONS.**

1. Maximum height for building structure shall be seventy-five (75’) feet.
2. When a building or structure is within one hundred fifty (150’) feet of residential district zone, said building structure shall not exceed forth-five (45’) feet in height.

**16.070 PARKING REQUIREMENTS.** See Article 25.

**16.080 SIGN REGULATIONS.** See Article 24.

**16.090 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

1. Buffer Strip: Whenever the “I - 1” and “I - 2” Districts adjoin a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5’) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
2. For additional requirements - See Article 23.

# ARTICLE 17

## “I - 3” HEAVY INDUSTRIAL DISTRICT

### Sections:

- 17.010 Purpose and Intent**
- 17.020 Permitted Uses**
- 17.030 Conditional Uses**
- 17.040 Lot Coverage**
- 17.050 Yard Requirements**
- 17.060 Height Requirements**
- 17.070 Area of District**
- 17.080 Parking Regulations**
- 17.090 Supplemental Developmental Standards**

**17.010 PURPOSE AND INTENT.** This land use category allows for a relatively wide range of industrial uses, including heavy manufacturing, construction yards, and support retail commercial. These uses may have safety, nuisance or environmental effects which make them undesirable neighbors to residential areas. They should be located near or adjacent to major transportation facilities (such as rail lines, airports, or freeways). Design standards focus on minimizing the effects of these uses on surrounding development.

**17.020 PERMITTED USES.** The following uses and structures, and no others, are permitted in the “I - 3” District.

1. Animal hospitals or clinics.
2. Automatic car wash.
3. Auto repair and painting.
4. Body shop.
5. Bottling works.
6. Building materials and storage facilities.
7. Carpenter, cabinet, plumbing, and sheet metal shops.
8. Contractors office and equipment storage yards.
9. Dog kennels.
10. Dry Cleaning and laundry plants.

11. Express storage and delivery services.
12. Feed mill.
13. Feed and seed stores.
14. Foundry and light casting.
15. Frozen food lockers.
16. Grain elevators.
17. Greenhouses, wholesale.
18. Light manufacturing.
19. Lumber yards.
20. Machine shops.
21. Machinery sales and storage lots.
22. Manufacturing of fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
23. Monument sales.
24. Motor vehicle sales and storage.
25. Public utility and public service uses as follows:
  - (A) Substations.
  - (B) Railroads.
  - (C) Telephone exchanges.
  - (D) Public utility storage yards when the entire storage area is enclosed by at least a six foot (6') wall or fence.
26. Printing shops.
27. Radiator repair shops
28. Ready-mix concrete and asphalt mix plants.
29. Storage rental units.

30. Truck and rail terminals.
31. Upholstering shops.
32. Warehouses.
33. Wholesale greenhouses.
34. Manufactured/Mobile Home Sales and Service.
35. Single-site Solar Energy System.
36. Towers in accordance with Article 23.

**17.030 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29. (Res.#22-2020 08/07/2020, Res.#25-2020 10/03/20)

1. Auto wrecking yards, junkyards and scrap processing yards' subject to the following:
  - (A) Located on a tract of land at least three hundred (300') feet from a residential district zone.
  - (B) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a solid noncombustible fence or wall. The fence or wall shall be of uniform height (at least six (6') feet high), uniform texture and color and shall be so maintained, by the proprietor, as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
  - (C) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently outside the enclosing building, hedge, fence, or wall, or within the public right-of-way.
  - (D) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department and Governing Body. Said burning, when permitted, shall be done during daylight hours only.
2. Manufacturing or storage of bulk oil, gas explosives, and/or petroleum refining.
3. Telephone transmission buildings.
4. Stock yards and slaughter houses.
5. Poultry storage or slaughtering.

6. Other uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, noise or vibration.
7. Any dwelling built or moved in, or any existing structure remodeled for use as quarters for night watchman for security purposes.
8. The operation or maintenance of a Soils Regeneration Facility only after they have been reviewed and approved with a Conditional Use Permit as required by Article 29 and licensed by the State of Kansas.
9. Child Care Centers licensed by the State.
10. Commercial Equestrian Race Track Facilities Including Timing Tracks & Rodeos. (Res. #38-2005 09/12/05)
11. Wholesale and retail fireworks sales and storage. (Res. #6-2017, 06/05/17)
12. Single-site Wind Energy System in accordance with Article 23.
13. Commercial Renewable Energy Systems in accordance with Article 23.

**17.040 LOT COVERAGE.** A building structure or use, allowed in this district may occupy all that portion of a lot, except for the area required for off-street parking, off-street loading and unloading and their access roads unless otherwise required by this Zoning Regulation. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot, except as otherwise required by this Zoning Regulation.

**17.050 YARD REQUIREMENTS.**

1. **Front Yard:**

Each lot in the “I - 3” District shall have a front yard of not less than sixty (60’) feet from the center of the roadway easement, unless otherwise provided in Article 22.

2. **Side Yard:**

No side yard shall be required for uses permitted in this district except where such abuts a residential district, in which case there shall be required fifteen (15’) feet of side yard on the side of the lot which abuts the residential district.

3. **Rear Yard:**

No rear yard shall be required for uses in the district except where the district abuts a residential district, in which case there shall be a twenty (20’) foot rear yard

provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10') feet.

**17.060 HEIGHT REGULATIONS.**

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

**17.070 PARKING REQUIREMENTS.** See Article 25.

**17.080 SIGN REGULATIONS.** See Article 24.

**17.090 SUPPLEMENTAL DEVELOPMENT STANDARDS.**

1. Buffer Strip: Whenever the "I - 3" District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5') feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.
2. For additional requirements - See Article 23.

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# ARTICLE 18

## “P - F” PUBLIC FACILITIES DISTRICT

### Sections:

- 18.010 Purpose and Intent**
- 18.020 Permitted Uses**
- 18.030 Conditional Uses**
- 18.040 Lot Size Requirements**
- 18.050 Yard Requirements**
- 18.060 Parking Regulations**
- 18.070 Sign Regulations**
- 18.080 Supplemental Development Standards**

**18.010 PURPOSE AND INTENT.** This category includes such public and quasi-public institutional uses as schools, colleges, fire stations, libraries, government buildings, and hospitals.

**18.020 PERMITTED USES.** Those uses or categories of uses as listed herein, and no others, are permitted in the P - F District.

1. Community colleges.
2. Recreational activities. (Public only).
3. Parks.
4. Golf courses.
5. Fairgrounds.
6. Cemeteries.
7. Schools.
8. Zoos.
9. Governmental services.
10. Public libraries, museums or similar public buildings.
11. Accessory structures and uses to the above listed uses.

12. State approved solid waste disposal site.

**18.030 CONDITIONAL USES.** The following uses and structures may be permitted in the P - F District only after they have been reviewed and approved as required by Article 28.

1. Mining and quarrying.
2. Heliports.
3. Private parks (over 5 acres).

**18.040 LOT SIZE REQUIREMENTS.** Any caretaker dwelling established in conjunction with a permitted use shall have a land area of at least five thousand (5,000) square feet.

**18.050 YARD REQUIREMENTS.**

1. Front Yard:

Each lot shall have a sixty (60') foot setback from the center line of right of way easement, except that those lots or parcels adjacent to residential district along the same street frontage shall conform to the requirements of the residential district.

2. Side Yard:

There shall be no requirements except when the lot in the P - F District abuts the side or rear yard of a lot in a residential district in which case the side yard shall be a minimum of five (5') feet unless side yard is also a corner lot when it shall be same as front yard.

3. Rear Yard:

There shall be no requirements except when the lot in the P - F District abuts the side or rear yard of a lot in a residential district, in which case the rear yard shall be a minimum of twenty (20') feet.

**18.060 PARKING REQUIREMENTS.** See Article 25.

**18.070 SIGN REGULATIONS.** See Article 24.

**18.080 SUPPLEMENTAL DEVELOPMENTAL STANDARDS.** See Article 23.

# ARTICLE 19

## “P - P” PUBLIC PARKS DISTRICT

### Sections:

- 19.010 Purpose and Intent**
- 19.020 Permitted Uses**
- 19.030 Conditional Uses**
- 19.040 Lot Size Requirements**
- 19.050 Yard Requirements**
- 19.060 Parking Regulations**
- 19.070 Sign Regulations**
- 19.080 Supplemental Development Standards**

**19.010 PURPOSE AND INTENT.** Local, State, and National parks that are publicly owned and managed for the benefit of the general public are included in this category.

**19.020 PERMITTED USES.** Those uses or categories of uses as listed herein, and no others, are permitted in the P - P District.

1. Community colleges.
2. Recreational activities. (Public only).
3. Parks.
4. Golf courses.
5. Fairgrounds.
6. Cemeteries.
7. Schools.
8. Zoos.
9. Governmental services.
10. Public libraries, museums or similar public buildings.
11. Accessory structures and uses to the above listed uses.
12. State approved solid waste disposal site.

**19.030 CONDITIONAL USES.** The following uses and structures may be permitted in the P - F District only after they have been reviewed and approved as required by Article 22.

1. Mining and quarrying.
2. Heliports.
3. Private parks (over 5 acres).

**19.040 LOT SIZE REQUIREMENTS.** Any caretaker dwelling established in conjunction with a permitted use shall have a land area of at least five thousand (5,000) square feet.

**19.050 YARD REQUIREMENTS.**

1. Front Yard:

Each lot shall have a sixty (60') foot setback from the center line of right of way easement, except that those lots or parcels adjacent to residential district along the same street frontage shall conform to the requirements of the residential district.

2. Side Yard:

There shall be no requirements except when the lot in the P - P District abuts the side or rear yard of a lot in a residential district in which case the side yard shall be a minimum of five (5') feet unless side yard is also a corner lot when it shall be same as front yard.

3. Rear Yard:

There shall be no requirements except when the lot in the P - P District abuts the side or rear yard of a lot in a residential district, in which case the rear yard shall be a minimum of twenty (20') feet.

**19.060 PARKING REQUIREMENTS.** See Article 25.

**19.070 SIGN REGULATIONS.** See Article 24.

**19.080 SUPPLEMENTAL DEVELOPMENTAL STANDARDS.** See Article 23.

# ARTICLE 20

## “P - L” PUBLIC LANDS/ STATE TRUST LANDS

### Sections

- 20.010 Purpose and Intent**
- 20.020 Permitted Uses**
- 20.030 Conditional Uses**
- 20.040 Lot Size Requirements**
- 20.050 Yard Requirements**
- 20.060 Parking Regulations**
- 20.070 Sign Regulations**
- 20.080 Supplemental Development Standards**

**20.010 PURPOSE AND INTENT.** This category is used to indicate land in rural areas that is owned by a public agency, but is not primarily devoted to parks and recreational use. Lands owned and managed by the Kansas State Lands Department are included in this category. The Land Use Element contains special policies for the County’s involvement in more intense development of these properties.

**20.020 PERMITTED USES.** Those uses or categories of uses as listed herein, and no others, are permitted in the P - L District.

1. Zoos.
2. Governmental services.
3. Accessory structures and uses to the above listed uses.
4. State approved solid waste disposal site.

**20.030 CONDITIONAL USES.** The following uses and structures may be permitted in the P - L District only after they have been reviewed and approved as required by Article 22.

1. Mining and quarrying.
2. Heliports.
3. Private parks (over 5 acres).

**20.040 LOT SIZE REQUIREMENTS.** Any caretaker dwelling established in conjunction with a permitted use shall have a land area of at least five thousand (5,000) square feet.

**20.050 YARD REQUIREMENTS.**

1. Front Yard:

Each lot shall have a sixty (60') foot setback from the center line of right of way easement, except that those lots or parcels adjacent to residential district along the same street frontage shall conform to the requirements of the residential district.

2. Side Yard:

There shall be no requirements except when the lot in the P - L District abuts the side or rear yard of a lot in a residential district in which case the side yard shall be a minimum of five (5') feet unless side yard is also a corner lot when it shall be same as front yard.

3. Rear Yard:

There shall be no requirements except when the lot in the P - L District abuts the side or rear yard of a lot in a residential district, in which case the rear yard shall be a minimum of twenty (20') feet.

**20.060 PARKING REQUIREMENTS.** See Article 25.

**20.070 SIGN REGULATIONS.** See Article 24.

**20.080 SUPPLEMENTAL DEVELOPMENTAL STANDARDS.** See Article 23.

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# ARTICLE 21

## “PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

### Sections:

- 21.010 Purpose
- 21.020 Use in Combination
- 21.030 Development Standards
- 21.040 Preliminary Development Plan
- 21.050 Public Hearing Requirements
- 21.060 Final Plan Approval
- 21.070 Processing of Applications
- 21.080 Disapproval
- 21.090 Filing and Recording
- 21.100 Permit Issued
- 21.110 Amendments
- 21.120 Extension or Reversion

**21.010 PURPOSE AND INTENT.** The purpose of the Planned Unit Development designation is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land, the consolidation of the spaces, and the clustering of dwelling units.

**21.020 USE IN COMBINATION.** The Planned Unit Development designation may be used in combination with existing conventional residential zones and the “NC” and “GC” zones as designated herein, and the provisions of the Planned Unit Development Designation shall supplement or supersede the provisions of the district regulations. The Planned Unit Development Designation shall not be applied to a land area as an independent district. When shown on the District Zoning Map, the letters PUD shall become a suffix to the district classification. For example, a Planned Unit Development “PUD” in a LR Low Density Residential District, would be shown on the District Zoning Map as a LR (PUD).

### **21.030 DEVELOPMENT STANDARDS.**

1. A Planned Unit Development established under the provisions of this Article shall contain not less than five (5) acres, unless expressly permitted by the Planning Commission.
2. The total number of dwelling units permitted in a Planned Unit Development shall be determined by dividing the net development area by the minimum lot area requirement of the district in which the development is proposed to be located, minus the land used for commercial purposes.

3. The area of land set aside for common open space or recreational use shall be included in the net development area. Where an area of fifty (50) acres or more is being developed in the “RR” through “HR” districts, a maximum of fifty (50%) percent of the dwellings may be multiple family dwellings.
4. The minimum lot area and minimum lot frontage of single family dwelling lots established within the development shall not be less than two-thirds (2/3) of the normal minimum lot area and minimum lot frontage of the single family district in which the lot is located.

### **21.040 PRELIMINARY DEVELOPMENT PLAN.**

1. All preliminary development plans shall be submitted to the Secretary of the Planning Commission at least twenty (20) days prior to the Planning Commission meeting.
2. All applications for a Planned Unit Development Overlay district shall be accompanied by a preliminary plan and fifteen (15) copies of the proposed development showing:
  - (A) The area to be included in said development and abutting property lying within three hundred (300') feet drawn to a scale of not less than two hundred (200') feet to the inch;
  - (B) North point, scale and date of preparation;
  - (C) Name of proposed development (to coincide with name of consequent subdivision plat);
  - (D) A legal description of the property;
  - (E) Names and addresses of the developer, surveyor, landscape architect, architect, engineer or any other persons involved in the development;
  - (F) Existing conditions in the plan area showing sewers, water mains, gas mains, bridges, streets, alleys or drives and existing structures;
  - (G) Existing grade and contour (and proposed grade contour) with contour intervals of not more than five (5') feet (referred to U.S.G.S. datum) also existing water courses, wooded areas, lakes, ravines and such other features as may be pertinent;

(H) The location of proposed buildings, streets, parking facilities, signs, landscaped buffer strips, and fences or screens, and other open places or facilities which may be applicable to the nature of the development;

(I) All buildings and uses shall be clearly labeled as the proposed use.

**21.050 PUBLIC HEARING REQUIREMENTS.** Not less than twenty (20) days notice of any such proposed Planned Unit Development shall be granted to any person interested at a time and place specified in said notice. The Planning Commission shall approve or disapprove the preliminary plan according to the requirements established in the Article, but may impose additional requirements deemed reasonable and necessary. If approved, the applicant shall then revise the preliminary sketch plan to meet the requirements established by the Planning Commission and submit the final Planned Unit Development Plan.

**21.060 FINAL PLAN APPROVAL.** Following approval of the preliminary Planned Unit Development Plan, the applicant shall plat the land according to the Subdivision Regulation; however, the approved preliminary plan shall be considered to the approved preliminary subdivision plat. Therefore, the platting process shall commence with the submission of a final plat.

1. If in the event the property is presently part of a subdivision plat approved and recorded in the manner prescribed in the Subdivision Regulations, the requirements for platting and the references made to subdivision plats in the following subsections shall be disregarded.
2. The final Planned Unit Development plan and fifteen (15) copies thereof shall be submitted concurrently with the filing of the final development plan and plat shall be made to the Secretary of the Planning Commission ten (10) days prior to the Planning Commission Meeting.
3. The final Planned Unit Development plan shall be the approved preliminary Planned Unit Development plan prepared on linen, film mylar, cronoflex, or similar material providing space for the date and signatures of the following, certifying approval:
  - (a) Owners and developers of subject property;
  - (b) Chairman and Secretary of the Planning Commission;
  - (c) The Chairman of the Board of County Commissioners and County Clerk.

**21.070 PROCESSING OF APPLICATIONS.**

1. (a) Health Department
- (b) Fire Department

- (c) Building Inspector
  - (d) County Sanitarian
  - (e) All Public Utilities
  - (f) County Engineer
  - (g) School Board
2. The preceding agencies shall be given seven (7) days following their receipt of the application to submit a report to the Planning Commission. If said report has not been returned to the Planning Commission within seven (7) days, it shall be considered as an affirmative report.
  3. The tract or plot must be a contiguous parcel, five (5) acres or more, under one (1) ownership or held jointly by two (2) or more owners. The Planning Commission may waive the five (5) acre requirement.
  4. The proposed development shall be designed to produce an environment of a stable and desirable character not out of harmony with its surrounding neighborhood, and shall not conflict with the Comprehensive Plan or any parts thereof.
  5. Dwelling Units may be relieved of district zoning regulations concerning yard size, setback, height, bulk, and other plat requirements where such requirements interfere with the overall development.
  6. Off-street parking:  
  
Shall be in accordance with Article 25.
  7. Signs:  
  
Shall be in accordance with Article 24.
  8. Before final approval of a Planned Unit Development Plan, the Governing Body shall require a contract with safeguards guaranteeing completion of the development in a period to be specified by the Governing Body but which period shall not exceed five (5) years unless extended by the Governing Body for due cause.

**21.080 DISAPPROVAL.** If in the event the proposed Planned Unit Development is disapproved by the Planning Commission, the applicant shall be notified and presented a written report setting forth the Planning Commission's reasons.

**21.090 FILING AND RECORDING.** The signed and recorded Planned Unit Development lines shall be made part of the permanent file of the Zoning Amendments and the district zoning maps shall be corrected to show the attachment of Planned Unit Development.

**21.100 PERMIT ISSUED.** Subsequent to the filing and recording of the final Planned Unit Development lines and subdivision plat, the Planning Commission shall notify the Zoning Administrator in writing to issue a zoning permit for a Planned Unit Development.

**21.110 AMENDMENTS.** A building permit shall not be issued for any building within a Planned Unit Development which does not conform to the development plan as approved and recorded except that a reasonable variance to location and gross floor area of individual buildings may be granted after a review of said variance by the Planning Commission.

The Planned Unit Development plan requires an amendment because the requested variation is deemed unreasonable by the Planning Commission, then the applicant shall proceed in the same manner established for the application of a permit for Planned Unit Development.

**21.120 EXTENSION OR REVERSION.** If due cause for an extension of time is not shown, the Planning Commission shall commence action to revert any zoning established in connection with a Planned Unit Development to its zoning classification prior to such amendment. At the same time, the Planning Commission shall commence for removal of Planned Unit Development from the district zoning maps and render said plan null and void.

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## ARTICLE 22

### ACCESSORY USES, TEMPORARY USES, AND NON-CONFORMING USES

(Res.# 16-2019, 7/15/19)

#### Sections:

- 22.010 Accessory Uses - Definition**
- 22.020 Accessory Uses Permitted**
- 22.030 Accessory Use Restriction**
- 22.040 Temporary Uses - Purpose**
- 22.050 Temporary Uses Permitted**
- 22.060 Temporary Uses - Prior Approval Required**
- 22.070 Non-Conforming Uses - Definition**
- 22.080 Non-Conforming Uses Permitted To Continue**
- 22.090 Non-Conforming Uses To Be Discontinued**
- 22.100 Maintenance and Repair**

**22.010 ACCESSORY USES - DEFINITION.** An accessory use is a use or structure which is incidental and subordinate to the principle structure or use on a lot or group of lots. Accessory uses are subordinate area and purpose and are intended for the convenience or necessity of the occupants, business, or industry in the principal building or use. An accessory building shall not cover more than fifteen percent (15%) of the lot area.

**22.020 ACCESSORY USES PERMITTED.** Accessory uses and structures may be permitted in any zoning district provided such uses or structures conform with the definition in Section 22.010. Permitted accessory uses and structures include but are not limited to the following:

1. Buildings such as garages, carports, bath houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principle use or structure.
2. Children's playhouses, provided they shall be in keeping with the principle structure.
3. Swimming pools.
4. Storage of material used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided that such use shall be permitted only during the construction period and thirty (30) days thereafter.

5. Barbecue stoves, flagpoles, fences, walls, trellises, statuary, arbors, gazebos, and greenhouses.
6. Fallout shelters provided that they shall not be used for any other purpose.
7. Off-street parking and loading in conformance with Article 25.
8. Signs as permitted by Article 24.
9. Satellite TV reception dish located in rear yards only.
10. Uses incidental to permitted hotels or motels such as clubs, gift shops, restaurants, etc...
11. Storage of boat trailers, boats, campers, camp trailers and similar recreation equipment provided no part of such storage area is located within the vision clearance area.
12. In A, R-R, S-E, S-R, L-R, M-R, H-R, MHP, and MHS Districts: unless subdivision covenants or deed restrictions override these Regulations, the keeping of fowl and pigeons shall be permitted as follows:
  - (a) Keeping of Fowl - It shall be unlawful to own or keep fowl, other than permitted fowl, within the County. The maximum total number of permitted fowl allowed to be owned or kept on an individual lot is one (1) animal (fowl) per five hundred (500) square feet of lot size, rounded down, but in no event shall the total number of permitted fowl on any lot exceed sixteen (16) fowl per fenced acre of land used exclusively for the care and keeping thereof.
    - (i) Definitions:
      - (1) "Fowl" shall mean those domestic birds commonly kept for the production of meat, eggs or feathers. This shall include chickens, ducks, turkeys, geese, swans, peafowl, and guinea fowl, ostriches and emus.
      - (2) "Permitted fowl" shall mean ducks, female chickens, turkeys, geese, swans, peafowl, and guinea fowl. Roosters shall be permitted only in the presence of female chickens, but not to exceed one (1) rooster per acre and one (1) rooster for every fifteen (15) female chickens.
      - (3) "Waste" shall mean animal droppings and soiled or unconsumed feed.

(ii) Fowl Regulations

- (1) No permitted fowl shall be kept in the front yard and shall be ten (10) feet away from the primary structure. Fowl owned or in charge of or control of such person shall not run or be at large within the County, upon the public streets, ways, or grounds of the County or upon the premises of other persons.
- (2) All fowl shall be kept within a fenced area and provided with appropriate shelter. Such shelter shall be screened or walled in a manner that allows the chickens or ducks to be reasonably protected from predators and weather. In addition to the other requirements of this chapter that specify standards applicable to the keeping of animals, any person who owns chickens or ducks shall provide a coop or other similar shelter and adequate laying boxes, and roosts for the chickens or ducks..
- (3) The coop shall be a minimum of three square feet in size per chicken or duck if the birds have a fenced outdoor run, or 10 square feet per chicken or duck if the birds do not have a fenced outdoor run.
- (4) A minimum of one square foot of laying box space shall be provided per three (3) chickens. Each laying box will contain adequate clean bedding material such as hay or other similar soft material.
- (5) One 8” or larger roost is required per chicken. Ducks do not require roosts.
- (6) Coops shall be constructed in a manner that is consistent with the requirements of the County’s Supplemental Development Standards for Accessory Structures in Articles 22 and 23 of the County Zoning Regulations. No coop shall be located closer than five (5) feet from any neighboring property line.
- (7) In the event that a mobile coop is utilized, the coop shall be kept in compliance with all County Resolutions that apply to the outdoor storage of property.
- (8) Fowl living areas shall be kept in a clean and sanitary condition to prevent the unreasonable accumulation of waste or any other noxious substances, noxious odors or the presence of vermin.

- (9) Fowl shall have access to clean water daily.
- (10) Feed shall be kept in a clean, dry, closed container to prevent the presence of vermin.
- (11) All feathers, organs, bones, or other waste shall be bagged and disposed of within trash receptacles.
- (b) Keeping of Pigeons – It shall be unlawful to own or keep pigeons, other than permitted pigeons, within the County. The maximum total number of pigeons allowed to be owned or kept on an individual lot is five (5) pigeons per five hundred (500) square feet of lot size, rounded down, but in no event shall the total number of pigeons on any lot exceed seventy (70).
- (i) Definitions:
- (1) “Pigeon” shall mean a member of the Columbidea Family of birds that include ‘racing’, ‘fancy’, and ‘sporting’ pigeons.
- (ii) Lofts
- (1) Any person who owns pigeons shall provide a loft or other similar shelter designed according to a commercially available plan. Such shelter shall be screened or walled in a manner that allows the pigeons to be reasonably protected from predators.
- (2) The loft shall be a minimum of one (1) square foot in size per pigeon. That portion of the pigeon loft designated as the fly pen shall be constructed so that it faces the residence of the owner.
- (3) Lofts shall be constructed in a manner that is consistent with the requirements of the County’s Supplemental Development Standards for Accessory Structures defined in Articles 22 and 23 of the County Zoning Regulations. No loft shall be located closer than five (5) feet from any neighboring property line.
- (4) A loft shall be kept in a clean and sanitary condition to prevent the unreasonable accumulation of waste or any other noxious substance, noxious odors or the presence of vermin.
- (5) Pigeons shall be confined to a loft at all times except when released for necessary exercise, training or racing flights, with no more than fifty percent (50%) of an owner’s pigeons to be released at any one (1) time. Exercising, training or racing flights shall not be undertaken during the hours of 10:00 a.m. to 7:00 p.m. from

June to September so as to not disturb the yard use and enjoyment of abutting neighbors.

**22.030 ACCESSORY USE RESTRICTIONS.** The following is a list of restrictions on accessory uses and structures:

1. In residentially zoned districts: The storage or overnight parking of one commercial motor vehicle provided it not exceed the following parameter: weight of 16,000 pounds or greater, or that is greater than any of the following dimensions: 9 feet wide, 13 feet high or 21 feet long and shall not include school buses or recreational vehicles as defined by the Finney County Zoning Regulations.
2. No accessory structure shall be constructed within the front yard setback.
3. In Residential Zoning Districts, no accessory structure shall be constructed upon a lot until the construction of the main building is completed.
4. No accessory building shall be used for dwelling purposes.
5. On corner lots, accessory structures and uses shall conform to the front yard setback requirements on both street frontages.
6. Accessory building coverage:
  - (a) An accessory building shall not cover more than fifteen percent (15%) of the lot area.
  - (b) In residential districts, the accessory building area shall not be larger than fifteen percent (15%) of the principal structure.
7. In residentially zoned districts for properties between two (2) to forty (40) acres:
  - (a) Accessory structures may be up to twenty-four (24) feet high or 15% taller than the principal structure, whichever is greater.
  - (b) Accessory structures which are larger in size and height than specified above may be allowed only after they have been approved with a Conditional Use Permit.
8. In residentially zoned districts for properties less than two (2) acres:
  - (a) Accessory structures may be up to twenty-four (24) feet high or 15% taller than the principal structure whichever is greater may be allowed only after they have been approved with a Zoning Use Permit.

- (b) Accessory structures which are larger in size and height than specified above may be allowed only after they have been approved with a Conditional Use Permit.
9. Vision clearance areas shall be free of obstructions.
10. Private recreational uses, not otherwise prohibited by these regulations and not open to the public on a pay per use or any other arrangement may be authorized by a Conditional Use Permit giving special care and consideration to lot size and providing that such use is not noxious or offensive by reason of vibration, or noise beyond the confines of the building or location, or emission of dust, fumes, gas, odor, or smoke. Proof of liability insurance and registrations with any applicable local, state, or federal agencies shall be required with the Conditional Use Permit application.

**22.040 TEMPORARY USES - PURPOSES.** Temporary use regulations area provided to accommodate uses or structures which are temporary in nature. The character of these uses is such that they would not be proper conditions imposed to protect adjacent properties and the general health, safety, and welfare of the citizens of Finney County.

**22.050 TEMPORARY USES PERMITTED.** The following land uses and structures are permitted unless otherwise restricted by the district regulations on a temporary basis as follows:

1. Residential Districts: rummage sales, contractors offices and equipment sheds, and real estate offices.
2. Public Facilities District: carnivals, circuses, and political rallies.
3. All other Districts: carnivals, circuses, Christmas tree lots, flower stands, rummage sales, promotional displays, contractors offices and equipment sheds, real estate, offices, trailers or vehicles for temporary sales, political rallies, and temporary signs.

**22.060 TEMPORARY USES - PRIOR APPROVAL REQUIRED.** Prior to the establishment of any of the above uses, or similar temporary uses, a temporary use permit must be obtained from the Planning and Community Development Director (Director) or his/her designee. In issuing said permit, the following shall be considered:

1. The conduct of the requested use will not have any detrimental effects on adjacent properties and will be in harmony with surrounding uses.
2. The requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
3. The applicant shall show a certificate of liability insurance.

4. The applicant shall provide, at his own expense, for the restoration of the site of said use to its original condition, including such clean up, washing, and replacement of facilities as may be necessary.
5. Contractors' offices, real estate offices, or other promotional offices shall not contain sleeping accommodations.
6. Temporary living quarters or camps associated with the oil and gas exploration services and work thereof associated may be permitted in any parcel of forty (40) acres or more for a maximum of ninety (90) days, under the following provisions:
  - (A) A conceptual site plan shall be approved, including a remediation plan of the site after the site has been vacated, to meet or exceed the Finney County, State and Federal health and environmental standards.
  - (B) The temporary living quarters shall not exceed accommodations for more than twenty-four (24) people on the premises.
  - (C) A Temporary Use Permit application and a fee of Two Hundred Dollars (\$200.00) shall be submitted to the Community Development Department.
  - (D) No temporary living quarter or camps shall be located closer than one (1) mile from another temporary living quarters or camps.
  - (E) Temporary living quarters or camps in excess of the limit set herein shall require a Conditional Use Permit.
7. Time limits on temporary uses:
  - (A) Christmas tree lots shall be used for a period not to exceed forty-five (45) days.
  - (B) Contractor's offices and equipment are permitted for the duration of construction.
  - (C) Real estate offices incidental to new housing development shall continue only until ninety percent (90%) of the housing units are sold.
  - (D) Campaign headquarters are permitted for the duration of a campaign.
  - (E) All other uses shall occupy a site for a period not to exceed ten (10) days.

- (F) Temporary living quarters or camps associated with the oil and gas exploration services and work thereof associated may be permitted for a maximum of ninety (90) days.

**22.070 NON-CONFORMING USE - DEFINITION.** Any lot or structure lawfully occupied by a use at the time of the effective date of this Zoning Regulation or amendments hereto, which does not conform to the regulations of the district in which it is situated.

**22.080 NON-CONFORMING USES PERMITTED TO CONTINUE.** Nonconforming uses as defined herein may be permitted to continue, provided that no structural alterations except those required by law or resolution are made therein, and that the nonconforming use is not discontinued or abandoned for a period of one year, and was:

1. Legally established at the time of the adoption of the County Zoning Regulation;
3. Legally established at the time an amendment was made to the County Zoning Regulation so as to transfer the land to a more restricted district, as the case may be; or
3. Legally established prior to the adoption of the current County Zoning Regulations and amendments thereto.

**22.090 NONCONFORMING USES TO BE DISCONTINUED.** No building which has been damaged by any casualty, act of God, or public enemy, to the extent of more than fifty percent (50%) of the fair market value, shall be restored, except in conformity with all Zoning and County Regulations. Should there be a question as to the structural value, the same shall be determined by three (3) appraisers, one of whom shall be selected by the Governing Body, one by the owner and a third by the two so appointed and the decision of the appraisers or a majority of them shall be final and conclusive and binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

**22.100 MAINTENANCE AND REPAIR.**

1. Routine maintenance and repair may be permitted unless the property is deemed or declared to be unsafe by the Building Official. Such repairs shall not be construed to mean major remodeling, restoration or replacement. Such repairs will not usually extend the life of the structure and will not exceed \$2,500 or 10% of the total appraised value by the Finney County Appraiser whichever is greater, nor increase the degree of nonconformance.
2. Remodeling may be permitted for residential structures by the Planning and Community Development Director or his/her designee as long as it does not increase the degree of nonconformance; and/or conforms with all applicable County Codes and Regulations. Remodeling may be permitted for commercial and

industrial uses by Conditional Use Permit only after authorized by the Board of Zoning Appeals in accordance with Article 29.

3. Residential use accessory building(s) may be permitted with the approval of the Zoning Administrator or his designee. Permitting an accessory building does not grant a non-conforming status of use to said accessory building(s).

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# ARTICLE 23

## SUPPLEMENTAL DEVELOPMENT STANDARDS

### Sections:

- 23.010 Purpose
- 23.020 Establishment of Uses Not Specified
- 23.030 Clarification of Ambiguity
- 23.040 Swimming Pools
- 23.050 Additional Height Requirements
- 23.060 Additional Lot Requirements
- 23.070 Temporary and Accessory Uses
- 23.080 Residential Design Manufactured Homes
- 23.090 Parking or Storing of Pleasure Vehicles, Recreational Vehicles, Etc., in Urban Overlay Zones
- 23.100 Fence Regulations in Urban Overlay Zones
- 23.110 Vision Clearance Area
- 23.120 Overlay Areas, Communities and Zones
- 23.130 Development Standards and Requirements for Storm Shelters

**23.010 PURPOSE.** The purpose of this Article is to provide for the several miscellaneous development standards, which qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Regulation. The requirements of this Article shall be in addition to the development standards contained within the provisions of the district regulations. The provisions of this Article shall prevail over conflicting provisions of any other Articles.

**23.020 ESTABLISHMENT OF USES NOT SPECIFIED.** When use is not specifically contained in the list of permitted uses in any commercial or industrial district, but it is of the same character as other uses listed in these districts, the Planning Commission may allow the establishment of that use, upon request, if said Planning Commission makes the following findings:

1. That the establishment of the use will be in accordance with the purpose of the district in which that use is proposed.
2. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.
3. That the use will not be detrimental to the public health, safety, or welfare.

4. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted in that district.
5. That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

The Planning Commission shall, at the same regular meeting in which they have allowed the establishment of a use in accordance with the above provisions, set a public hearing at which the Planning Commission shall determine whether the use should be recommended to the Board of County Commissioners as an amendment to this Zoning Regulation which is to be added to the list of permitted uses in the above respective district said use was allowed.

**23.030 CLARIFICATION OF AMBIGUITY.** If ambiguity or uncertainties concerning the appropriate classification of a particular use within the meaning and intent of this Zoning Regulation, or with respect to matters of height, yard requirements, area requirements, or district boundaries, as set forth herein and as they pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

**23.040 SWIMMING POOLS.** Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all property lines and shall be completely surrounded by a fence or wall having a height of at least six (6) feet. There shall be no opening larger than thirty-six (36) square inches except for gates, which shall be equipped with self-closing and self-latching devices.

**23.050 ADDITIONAL HEIGHT REQUIREMENTS.**

1. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, or in accordance within existing or hereafter adopted regulations by the Governing Body.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, wireless towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted regulations by the Governing Body.

**23.060 ADDITIONAL LOT REQUIREMENTS.**

1. The width of the required side yard shall be measured horizontally, at ninety degrees to the property line on the side of the lot, to the nearest part of the main

building. Under no circumstances shall the side yard distance be less than that required by the district.

2. In Urban Districts the following Additional Lot Requirements shall also apply.

- (A) For the purpose of the side yard regulations, a two-family dwelling, row housing or a multiple-family dwelling shall be considered as one building occupying one lot or a group of lots.
- (B) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a side or rear yard and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed four (4) feet (except as authorized by the Governing Body). In no instance shall any portion project into the right-of-way of a street or alley.
- (C) Where a lot or tract is used for a non-residential purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- (D) When the common boundary separating two or more contiguous lots is covered by a building or a permitted group of buildings, such lots shall constitute a single building site and the side yard as required by this Title shall not apply to such common boundary line. The side yard requirements of the Title shall apply only to the exterior boundaries of the contiguous lots so adjoined.
- (E) No lot or parcel of land shall be divided or reduced in area or dimensions so as to cause any required yard or open space to be reduced below that existing at the time of the adoption of this ordinance. No required yard or open space provided around any building for the purpose of complying with provisions of these Zoning Regulations shall be used or considered as a yard or open space for any other building.

### **23.070 TEMPORARY AND ACCESSORY USES.**

- 1. Accessory buildings may be built in a yard adjacent to the side and rear property lines for accessory structures at or less than one-hundred-eighty (180) square feet.

Accessory structures in excess of one-hundred-eighty (180) square feet shall maintain four (4) feet to any adjacent private property line. And except that when a carport or garage is entered from an alley it shall not be located closer than twenty (20) feet from an alley line, provide however, that carports and garages may be located four (4) feet from the alley line when a thirty (30) feet long driveway approach is provided said thirty (30) feet to be measured linearly or curvilinearly on the centerline of the drive way between the driveway entrance and the main entrance to the carport or garage. An accessory building shall not be closer than ten (10) feet to the main structure.

2. A building permit may be issued for an accessory building if the proposed structure is or has been a wheeled vehicle or a portion of a wheeled vehicle or a metal container of any kind, under the following provisions:
  - (A) On lots less than five (5) acres in size in Residential Districts, no building permit will be issued for an accessory building if the proposed building is or has been a wheeled vehicle or a portion of a wheeled vehicle, or other metal container except when said building is to be used on a temporary basis in connection with such temporary projects not related to building construction, e.g. work for which a building permit is not required, moving, painting, etc. Initial permits shall be valid for thirty (30) days only. The applicant may seek up to two (2) thirty (30) day extensions to the initial permit. In no case shall the permit exceed ninety (90) days. Permits, and extensions, for such use may be obtained with the approval of the Director of the Planning and Community Development Department or his/her designee.
  - (B) On lots in Commercial or Industrial Districts and on lots between five (5) and forty (40) acres in size in Residential Districts structures which are or have been a wheeled vehicle or a portion of a wheeled vehicle or a metal container of any kind, may be issued a building permit and become a permanent accessory structures if they are or will be in used for an excess of ninety (90) days, under the following provisions:
    - (1) A Conditional Use Permit shall be obtained as outlined in Article 29,
    - (2) The Structure shall not exceed 15% of the total lot area,
    - (3) The Structure shall conform to the general character of the neighborhood including but not limited to the height, color, texture and

materials of the main structure and to the location requirements for accessory structures, and

- (4) The Structure shall meet all requirements to protect the safety of the public as outlined by the adopted Zoning Regulations and Building Codes of the County.
3. Temporary buildings or trailers that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building or trailer shall be removed within ten (10) days after completion of the construction work.
4. Patio decks may be built in residential districts in a required rear yard, provided that such deck floors shall be built no higher than the dwelling's main floor level or 24 inches above existing grade, whichever is greater. Such decks shall not be located closer to any adjacent private property line than five (5) feet or the side yard setback required by the district regulations, whichever is greater.
5. Ready-mix concrete and asphalt mix plants.

**23.080 RESIDENTIAL DESIGN MANUFACTURED HOMES.** All residential design manufactured homes, as defined Article 2 of this Zoning Regulation, shall comply with the following standards when placed in any zoning district other than "MHP", Manufactured Home Park District or "MHS", Manufactured Home Subdivision District.

1. The roof shall be double-pitched and shall have a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches of horizontal run. The roof shall have a minimum eave projection and roof overhang of eight (8) inches.
2. Roof covering shall be residential in appearance, including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal roofing materials.
3. Exterior siding shall be of a non-reflective material 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 retaining or foundation wall or the joint between siding and enclosure wall shall be flashed in accordance with the International Building Code.

4. The manufactured home shall be installed in accordance with the recommended installation procedures of the manufacturer or the standards set by the International Code Council (ICC) and published by the International Residential Code (IRC) Appendix E “Manufactured Housing Used as Dwellings” as amended. A continuous, permanent masonry foundation or masonry unpierced curtain wall, except for required ventilation and access which may include basements and garages, shall be installed under the perimeter of the home, also in accordance with the IRC Appendix E “Manufactured Housing Used as Dwellings”,” as amended.
5. At each exit door there shall be a landing that is a minimum of three (3) feet by three (3) feet which is constructed to meet the requirements of the International Building Code.
6. All manufactured home running gear, tongues, axles, and wheels must be removed from the site at the time of installation of the home on the lot.
7. Any addition to a residential design manufactured home shall comply with all construction requirements of the International Building Code and all applicable standards specified in the Federal Manufactured Homes Construction and safety Standard, otherwise known as the HUD Code.
8. The finished floor of the residential design manufactured home shall be a maximum of eighteen (18) inches above the exterior finish grade of the lot on which it is located.
9. If 75% or more of the existing homes on the frontage of the block in which the residential design manufactured home is to be installed have an attached garage, the residential design manufactured home shall have an attached garage. External roofing and siding material of the garage shall be the same as the roofing and siding of the residential design manufactured home.

**23.090 PARKING OR STORAGE OF PLEASURE VEHICLES, RECREATIONAL VEHICLES, TRAVEL TRAILERS, CAMPERS, BOAT TRAILERS, ETC. IN URBAN OVERLAY ZONES.**

1. Definitions: A recreational vehicle or pleasure vehicle shall mean any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, truck camper, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or any other motor vehicle or trailer designed and used for living or sleeping while on vacation or other trips of short duration; provided the term trailer shall not

include hauling trailers designed and normally used for over the road transporting of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation. (See Article 11.050(c))

2. Any recreational vehicle or pleasure vehicle, as defined in this Section, may be parked, stored or maintained anywhere on a lot except that when parked, stored or maintained in any residential zone shall be parked, maintained or stored on a driveway when so parked in the front or exterior side yard areas; provided no more than two (2) such vehicles shall be parked, maintained or stored in the required front and side yard areas; provided further, no pleasure vehicles or recreational vehicles parked or stored in the front or side yard areas shall be parked or stored within ten (10) feet of any City right-of-way, sidewalk or other area of the street at the entrance of the driveway; however, the ten (10) foot limitation shall not apply to alleys. Provided further, no pleasure vehicle or recreational vehicle shall be parked or stored on any corner lot within the vision clearance area as defined in Article 23.110.
3. No pleasure or recreational vehicle as defined herein shall be parked, stored or maintained within ten (10) feet of any residential structure on adjoining property except when such vehicle is stored inside of a garage or other storage structure or upon obtaining the written consent of the adjoining property owner.
4. No pleasure or recreational vehicle as defined herein may be parked, stored or maintained on any public street, thoroughfare, right-of-way or other public area, except when said vehicles may be parked for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, and no person shall sleep, live or otherwise inhabit any recreational or pleasure vehicle.
5. When a pleasure or recreational vehicle is owned by a bona-fide guest of the occupants of the premises, the vehicle may be parked, stored or maintained on any public street, thoroughfare, right-of-way or other public area adjacent to the premises and may be utilized to live or to sleep for a period not to exceed seven (7) days.
6. No non-motorized travel trailer or boat; when on a trailer, shall be left unattached when parked or stored on any public street.
7. The Board of Zoning Appeals may permit an exception on appeal to the foregoing requirements if it should find that in the particular case appealed the location of

existing structures, the exceptional shape and size of the property, or other exceptional situation or condition not generally applicable to other properties justifies such action.

### **23.100 FENCE REGULATIONS IN URBAN OVERLAY ZONES.**

1. No fence of a height greater than three (3) feet, except wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) percent of the total fence area, shall be constructed between the street right-of-way line and the front building line established for that district. Except, fences of not over four and one-half (4 ½) feet in height may be erected within the area adjoining the street right-of-way on a double frontage corner lot other than the street frontage designated for the dwelling considered to be a side yard, for a minimum distance of twenty (20) feet from the property lot line.
2. No fence, except fences constructed upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than eight (8) feet unless otherwise approved by the Board of Zoning Appeals.

### **23.110 VISION CLEARANCE AREA.**

1. A triangular area on a corner lot, which is formed by the street property lines and a line connecting the points located along the property lines a distance of twenty-five (25) feet from the intersection of the property lines.
2. At the intersection of major or arterial streets, the vision clearance area is created by connecting the points located along the property lines a distance of forty (40) feet from the intersection of the property lines.
3. The vision clearance area shall contain no temporary or permanent obstructions in the excess of thirty (30) inches in height. Street trees may be permitted within the vision clearance area provided that such trees are pruned at least eight (8) feet above the immediate adjacent grade.
4. Due consideration shall be given for vision clearance areas at the intersection of alleys and streets.

**23.120 OVERLAY AREAS, COMMUNITIES AND ZONES.** Throughout the zoning regulation reference is made to overlay areas and zones. There are Building Overlay zones, Development Overlay Zone, Rural, Suburban and Urban Development Areas and Outlying

Communities. These zones are depicted on the District Zoning Maps and outlined as to use in the text of this Regulation.

1. **Building Overlay Zone** is a boundary on the zoning map which distinguishes between the requirement to obtain a building permit for all structures except those related to agricultural endeavors as determined by the Board of County Commissioners and the balance of Finney County which only requires building permits for commercial structures, industrial structures and residential dwelling units in “new” subdivisions created after the adoption of this regulation. Agriculturally related structures are not required to obtain building permits.
2. **Development Overlay Zone** is designated to encourage utilization of land in ways that are more compatible with future development of nearby municipalities and to protect and notify property owners and individuals buying properties which might be unsuited for intended future uses.
  - A. Changes of use may be permitted as allowed in the zoning regulations, only after they have been reviewed and approved with a Conditional Use Permit as required by Article 29.
  - B. Alternative structures, materials, design or methods of construction may be permitted only after they have been reviewed and approved by the building official and may also be required to be reviewed and approved with a Conditional Use Permit as required by Article 29.
  - C. Animals shall be permitted on lots as outlined in the County Zoning Regulations. Upon annexation of a lot, any animals not permitted by the regulations of the municipality into which the lot is annexed shall be vested for twelve (12) months from the date of annexation. After which, all animals not permitted by the municipality’s regulations shall be removed from the lot.

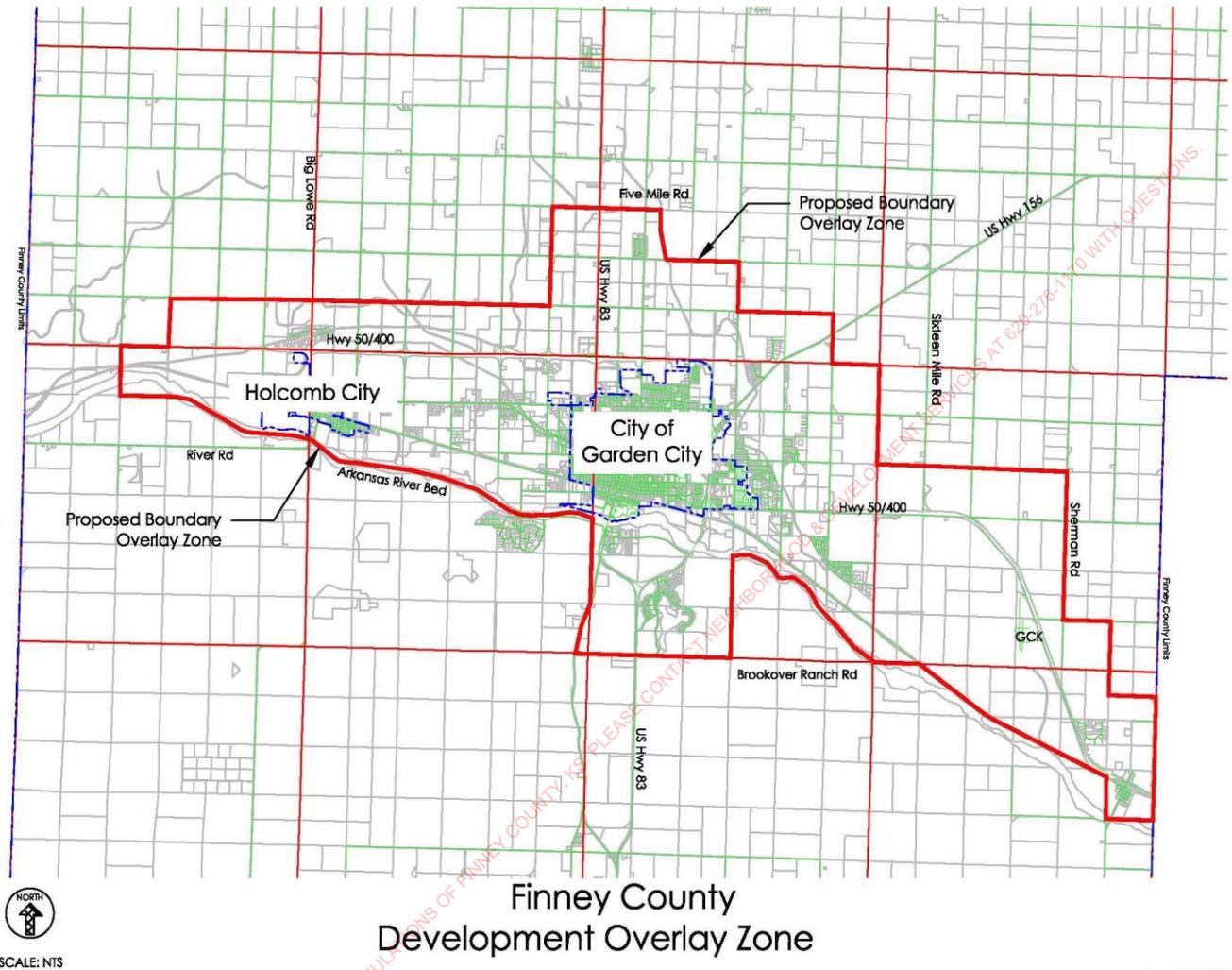


Figure 23.120.2 - Finney County Development Overlay Zone

3. **Rural Development Area (RDA).** This is an area where residents presently enjoy a rural lifestyle, wide open spaces and few neighbors. Most of the land in Finney County is included in this area type. Properties in these areas are generally at least five (5) acres in size, and many are much larger than this. Minimum lot sizes are established at forty (40) acres, with existing smaller ones being considered non-conforming. Owners of a homestead may be allowed to breakout up to three (3) lots, sized between two (2) acres and forty (40) acres and not be considered a subdivider or developer if the lots remain under the same ownership. The

homestead will be required to prepare and record, after approval, a Parcel Plat [a minor subdivision plat] of the division. In the event that the lot or lots change ownership, they will be required to obtain recommendation from the Area Planning Commission and approval from the Board of County Commissioners, meet the subdivision regulations and be rezoned to an appropriate district.

4. **Suburban Development Area (SDA).** This is an area intended for development of lower density residential neighborhoods with some of the amenities of urban areas. Suburban lot sizes range from two to five acres in size with a typical lot size of two (2.0) or more acres. Neighborhood commercial uses will be permitted at appropriate locations where they are compatible with adjacent uses and infrastructure.
5. **Urban Development Area (UDA).** This area is intended to provide for more intense residential and non-residential development near cities and in outlying communities. While residential densities typically will range from two (2) to five (5) dwellings per acre, in high density development areas a maximum of up to twenty-five (25) units per acre may be permitted. Urban services and facilities will be required for both residential and non-residential development in this area.
6. **Outlying Communities.** The varied character of Finney County's unincorporated outlying communities requires special consideration. Development within designated communities may be urban, suburban or rural in character. This Plan permits the continuation of existing development patterns, including both residential and non-residential development. Depending on the character of the community and proposed development, urban, suburban or rural standards may apply.

### **23.130 DEVELOPMENT STANDARDS AND REQUIREMENTS FOR STORM SHELTERS.**

1. Storm shelters shall be provided for all new "MHP" Manufacture Home Park Districts approved.
2. Storm shelters may be located under authorized storage buildings within MHP's utilizing concrete floors for the storage buildings.
3. Storm shelters shall be provided for all new residential districts located within Urban Development Areas and Development Overlay Zone, which have an aggregate density in excess of four (4) dwelling units per acre.

4. The storm shelter shall be constructed to accommodate the population of the MHP or “M-R” District dwelling units which are established as three (3) persons per household in a two (2) bedroom (BR) unit or manufactured home space, or in the “M-R” District as two (2) persons per one (1) BR dwelling unit, times four (4) square feet per person. The facility shall have adequate fresh air change during full occupancy and be accessible to the residents during all storm notices involving the emergency siren notification system or the emergency broadcast notification system where the general citizenry is instructed to seek shelter.
5. Storm shelters constructed above ground shall meet a 200 mile per hour wind load for the walls. All shelters shall be ADA compliant.

**23.140 INOPERABLE VEHICLES** On any lot in the County under forty (40) acres in area, the number of unlicensed, untagged, or otherwise inoperable vehicles is not to exceed two (2), unless the lot is located in a Heavy Industrial District and the owner of such lot has a valid certificate of compliance issued by the Secretary of Transportation in accordance with K.S.A. 68-2205 and amendments thereto or the owner of the lot obtains a Conditional Use Permit for hobby car collecting as outlined in these regulations. This shall not apply to inoperable vehicles that are used for or in connection with agricultural activities located on Agriculture District lots of forty (40) or more acres.

**23.150 SINGLE-SITE WIND ENERGY SYSTEMS.** All single-site wind energy systems, as defined in Article 2 of the Zoning Regulations, shall comply with the following standards. (Res.#22-2020 08/07/20)

1. Single-site wind energy systems shall be rated at a capacity of not more than 100 kW for on-site consumption of utility power.
2. Setbacks. The minimum distance between a single-site wind energy system from buildings, property lines, and public roads shall be the distance equal to half the total height from ground elevation surrounding the base to the highest vertical extension of any blade or rotor. No guy wires shall extend closer than ten (10) feet to the property lines of the installation site. Setback variances to buildings may be approved through the Conditional Use Permit process.
3. Height. The maximum height of a single-site wind energy system shall not exceed 200 feet. Height variances may be approved through the Conditional Use Permit process in conformance with Local and Federal height requirements.
4. Noise. Single-site wind energy systems shall not exceed 60 decibels of sound measured at the property boundary of the installed system site.

5. Lighting. No lights shall be allowed on single-site wind energy systems other than those required by the Federal Aviation Administration (FAA).
6. Compliance with the Federal Aviation Administration (FAA) regulations shall be provided, including any information regarding approvals near airports.
7. Turbines shall be certified by the most current AWEA regulations by the Small Wind Certification Council.
8. An interconnection agreement shall be provided.
9. Site plan approval is required.
10. Decommissioning: Single-site wind energy systems that are inoperable or unused for one (1) year shall be removed from the property. The property shall be stabilized, graded, and cleared of any debris, including the removal of any foundation materials to a minimum depth of four (4) feet below grade.

**23.160 COMMERCIAL RENEWABLE ENERGY SYSTEMS.** All commercial renewable energy systems (CRES), as defined in Article 2 of the Zoning Regulations, shall comply with the following standards for approval of a Conditional Use Permit. (Res.#22-2020 08/07/20)

1. Provide a CRES plan to accompany a Development Agreement. The CRES plan shall provide the following information:
  - (A) Name of the project.
  - (B) Developer name and address.
  - (C) A project statement that includes an overview of the company, previous renewable energy projects, background information of the project including a general overview, a construction timeline, the project life, and any relevant development information.
  - (D) Construction phases, if applicable.
  - (E) Power Purchase Agreement information. If not obtained by the time of the hearing, provide a timeline of procurement.
  - (F) A map (two (2) hard copies and one (1) digital copy) of the project showing project location and project boundaries.
  - (G) Site Plan (two (2) hard copies and one (1) digital copy) as required by Article 1 of the Zoning Regulations.

- (H) Mitigation measures that address potential environmental effects, use of public roads, soil erosion, sediment control, water both ground and surface, and operation and maintenance of the development.
  - (I) Information regarding decommissioning, restoration, or abandonment, which outlines how the property shall be stabilized, graded, and cleared of any debris including the removal of any foundation materials to a minimum depth of four (4) feet below grade. Access roads shall be removed to the owner's satisfaction.
2. Wind – Commercial Renewable Energy Systems development standards:
- (A) Setbacks. The minimum distance between a single wind energy system shall be no less than a distance equal to the total height from ground elevation surrounding the base to the highest vertical extension of any blade or rotor from buildings, property lines, and public roads.
  - (B) Height. The maximum height of a single wind energy system shall not exceed 300 feet. Height variances may be approved through the Conditional Use Permit process in conformance with Local and Federal height requirements.
  - (C) Noise. Single wind energy systems shall not exceed 60 decibels of sound measured at the property boundary of the installed system site.
  - (D) Design. Towers shall be painted a neutral color, such as white or pale gray. No lattice structure shall be allowed. No logos or advertisements are allowed.
  - (E) Lighting. No lights shall be allowed on towers other than those required by the Federal Aviation Administration (FAA).
  - (F) Compliance with FAA regulations shall be provided, including any information regarding approvals near airports.
  - (G) Each tower requires a separate permit.
3. Solar – Commercial Renewable Energy Systems development standards:
- (A) Setbacks. The systems and equipment shall be a minimum fifty (50) feet from the front and rear property lines and thirty (30) feet from the side property lines. Accessory structures shall meet the setback requirements of the property's zoning district.
  - (B) Height. Systems and equipment shall not exceed twenty (20) feet in height. This does not include transmission lines and structures.
  - (C) Lighting. Lighting shall be installed for security and safety purposes only. It shall be shielded and downcast as not to extend beyond the property lines.

- (D) Fencing. A minimum six (6) foot high fence is required when adjacent to commercial or residential use.
- (E) Noise. Transformers and inverters shall be placed within the development to reduce noise to neighboring properties.

**23.170 Tower Requirements.** All towers, as defined in Article 2 of the Zoning Regulations, shall comply with the following standards. (Res.#25-2020 10/03/20)

1. Setbacks. Towers shall be setback from surrounding properties and public right-of-ways a distance equal to one half the height of the tower, or a distance equal to the setback requirements of the underlying zoning district which pertain to the principle structures, whichever is greater.
2. Height. The maximum height of a tower shall not exceed 400 feet. Towers over 400 feet shall require a variance for height. The height of the tower shall be determined by measuring the vertical distance from the tower's point of contact with ground or structure to the highest point of the tower.
3. Abandoned or Unused Towers.
  - (A) All abandoned or unused towers, associated facilities, and structures shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is granted.
  - (B) In the event that a tower is not removed within twelve (12) months of cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of the removal assessed against the property.
  - (C) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new building permit.

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# ARTICLE 24

## SIGNS AND OUTDOOR ADVERTISING (Res.#14-2018 11/5/18, Res.#02-2019 1/7/19)

### Sections:

- 24.010 Purpose and Intent
- 24.020 Definitions
- 24.030 General Requirements
- 24.040 Location Standards
- 24.050 Exceptions
- 26.060 Temporary Signs
- 24.070 Special Purpose Signs
- 24.080 Signs Permitted in Residential Districts
- 24.090 Signs Permitted in Commercial and Industrial Districts
- 24.100 Signs Prohibited
- 24.110 Nonconforming Signs

**24.010 PURPOSE AND INTENT.** It is the intent of this regulation to control the construction, size, and uses of signs and outdoor advertising to prevent needless cluttering and reasonable number, location, size, and illumination of signs.

**24.020 DEFINITIONS.** The following words and phrases whenever used in this Title shall be construed as defined in this Section. Where there is a question as to the interpretation of a term, word, classification or definition of a sign, the Planning and Community Development Director (Director) or his/her designee shall make the final determination on the term, category, classification, and/or definition applicable.

1. Electronic Message Boards (EMB) – A sign with a fixed or changeable display composed of a series of lights or composed of electronically illuminated segments that may be changed through electronic means.
2. Flashing – When artificial light is not maintained stationary or constant in intensity and/or color at all times, i.e. any revolving, moving, sequential, animated or intermittent sign shall be considered flashing.
3. Immediate Adjacent Grade – the established final grade of the ground surface at the base of the sign within one and a half (1.5) times the radius of the sign length. This area shall be no steeper than a 3% grade.

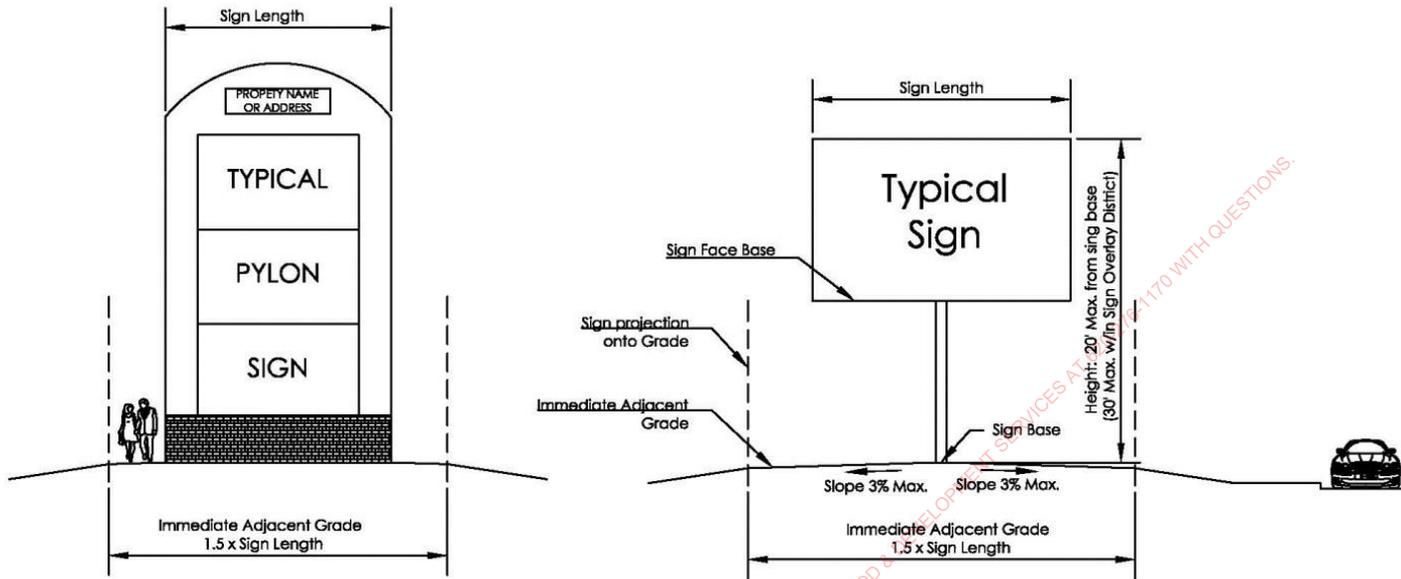


Figure 24.020 (4) – Immediate Adjacent Grade

4. Intense Illumination – Illumination to an extreme degree which may materially or practically tend to create traffic hazard as determined by the County.
5. Sight Triangle (Also, Vision Clearance Area) – A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five (25) feet from the intersection of the street lines, as defined in Section 2.030.174 of these zoning regulations.

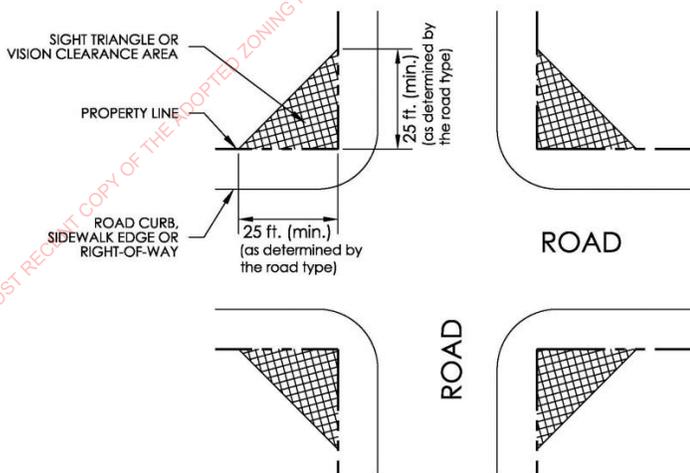


Figure 24.020 (6) – Sight Triangle

6. Sign – A communication device, structure, or fixture that incorporates words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, design, picture, trade names or trademarks, graphics by which anything is made known, used to designate a firm, an association, a corporation, a profession, a business, a service, commodity or product, an event, or any type of publicity or propaganda, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building wall, roof, frame, support, fence, or other manmade structure, which are visible from any public street, public highway, or public road right-of-way. For purpose of this Title, the term “sign” does not include the flag, pennant, or insignia of any nation, state, county, city, or other political unit, or of a nonprofit organization. It shall not include any official notice issued by any court, public body or officer or directional warning, information sign, or structure required or authorized by law.

(A) Sign, “A” Frame – Any portable sign or structure composed of two (2) sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces, consisting of two (2) panels of equal size or a two (2) sided single paneled display, made of painted, decay-resistant wood, marker-board or chalkboard which are placed on the ground so as to be self-supporting and properly weighted for the wind loads in the area.



Figure 24.020.7 (A) – Typical “A” Frame Signs

(B) Sign, Abandoned – Any sign that advertises an activity, business, product, or service no longer conducted or available on the premises on which the sign is located.

(C) Sign, Animated – Any sign, or any portion thereof which changes physical characteristics, position or depicts visual perception of movement which is set in motion or that gives the impression of movement whether it be by

mechanical, thermal, pneumatic, electrical or by any other force or physically moves back and forth, or rotates, revolves, spins, whirls or turns.

(D) Sign, Back-to-back - Signs constructed back-to-back with faces on parallel planes not more than twenty-four (24) inches apart from face-to-face surface shall count as a single sign both as to the number and to area. Thus, only one (1) side of such signs shall be counted in computing the sign area.

(E) Sign, Banner – A sign composed of lightweight, all weather material, enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere. Banner signs shall be considered temporary, except if it meets the following conditions:

(1) Fixed Banner – shall firmly affixed or secured to the side of a building within a wooden or metal frame, or with eyelets, or may be placed in a wooden or metal frame permanently affixed to the ground as to allow for minimal movement of air behind the banner.

a. One fixed banner sign may be permitted per frontage.

b. No fixed banner shall be considered permanent if it is less than thirty-two (32) square feet in area.

c. On wall mounted banner signs, the eyelet support cables shall not exceed 12 inches in length, and shall be firmly tight.

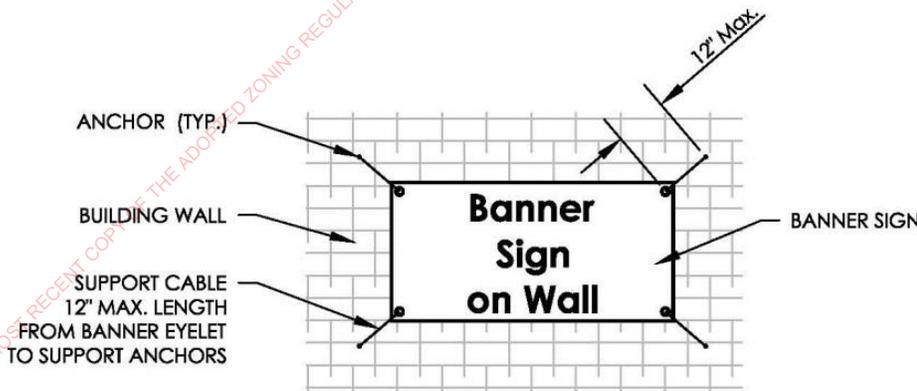


Figure 24.020.7 (E.1) – Wall Mounted Banner Sign

(2) Upright Banner shall be firmly affixed to at least one (1) side of a rigid mounting permanently affixed to the ground.

- a. Interchangeable upright banners shall be allowed.
- b. The upright banner mounting and location shall be permanently affixed to the ground, and shall be approved by the Community Development Director or his/her designee, prior to any signs erected.
- c. Upright Banners shall not exceed three (3) feet by six (6) feet total banner area, and shall not be taller than ten (10) feet from the base to the highest point of the sign.
- d. Upright Banners may only be permitted in the in “N-C”, “G-C”, “C-R”, “R-I”, “I-1”, “I-2”, and “I-3” Districts.
- e. Two (2) free standing upright banners may be permitted per property.
- f. No upright banner sign may be located closer than twenty-five (25’) feet from another upright banner sign, free standing sign or any temporary sign.

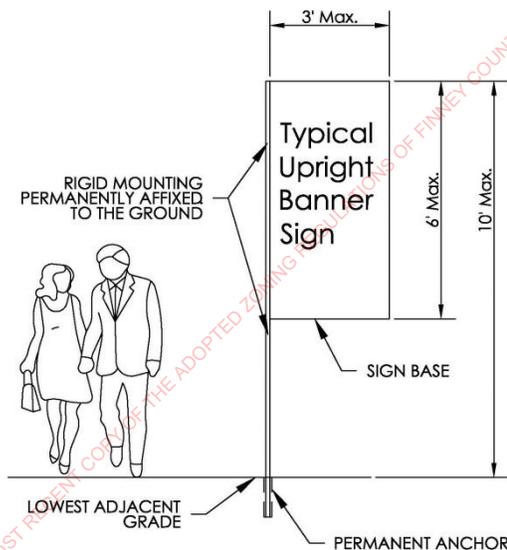


Figure 24.020.7 (E.2) - Typical Upright Banner Sign

- (F) Sign, Construction Project – A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of structures or projects only during

the construction period and only on the premises on which the construction is taking place.

- (G) Sign, Directional – Any sign which serves exclusively to direct pedestrian or vehicular traffic flow. Directional signs shall not exceed six (6) square feet in area.
- (H) Sign, Identification – A sign giving the name and address of a building, business, development or establishment on the premises where the sign is located or to which it is affixed. Such signs may be wholly or partly devoted to a readily recognized symbol.
- (I) Sign, Illuminated – Any sign designed to give forth artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
  - (1) All electrical components shall be enclosed within the sign structure.
  - (2) Illuminated signs shall be properly grounded.
  - (3) Illuminated awning signs may be permitted.
  - (4) All electrical components and/or lighting equipment shall be labeled and rated for outdoor use.
  - (5) Ceilings (soffits) are required and may consist of “egg crate,” mesh fabric or solid plastic material. Removable panels may be provided to allow access for service and cleaning.
  - (6) Minimum clearance to grade shall be eight (8) feet unless projecting over a vehicular right-of-way in which case minimum clearance must be sixteen (16) feet.
  - (7) Illumination from Electronic Message Boards between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits. All EMB must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign’s luminance.
- (J) Sign, Inflatable- A temporary display, object or sign that is intended to be filled with air or other gas that depicts any container, figure, product, object or message.

- (K) Sign, Metal – Any sign constructed of metal.
- (L) Sign, Monument – A free standing sign, permanently affixed to the ground, supported primarily by an internal structural framework or other solid structural feature, which may be integrated into the landscape. The maximum height from the immediate adjacent grade to the highest point of the structure shall not exceed fifteen (15) feet. The maximum width of the sign shall not exceed thirty (30) feet.

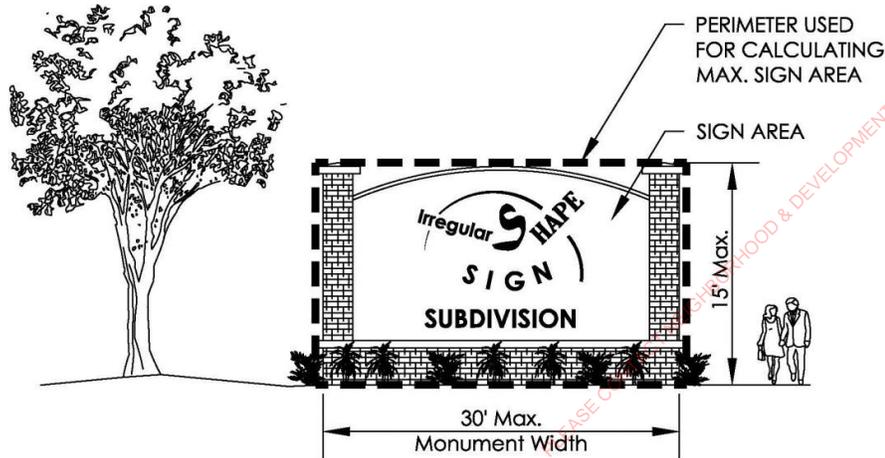


Figure 24.020.7 (K) – Monument Sign

- (M) Sign, Non-conforming – A sign lawfully erected and maintained prior to the adoption or amendment of this ordinance that does not conform, or fails to comply with the requirements set herein.
- (N) Sign, Pole – A sign that is mounted on a freestanding pole. No pole sign shall have a height greater than twenty (20) feet above the curb, except those signs within the “Sign Overlay Zone”. Pole signs are limited to one (1) per lot regardless of the number of businesses or professions on the lot. Minimum clearance to grade shall be eight (8) feet unless projecting over a vehicular right-of-way in which case minimum clearance must be sixteen (16) feet. The minimum distance between pole signs shall be fifty (50) feet from other monument or pole signs.

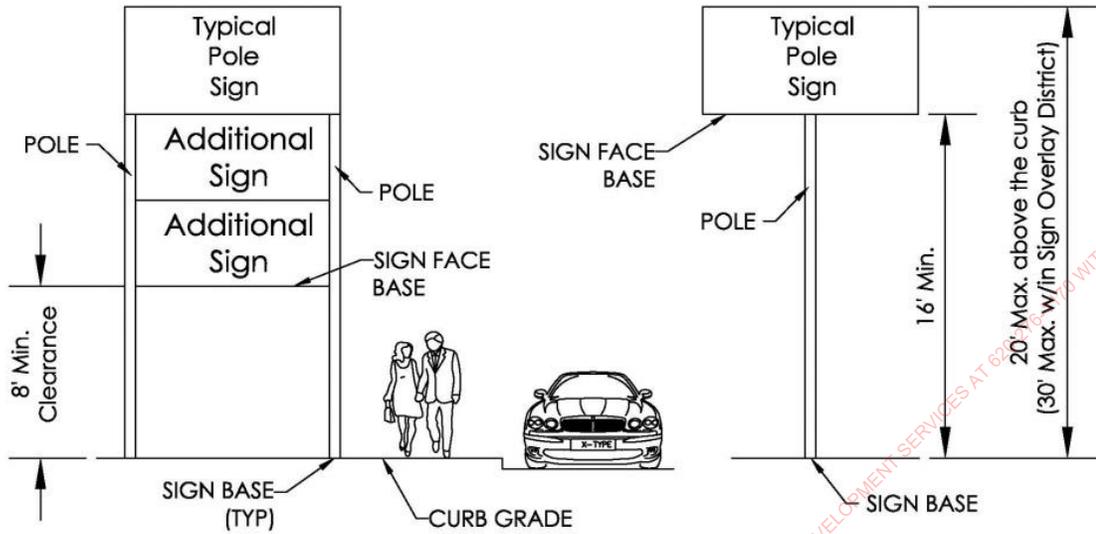


Figure 24.020.7 (M) – Typical Pylon Sign

- (O) Sign, Pylon – A free standing vertical sign, permanently affixed to the ground, typically supported by two columns or similar structures and independent of support from any building(s). The maximum height (H) shall be twenty (20) feet from the immediate adjacent grade, except those signs within the “Sign Overlay Zone”, and the base (B) shall be at least one third the height ( $1/3 H$ ). Each column shall be at least one fourth the base ( $1/4 B$ ) of the structure. Pylon signs are limited to two (2) per lot regardless of the number of businesses or professions on the lot. The minimum distance between pylon signs shall be one thousand (1000) feet from other pylon signs, and one-hundred (100) feet from other pole or monument signs; and shall not be placed within the sight distance triangle area.

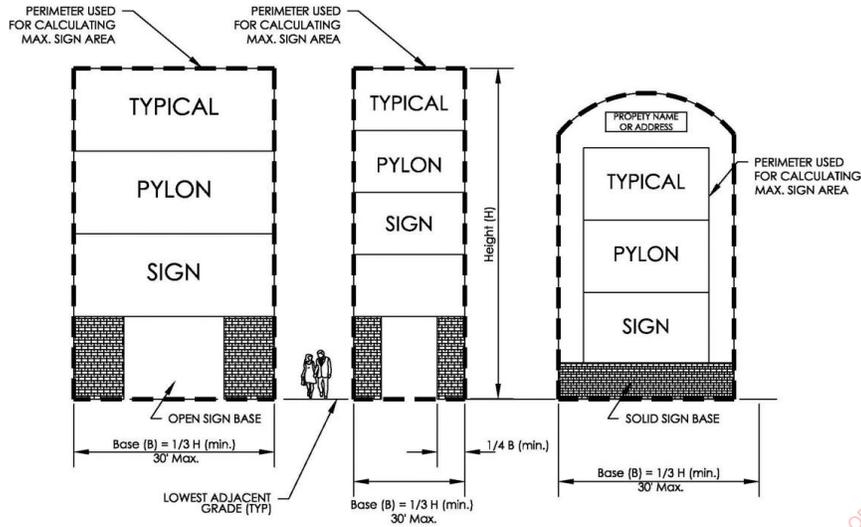


Figure 24.020.7 (N) – Typical Pylon Sign

- (P) Sign, Projecting – Any sign attached to a building or structural wall and extending horizontally outward from such wall more than twelve (12) inches.
- (Q) Sign, Prohibited – Any sign not expressly permitted by this chapter or as stated by each district is prohibited. For more information regarding prohibited signs, refer to Section 24.100 in this article.
- (R) Sign, Public Service Information – Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, traffic control, etc.
- (S) Sign, Real Estate – A temporary sign that relates to the sale, lease or rental of the property or building or a portion thereof, or to construction activities directly related to the property on which it is located. These signs do not include subdivision signs and are used solely for the purpose of displaying the property for sale, lease, or rent.
- (T) Sign, Roof – Any sign that is erected upon or over the roof or over a parapet of any building or structure shall not exceed six (6) inches above the roofline or parapet.

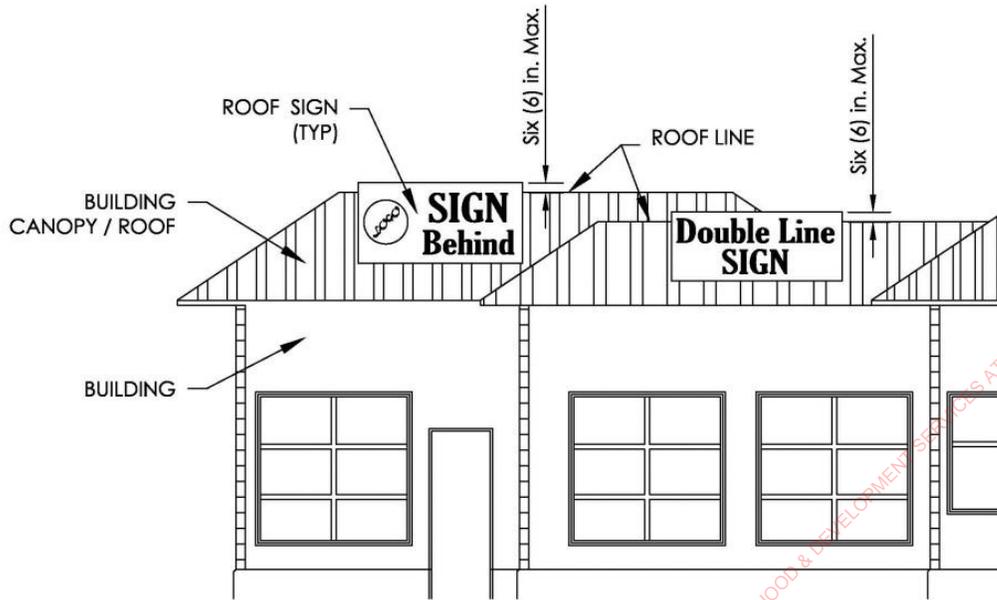


Figure 24.020.7 (S) – Roof Sign

- (U) Sign, Off-Site Advertising – A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than at the property on which the sign is erected.
- (V) Sign, Off-Site Directional – A sign that assists in locating the access point to a business, a building or group of buildings, which do not have direct access to an arterial road, at a location other than at the property on which the sign is erected. These types of signs shall not exceed six (6) square feet in area.

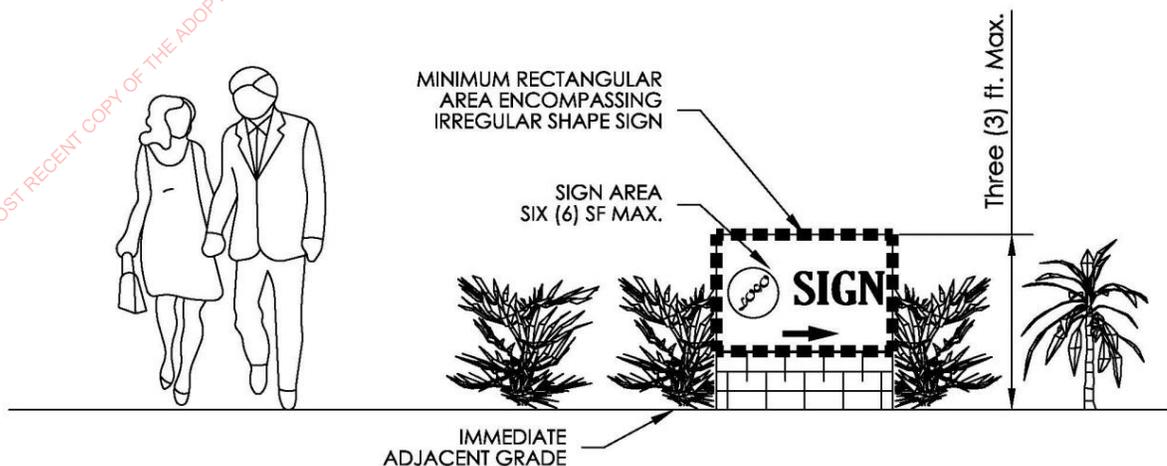


Figure 24.020.7 (U) – Off-Site Directional Sign

- (W) Sign, On-Site Advertising – A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at the premises on which the sign is located or to which it is affixed.
  - (X) Sign, Temporary – Any sign constructed of paper, cloth, canvas, or other similar light weight or expendable material with or without frames, or either nailed, clamped, or attached to a pole or other structure and intended to be displayed for thirty (30) days or less. Search lights, balloons or other gas filled objects or portable signs may also be considered temporary signs.
  - (Y) Sign, Vehicle – Shall apply to signs mounted upon or painted upon vehicles or trailers which are parked for a period of three (3) or more days expressly and exclusively for the purpose of calling attention to or advertising a specific business establishment or product, i.e. the principal use of the equipment, as determined by the Planning and Community Development Director, is advertising.
  - (Z) Sign, Wall – Any sign posted or painted upon, suspended from or otherwise affixed to a building, wall, fascia, canopy, or marquee in an essentially vertical position or with exposed face of the sign plane approximately parallel with the wall or fascia upon which it is attached.
8. Sign Area – Sign area shall mean and be determined as follows:
- (A) Integral background areas: the area of a sign containing a clearly defined background area. The area as defined herein shall be expressed as the area of the smallest standard geometric shape capable of encompassing the perimeter of the background area of the sign, including the frame. In the case of signs in which multiple background areas are separated by open space, the sign area shall be expressed as the sum of each individual background area, calculated as referenced above, but without regard for any open space between the separate background areas.

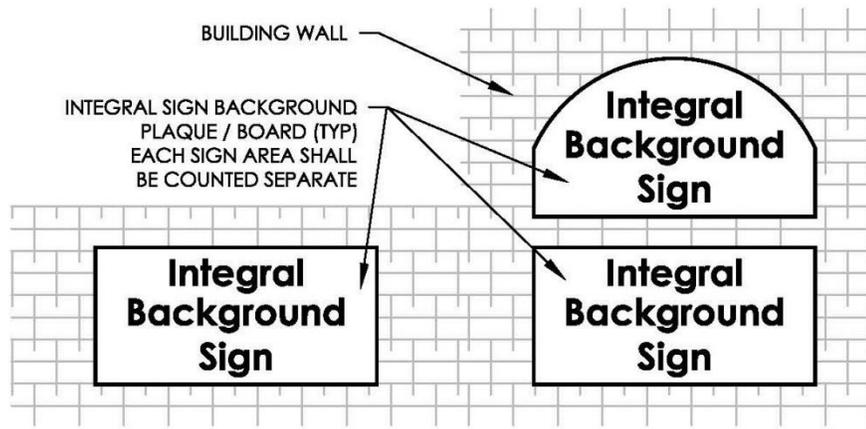


Figure 24.020.8 (A) Integral Background Signs

- (B) Signs without integral background area; consist of individual, a combination of elements such as letters, symbols, graphic objects or other forms of representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, architectural projection, or to any surface not specifically designed to serve as a sign background. The sign area shall be expressed as the sum of the individual areas of the smallest geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign. Where the lettered or illustrated material is composed either vertically, horizontally, diagonally, or otherwise, essentially in the form of a rectangle, parallelogram, or any basic shape thereof shall be considered as the sign area; except where the distance between the sign elements (D) exceeds the average height or width of the sign elements (A) by one and one-half times ( $D \geq 1.5A$ ), then the area of the elements shall be measured separately, as provided in figure 24.020.E (2) below.

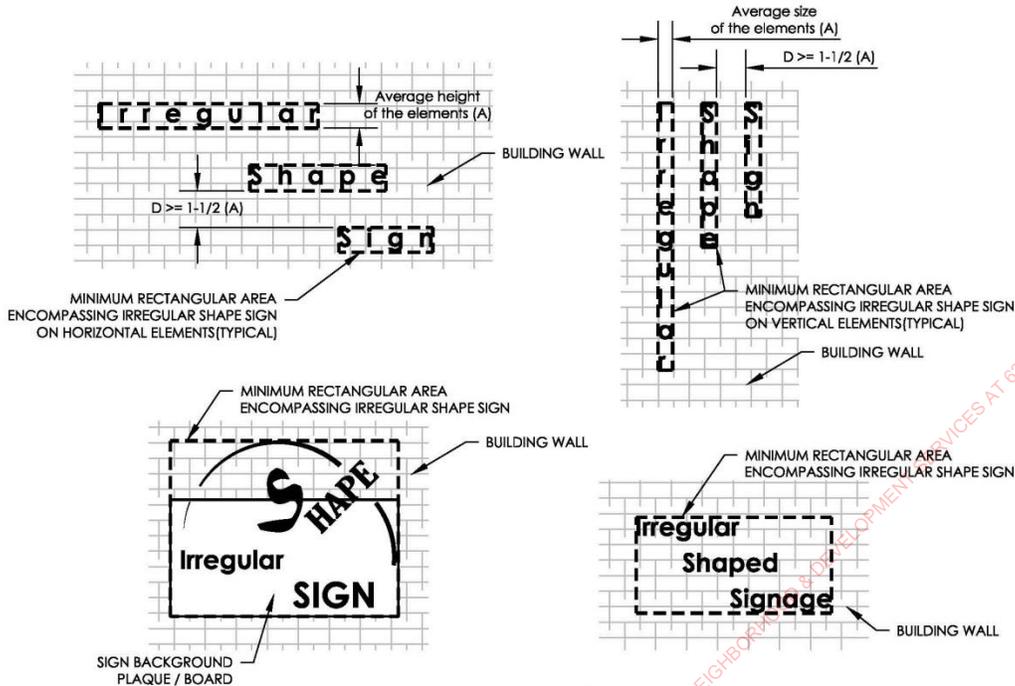


Figure 24.020.8 (B) - Irregular Shaped Signs

(C) Time and temperature devices will not be included in determining sign area if said devices do not contain advertising materials. Advertising signs attached to such devices, however, shall be counted in determining permitted sign area.

9. Sign Overlay Zone – An area depicted on the Land Use Map within five hundred (500) feet of the intersection of public right-of-ways adjacent to major intersections where the high-speed highways would predicate taller signage. Within the overlay zone, Pylon Signs may be granted a maximum total height of forty (40') feet, and Pole Signs a maximum sign height of thirty (30') feet, measured from the immediate adjacent grade of the sign base. The placement of signage shall meet all County, State and Federal regulations and requirements.
10. Sign resurfacing – Shall mean the repairing or replacement of defective parts, painting, or repainting, cleaning, and other acts required for the maintenance of the sign face.
11. Time and Temperature Device – Any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

12. Window Area – The area of transparent surface, door, window or transom that is continuous and not separated by more than four (4) inches of non-transparent material.
13. Window Sign – A sign affixed to the interior or exterior of a window, or placed behind a window pane up to three (3) feet, so as to attract the attention of the public. This definition does not include merchandise in a window display.

**24.030 GENERAL REQUIREMENTS.** The following general requirements shall apply to all signs and outdoor advertising structures erected within Finney County, unless otherwise provided by this Zoning Regulation.

1. PERMITS - No persons shall erect, alter, construct, rebuild, remodel, relocate, resurface, or expand any sign or outdoor advertising structure in Finney County without first obtaining a sign permit from the County in accordance with the provisions of the Building Code and these regulations.
  - (A) Electrical permits shall be obtained for electric signs.
  - (B) No permit shall be issued by the Planning and Community Development Director until an application has been filed showing the plans and specifications, and materials and details of conditions, locations, and method of anchoring the proposed sign.
  - (C) Sign resurfacing shall require a sign permit.
  - (D) Permit Fees. In addition to fees for electrical and other permits, any person, firm or corporation designing a sign permit which is required under the provisions of this Article shall at the time of receiving such permit pay to the County a fee as follows:
    - (1) For all Permanent on-site signs, excluding EMB's: \$75.00
    - (2) For all off-site signs and any EMB signs: Fees will be based on the Commercial and Industrial Permit Fee Schedule.
    - (3) For sign resurfacing: No fee required.
2. SIGNS ON PREMISES - Except as provided within the provisions of the respective zoning districts, and unless otherwise expressly provided in this Article, no signs

shall be permitted which are not used exclusively to advertise the ownership, sale, or lease of property upon which said sign is placed, or to advertise a business conducted, services rendered, or goods produced or sold upon such premises or to advertise or identify any other lawful activity conducted upon such premises, except as specified in these zoning regulations.

3. MAINTENANCE AND REPAIR - Any sign erected in Garden City shall be maintained in a safe, presentable, and sound structural condition at all times, including the replacement of defective parts, painting, or repainting, cleaning, and other acts required for the maintenance of said sign. The Planning and Community Development Director or his/her designee shall require compliance with all standards of this Article. If the sign is not made to comply with adequate safety standards, the Planning and Community Development Director shall require its removal in accordance with this Section.

**24.040 LOCATION STANDARDS.**

All signs and outdoor advertising structures shall comply with the following location requirements:

1. FIRE ESCAPES, ETC. - No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
2. TRAFFIC, ILLUMINATION, SIGHT TRIANGLE CLEARANCE –
  - (A) No signs shall be erected to obstruct vision within the sight triangle at any intersection improved for vehicular traffic.
  - (B) No sign may obscure or physically interfere with an official traffic control sign, signal device, decorative light pole or district banner.
  - (C) Where a sign is illuminated, the light sources shall be shielded from all adjacent buildings and streets.
  - (D) Illuminated signs in direct vision of traffic shall not be of red, green or amber illumination.
  - (E) No signs shall be erected within the County which are so designed and operated to have rotating parts, flashing or sequence lighting, or create an illusion of movement, or that will materially or practically tend to create a traffic hazard.

3. TREES AND POLES - No sign shall be attached to a tree or utility pole whether on public or private property, except for official municipal signage.
4. UTILITY LINES - NO SIGN shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Kansas or rules and regulations duly promulgated by agencies thereof.

**24.050 EXCEPTIONS.** The following signs shall be exempt from the requirements of this Article:

1. The display of official notices used by any court, or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
2. Any official flag pennant or insignia of any nation, state, city, or other political unit, civic, educational, or religious organization.
3. Barber poles not to exceed three (3) feet in height located on private property and bearing no advertising copy or message.
4. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public or to provide direction, warning, or information of a public or semi-public nature that is directed and maintained by an official body or public utility. (e.g. railroad crossing, no dumping, no parking, etc.)
5. Small signs, not exceeding thirty two (32) square feet each in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances, and the like.
6. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
  - (A) Said signs may be erected not earlier than sixty (60) days prior to said election and shall be removed within ten (10) days following said election.
  - (B) No sign shall be located within or over the public right-of-way.

7. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation, provided that the content and size of the signs do not exceed the requirements of such law, order, rule, or regulation.
8. Scoreboards in athletic stadiums.

**24.060 TEMPORARY SIGNS.** All temporary signage is permitted and subject to the following regulations:

1. Within a calendar year, temporary signage may be displayed no more than thirty (30) days consecutively.
2. No temporary sign shall be located within or over the public right-of-way.
3. Temporary signage must meet the standards of the zoning district.

**24.070 SPECIAL PURPOSE SIGNS.** In addition to any other permitted sign or signs, signs for special purposes set forth in this section shall be permitted as provided herein.

1. **REAL ESTATE SIGNS** – For Sale, Rent, or Lease Signs in all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Said signs may be limited to one (1) sign per one hundred feet of frontage per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or thirty-two (32) square feet in non-residential zoning districts. Said signs shall be exempt from site plan approval. No sign shall be located within or over the public right-of-way, and shall be removed within fifteen (15) days after the date of closing.
2. **OPEN HOUSE SIGNS** – Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owners, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six (6) square feet in area and shall be exempt from the Site Plan Approval. No sign shall be located within or over the public right-of-way.
3. **CONSTRUCTION PROJECT SIGNS** – Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, the architects, the engineers, and construction organizations participating in the project, and such other information as may be approved by the Site Plan Review Committee. In residential districts no such signs shall exceed thirty-two (32) square

feet in area. In other districts no such sign shall exceed an area of sixty (60) square feet and no freestanding signs shall exceed ten (10) feet in height. All such signs shall be removed before the Building Inspector grants a final inspection.

4. CHURCH AND QUASI-PUBLIC ORGANIZATIONS SIGNS – In all districts a church or quasi-public organization may erect up to three hundred (300) square feet of wall or monument signage. Any sign combination exceeding three hundred (300) square feet of signage will be required to obtain a Conditional Use Permit as outlined in Article 29 of these zoning regulations.
5. APARTMENT HOUSE IDENTIFICATION SIGNS – Apartment houses of five (5) or more dwelling units may erect one (1) sign on the premises to identify only the name of the apartment complex and to indicate a vacancy.
6. NURSERY, REST HOMES/ASSISTED LIVING FACILITIES (approved and licensed by the State of Kansas), HOSPITAL AND MEDICAL CLINICS (for people only) - In approved districts may erect signage in accordance with Commercial and Industrial districts Sign Regulations on Article 24.090.
7. DEVELOPMENT PROMOTIONAL and DIRECTIONAL SIGNS - In all residential zones one development promotional sign may be placed on the premises of each subdivision or planned development having five (5) or more lots or approved dwelling unit sites. Said promotional sign may have an area of sixty (60) square feet, plus five (5) additional square feet for each lot or dwelling unit in said development in excess of five (5), up to a maximum area of one hundred (100) square feet.
8. PENNANT FLAGS or RIBBON STRINGERS - may be used if they are located eight (8) feet above the lowest adjacent grade
9. PROMOTIONAL SIGNS - in Commercial or Industrial Districts temporary promotional signage shall be limited to the windows or in “*framed areas*” located on the building exterior walls. Sales signage in the form of small “*teepee*” types located on top of fuel pumps or banners under roofed areas will be authorized as long as they do not cause movement that would draw attention to passing drivers to the property causing a traffic safety issue. These are not considered temporary signs.

**24.080 SIGN PERMITTED IN RESIDENTIAL DISTRICTS - “R-R”, “S-E”, “L-R”, “M-R”, “MHP”, “MHS”, “P-F” Districts.** Signs in “R-R”, “S-E”, “L-R”, “M-R”, “MHP”, “MHS”, “P-F” Districts are subject to sign construction regulations set forth in the Building Code, other County ordinances and this article. All sign types may be considered permitted signs, except where listed under the SIGNS PROHIBITED section in “R-R”, “S-E”, “L-R”, “M-R”, “MHP”, “MHS”, “P-F” Districts, or where prohibited by these regulations.

1. NUMBER OF SIGNS ALLOWED:
  - (A) Only one (1) permanent sign shall be allowed per street frontage.
  - (B) Only one (1) temporary sign shall be allowed per property, as outlined in these zoning regulations.
2. SIZE:
  - (A) For Non-Residential Uses:
    - (1) The gross surface area of signs in square feet, including all signs, on a lot shall not exceed three (3) times the lineal feet of frontage of the lot.
    - (2) The total area of wall signs shall not exceed five (5) percent of the wall or face of the building to which they are attached or twenty (20) square feet in area whichever is greater, unless specified otherwise in section 24.080 (F) SPECIAL SIGN TYPES ALLOWED.
  - (B) For Residential Uses:
    - (1) The gross surface area of signs on a lot shall not exceed six (6) square feet.
3. HEIGHT:
  - (A) No sign shall exceed twenty (20) feet in height, or unless specified otherwise on section 24.080 (6) SPECIAL SIGN TYPES ALLOWED.
4. LOCATION: For general location standards refer to section 24.040 LOCATION STANDARDS.
  - (A) No sign shall be constructed or located in the vision clearance area or obstruct the vision of motorists in any way.
5. SIGN DESIGN:

- (A) Signs shall be affixed to the principal building, flat against the wall.
- (B) Signs shall only show the name and or address of the occupant.
- (C) No sign shall attract attention as to become a traffic hazard (no obtrusive designs or colors).
- (D) No sign shall be illuminated.
6. SPECIAL SIGN TYPES ALLOWED in “R-R”, “S-E”, “L-R”, “M-R”, “MHP”, “MHS”, “P-F” Districts:
- (A) ELECTRONIC MESSAGE BOARDS (EMB): EMB may be allowed as a conditional use in “R-R”, “S-E”, “L-R”, “M-R”, “MHP”, “MHS”, “P-F” Districts with the following conditions:
- (1) EMB may not be used for offsite advertising.
  - (2) EMB may not be placed on a lot which is less than one half (.5) acre in area,
  - (3) EMB may not be placed on a lot which has been platted for a single family residence or multifamily development.
  - (4) EMB must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign’s brightness between sunset and sunrise to comply with the maximum luminance of two hundred and fifty (250) nits.
  - (5) EMB shall be monument signs only, and may not exceed a twenty-five (25) square feet display area.
  - (6) A limit of one (1) stagnant, non-animated message change every fifteen (15) seconds.
- (B) MONUMENT SIGNS:
- (1) There shall be no more than two (2) Monument Sign per subdivision frontage.
  - (2) There shall be no more than one (1) Monument Sign per property.
- (C) NAMEPLATE or IDENTIFICATION SIGNS:

- (1) There shall be no more than one (1) Nameplate or Identification Sign for each dwelling unit.
  - (2) No sign shall exceed one (1) square foot in area.
  - (3) Sign shall only indicate the name or address, or both, of a building or tenant.
- (D) FENCE SIGNS - Signs may be placed upon fences when they have been approved on temporary basis with a sign permit or when they have been approved as permanent signs by a Conditional Use Permit.
7. SIGNS PROHIBITED: Signs prohibited in “R-R”, “S-E”, “L-R”, “M-R”, “MHP”, “MHS”, “P-F” Districts, include but are not limited to:
- (A) “A” Frame Signs.
  - (B) Banner Signs.
  - (C) Pole Signs.
  - (D) Pylon Signs.
  - (E) See also Section 24.100 SIGNS PROHIBITED.

**24.090 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS - “N-C”, “G-C”, “C-R”, “R-I”, “I-1”, “I-2”, and “I-3” Districts.** Signs in “N-C”, “G-C”, “C-R”, “R-I”, “I-1”, “I-2”, and “I-3” Districts are subject to sign construction regulations set forth in the Building Code, other County ordinances and this article. All sign types may be considered permitted signs, except where listed under the SIGNS PROHIBITED in this section, or where prohibited by these regulations.

1. NUMBER OF SIGNS ALLOWED:
  - (A) Where a property abuts more than one street, each side of the lot may be considered a separate frontage; however, only one (1) on-site and on (1) off-site EMB, pole or pylon sign may be permitted per property.
  - (B) Only one (1) temporary sign shall be allowed per property, as outlined in these zoning regulations.

2. SIZE:

- (A) Each side of a lot which abuts upon a street shall be considered as a separate frontage, the gross surface area of all signs in square feet on a lot shall not exceed three (3) times the total lineal feet of frontage of the lot.
- (B) For Wall Signs: The total permitted area of all wall signs shall be calculated based on ten (10%) percent of the area of the building façade on which the signs are proposed to be affixed.
- (C) For Window Signs: The gross surface area shall not exceed twenty-five percent (25%) of the window area on which it is located or attached.
- (D) On corner lots the number of wall signs on the building shall be in character with the size and scale of the building.

3. HEIGHT:

- (A) No sign shall have a height greater than twenty (20) feet above the immediate adjacent grade, except those signs within the “Sign Overlay Zone”.

4. LOCATION: For general location standards refer to section 24.040 LOCATION STANDARDS.

- (A) Signs shall not be placed in the right-of-way.
- (B) Any sign located within three (3) feet of a driveway, or within fifty (50) feet of the intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above curb level, or a maximum height of four (4) feet above the curb and no part of its means of support shall have a single or joined horizontal dimension exceeding twelve (12) inches as to maintain clearance within the sight distance triangles.
- (C) No sign may be located closer than fifty (50) feet from another sign.

5. SIGN DESIGN:

- (A) All signs shall be permanently affixed to the ground, buildings, or other permanent structures.

- (B) Individual elements with no background shall be measured by the minimum rectangular area necessary to encompass such elements and by a combination of rectangles as are necessary to encompass irregular shapes and dimensions.
- (C) Sign copy shall be limited to the primary name of the business, trademark, logo, slogan, and street address number.
- (D) Where multiple-tenants exist, sign copy shall be limited to one (1) primary name of the business complex or shopping center and may list individual uses and tenants provided such lettering for the listing is a maximum of one (1) foot in height, limited to the name of the businesses, trademarks, logos, and slogans.
- (E) Changeable sign copies shall be limited to advertising events, items, pricing, announcements, specials and slogans directly related to the business.
6. OFF-SITE ADVERTISEMENT: A lot or parcel of land may have one (1) off-site advertising sign as long as it meets the following:
- (A) The lot shall not contain any existing structures.
- (B) The lot shall have a minimum of two hundred (200) lineal feet of street frontage on the side that the off-site advertising sign is located.
- (C) No more than one (1) off-site advertising sign shall be permitted on any specific lot or parcel of land.
- (D) Off-site advertising signs shall be removed upon development of the lot or parcel if the requirements stated in this section are not met.
- (E) Off-site advertising signs shall not exceed four-hundred fifty (450) square feet in size.
- (F) Off-site advertising signs shall be placed no closer than one thousand two hundred (1200) feet from another off-site advertising sign.
- (G) Off-site advertising signs shall not be closer than one hundred (100) feet from any building.
- (H) Off-site advertising signs shall be located no closer than five hundred (500) feet to land that is zoned residential.

- (I) Off-site advertising signs shall not be located within ten (10) feet of the Sight Triangle (Also, Vision Clearance Area) as defined in Section 2.030.174.
  - (J) Off-site advertising signs shall not be located closer to the property line than a distance of ten (10) feet.
  - (K) All other regulations of the Kansas State Highway Beautification Act not met or exceeded by this regulation shall be enforced as stated in State Statute 68-2234 et seq.
7. **OFF-SITE DIRECTIONAL SIGN:** An off-site directional sign may be permitted for a lot or parcel not having direct access to a principal arterial right-of-way and is located within five hundred fifty (550) feet from said principal arterial right-of-way being advertised upon, as long as it meets the following criteria:
- (A) Only one (1) off-site directional sign shall be allowed per business which does not have direct access to a principal arterial right-of-way.
  - (B) Only one (1) off-site directional sign shall be allowed per property, on lots or parcels allowing off-site directional signs for another property. This type of sign shall not be allowed on frontages along Highway 50/83/400 bypass. Written permission signed by the owner of the lot or parcel where the off-site directional sign shall be located shall be submitted with the sign permit application.
  - (C) The off-site directional sign shall be located within five-hundred-fifty (550) feet of the lot or parcel for which it advertises.
  - (D) The maximum size of the off-site directional sign shall be six (6) square feet in area.
  - (E) The maximum height of the off-site directional signs shall be three (3) feet, as measured from the immediate adjacent grade to the highest point of the sign.
  - (F) Off-site directional signs may be internally illuminated, as outlined in these zoning regulations.
8. **ELECTRONIC MESSAGE BOARDS (EMB):** In “N-C”, “G-C”, “C-R”, “R-I”, “I-1”, “I-2”, and “I-3” Districts EMBs are subject to the following restrictions:
- (A) Limit of one (1) free standing sign per property, and one (1) wall sign per unit frontage.

- (B) Display areas:
- (1) On-site: Shall not exceed eighty (80) square feet.
  - (2) Off-site: Shall not exceed four-hundred fifty (450) square feet.
- (C) EMB may be mounted only on monument, wall, pylon, or pole signs.
- (D) All plans for proposed EMB monument, pylon, and pole signs must include a landscaping plan. Minimum landscaping requirements for all EMB pole, pylon and monument signs must have at least an eighty (80) square foot area encompassing the base of the sign reserved for a landscaping bed, to include native species of trees, shrubs, and grasses. For off-site advertising, in lieu of the landscaping requirements in areas where water is not assessable, the sign structure shall have a subtle visual impact and harmonize with the surrounding environment by using earth-tone colors.
- (E) A limit of one (1) stagnant, non-animated message change every fifteen (15) seconds in under 54 MPH zones and every eight (8) seconds in 55 MPH and above zones.
9. FENCE SIGNS - Signs may be placed upon fences when they have been approved on temporary basis with a sign permit or when they have been approved as permanent signs by a Conditional Use Permit.
10. SIGNS PROHIBITED: Signs prohibited in “N-C”, “G-C”, “C-R”, “R-I”, “I-1”, “I-2”, and “I-3” Districts, include but are not limited to:
- (A) Vehicle Signs.
  - (B) See also Article 24.100 SIGNS PROHIBITED.

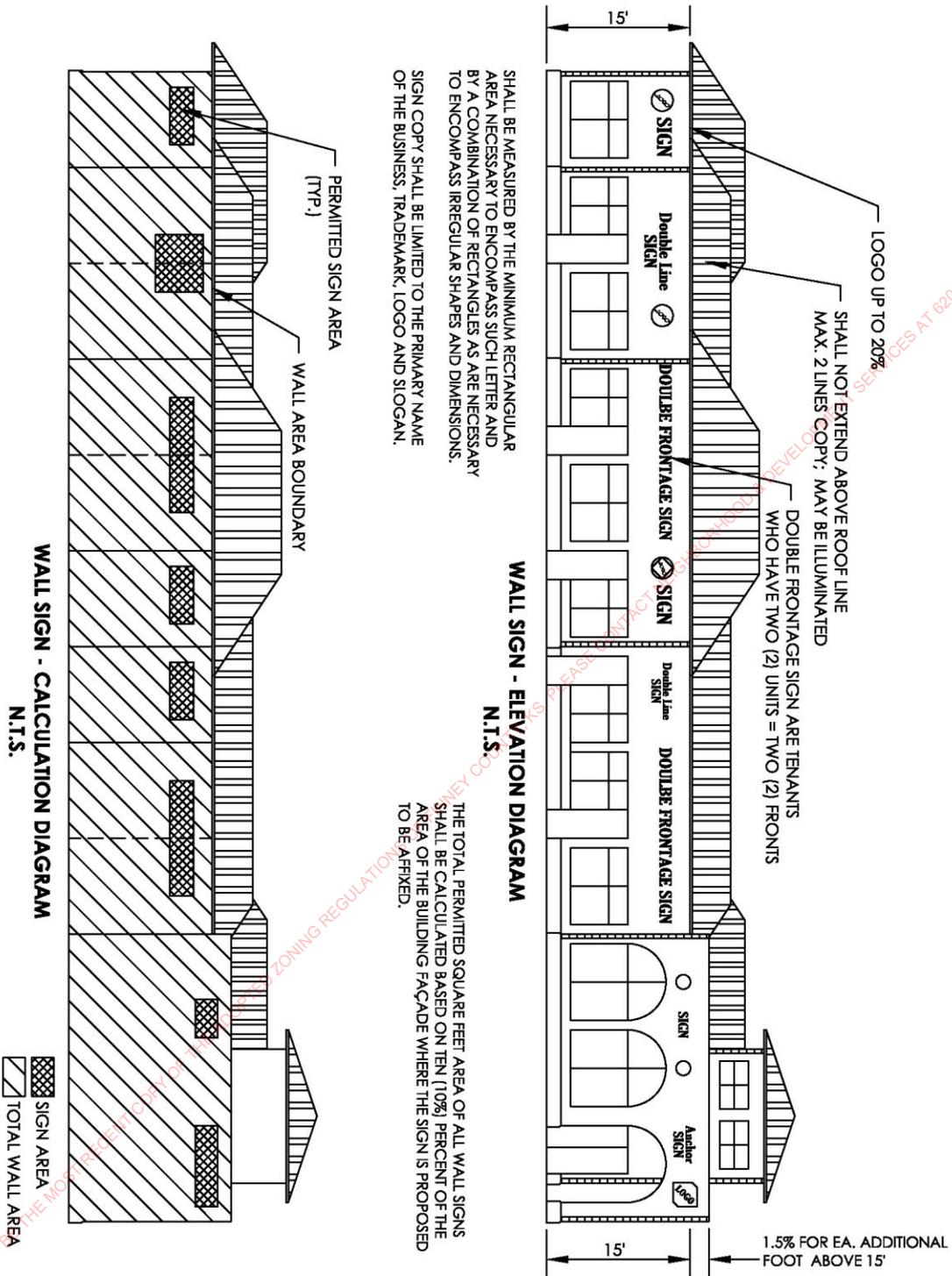


Figure 24.090 – Wall Signs in Commercial Districts

**24.100 SIGNS PROHIBITED.** The following signs shall be strictly prohibited in all districts (This is not an all-inclusive list, and whenever there is doubt as to the classification of a use not specifically listed or mentioned in these regulations the determination shall be made by the Planning and Community Development Director within a reasonable time, but not to exceed thirty (30) days.):

1. Abandoned Signs.
2. Animated or Intensely Lighted Signs.
3. Movable Free Standing Signs.
4. Searchlights, balloons or other gas filled objects, or portable signs shall not be used on permanent basis.
5. Signs which have visible moving parts or any portion of which moves or gives the illusion of motion including but not limited to Swinging or Twirling Signs.
6. Sound - No signs shall be designed for the purpose of emitting sound.
7. Vehicle Signs.
8. Other signs also prohibited are those that incorporate elements which:
  - (A) Affect traffic safety in any manner.
  - (B) Are attached to a tree or utility pole.
  - (C) Emit an odor.

**24.110 NONCONFORMING SIGNS.**

1. No nonconforming sign shall be in any manner enlarged, altered, reconstructed, or moved without being made to comply in all respects with the provisions of this Article provided, however, that nothing herein shall prohibit the normal maintenance and repair, painting or repairing of the face, or the replacement of a removable face of said nonconforming sign.
2. Permits shall be required to replace a nonconforming sign with a sign that conforms to current regulations, however all fees normally associated shall be waived.

**24.120 APPEALS.** Any person affected by the application of the provisions of this article may appeal to the Board of Zoning Appeals.

- A. The Board of Zoning Appeals shall not grant approval for a prohibited sign as defined by this article.

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# ARTICLE 25

## OFF-STREET PARKING AND LOADING

### Sections:

- 25.010 Off-Street Parking**
- 25.020 Permanent Parking to Be Provided**
- 25.030 Continuing Obligation**
- 25.040 Nonconforming Facilities**
- 25.050 Parking Spaces Provided**
- 25.060 Parking Requirements for Uses Not Specified**
- 25.070 General Provisions for Off-Street Parking in Urban Overlay Zones**
- 25.080 Parking Exceptions in Urban Overlay Zones**
- 25.090 Loading and Unloading Regulations in Urban And Suburban Overlay Zones**

**25.010 OFF-STREET PARKING.** The number of off-street parking spaces required in connection with any particular land use shall not be less than that set forth in this Article. All Zoning districts comply with the parking requirements established in this Article.

**25.020 PERMANENT PARKING TO BE PROVIDED.** Whenever a structure is erected, converted or structurally altered there shall be provided on the same lot, adjacent lot or group of lots, accessible off-street parking spaces, including drives. Said spaces may be provided in a garage or surfaced area. The parking area and its access to the street shall be surfaced with an all weather surface. Parking areas and their access to the street in Urban Overlay Zones shall be surfaced with asphalt, or concrete. Similar dust free surface may be recommended by the Planning Commission and approved by the County Commission. Equipment areas in Industrial Zones are not required to provide dust free surface.

**25.030 CONTINUING OBLIGATION.** The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of this Article.

**25.040 NONCONFORMING FACILITIES.** Any use of property which on the effective date of this Article, or of any subsequent amendment thereto, is nonconforming only as to the regulation relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. Such existing parking facilities shall not be further expanded.

**25.050 PARKING SPACES PROVIDED.** Except as otherwise provided in this Zoning Regulation, the number of off-street parking spaces for various uses will be as follows:

## REQUIRED PARKING SPACES

1. **Auditorium**

One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats.

2. **Automobile Sales and Service Garages**

One (1) space for each 400 sq. ft. of retail floor space.

3. **Banks, business and professional offices**

One (1) space for each 200 sq. ft. up to 1,000 sq. ft., and one (1) space for each 400 sq. ft. of additional space thereof.

4. **Bowling Alleys**

Five (5) spaces for each lane or alley.

5. **Churches**

One (1) space for each five (5) seats in the auditorium or one (1) space for each seventeen (17) classroom seats, whichever is the larger. With attached auditorium.

6. **College or University**

One (1) space for each three (3) faculty, staff members and other employees, plus one (1) additional space for each fifteen (15) students enrolled. This requirement is for dorms, fraternities or sororities.

7. **Dance Halls, Assembly Halls, and Exhibition Halls, without fixed seats**

One (1) space for each 100 sq. ft. used for assembly.

8. **Dormitory, Fraternity or Sorority Houses**

One (1) space for each three (3) active members or residents, plus one (1) space for each three (3) full time employees.

9. **Dwellings, Single Family, Two Family**

One (1) space shall be provided for each dwelling unit. All parking shall be located behind the front building line and may be in the side or rear yard.

10. **Dwellings, Three, Four Family, and Multiple Family**

One and one-half (1 ½) spaces shall be provided for each dwelling unit containing one bedroom, and two (2) spaces shall be provided for each dwelling unit containing two or more bedrooms. All parking shall be located behind the front building line of each structure.

11. **Funeral Homes and Mortuaries**

Four (4) spaces for each parlor or one (1) space for each 100 sq. ft. of floor area.

12. **Furniture and Appliance Stores**

One (1) space for each 800 sq. ft. of floor area.

13. **Home Occupations**

Two (2) spaces in addition to those required for dwelling purposes to be located behind the front building line in the side or rear yard.

14. **Hospitals**

One (1) space per two (2) beds plus one (1) space per three employees plus (1) space per staff doctor.

15. **Clinics with Beds, Nursing Homes, Rest Homes, and Institutional Homes**

One (1) space for each three (3) beds shall be located behind the front building line in the side or rear yard.

16. **Hotel or Motel**

One (1) space for each living or sleeping unit. For a facility with a restaurant, see restaurant requirements.

17. **Industrial Uses**

One (1) space per two (2) employees on maximum shift, one (1) space for each company vehicle.

18. **Manufacturing Uses, Research and Testing Laboratories, Creameries, Bottling Est., Bakeries, Canneries, Printing and Engraving Shops, etc.**

One (1) space per two (2) employees on maximum shift, one (1) space for each company vehicle.

19. **Medical Clinics or Offices**

Three (3) spaces for each examination room plus one (1) for each doctor and employee.

20. **Dental Clinics or Offices**

Two ( 2 ) spaces for each examination room plus one (1) for each dentist and employee.

21. **Motor Vehicle and Machinery Repair, Sales or Wholesaling**

One (1) parking space for each eight hundred (800) sq. ft. of floor area.

22. **Offices not providing customer services or sales on premises**

One ( 1 ) parking space for each four hundred (400) sq. ft. of gross floor area.

23. **Personal Services Establishments in Commercial**

(a) Barber Shops

(b) Beauty Shops

(c) Shoeshine and Shoe Repair Shops

(d) Custom Dressmaking, Furrier, Millinery and Tailor Shops.

One (1) space for each two hundred (200) sq. ft. of floor area.

24. **Professional Offices for Attorneys, CPAs Architects, Engineers, etc.**

Four (4) spaces per one thousand (1000) sq. ft. of gross floor area. For offices less than one thousand (1000) sq. ft. the minimum requirement shall be four (4) spaces.

25. **Public Buildings**

One (1) space for each three (3) employees, plus one (1) space f o r each one hundred (100) sq. ft. used for public assembly.

26. **Restaurants, Taverns and Night Clubs**

One (1) space for each three (3) seats.

27. **Retail Stores, except as otherwise specified herein**

One (1) parking space for each two hundred (200) sq. ft. of retail floor area.

28. **Rooming and Boarding Houses, Lodging Houses, Clubs and Fraternity Housing having sleeping rooms**

One-half ( ½ ) parking space for each tenant or one (1) space for each vehicle kept by a roomer, boarder, or tenant which is being parked on the premises, is greater.

29. **Schools, Private, Vocational, etc.**

One (1) parking space for each employee and one (1) space for each three (3) students of driving age.

30. **Theaters**

One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats.

31. **Warehouse and Wholesale Storage Building (dead storage of high volume distribution)**

Two (2) parking spaces for each employee on the maximum shift.

**25.060 PARKING REQUIREMENTS FOR USES NOT SPECIFIED.** The parking requirements for land uses which are not specified in this Article shall be determined by the County Engineer. Said determination shall be based upon the requirements for the most comparable use specified herein.

**25.070 GENERAL PROVISIONS FOR OFF-STREET PARKING IN URBAN OVERLAY ZONE.** The following General Provisions shall apply to off-street parking requirements in this Article:

1. Location:

(A) For any type of dwelling, parking facilities shall be located on the same lot or building site as the building, which they are required to serve.

(B) For other uses, off-street parking shall not be over two hundred (200') feet from the building they are required to serve.

(C) No required off-street parking shall be permitted in any residential front yard setback.

2. Design Standards:

All off-street parking facilities shall be so designed and constructed to meet the requirements set forth by the Director of Planning.

3. Plans and Approval Required:

The plans for any proposed parking area shall be submitted to the Director of Planning at the time of the application for a building permit for the building to which the parking area is accessory. The plan shall clearly indicate the proposed development, including location, size, drainage, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot. Where required by the provisions of the respective zone said plans shall also be submitted to and are approved by the Planning Commission. Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the Director of Planning.

4. Maintenance:

All areas used for parking shall be maintained in good condition free of holes, dust, and debris.

5. Lighting:

Any lights provided to illuminate any parking area permitted by this Article shall be arranged so as to reflect the light away from adjacent properties.

6. Mixed Occupancies in the Building:

In the case of mixed uses in the building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as provided required parking facilities for any other use, except as hereafter specified for joint use.

7. Joint Use:

The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under conditions specified herein.

- (A) Up to fifty (50%) percent of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a night time use; up to fifty (50%) percent of the parking facilities required by this Article for a use considered to be a night time use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be contiguous, and the joint use of such facilities is assured in recording in the Office of the Register of Deeds of Finney County, Kansas, of a Covenant by such owner or owners of properties jointly used.

- (B) Common Facilities: Common parking facilities may be provided in lieu of the individual requirements contained herein, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. If the common facilities are located on more than one lot, a covenant for the preservation of said parking facilities must be recorded in the Office of the Register of Deeds of Finney County, Kansas.

**25.080 PARKING EXCEPTIONS IN URBAN OVERLAY ZONES.** Off-street parking requirements in Districts “G-C,” “L-I,” or “H-I” may be waived by the Director of Planning when it can be established that off-street parking to satisfy the above requirement is available, either private or public, on adjoining property or within two hundred (200’) feet of the proposed use. In determining whether or not sufficient off-street parking is available to satisfy the requirements of this section, vacant land or spaces allotted to other uses shall not be considered.

**25.090 LOADING AND UNLOADING REGULATIONS IN URBAN AND SUBURBAN OVERLAY ZONES.** Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located to avoid undue interference with traffic and public use of streets, alleys, and walkways. Such space shall include a twelve (12’) foot by fifty (50’) foot area for loading and unloading operations and shall have a minimum height clearance of fourteen (14’) feet. The number of spaces shall be provided as follows:

<u>Number of Space</u>	<u>Square Feet of Building</u>
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One additional space shall be provided for each 50,000 square feet above 150,000 square feet.

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# ARTICLE 26

## BUILDING SET BACK LINES ON ARTERIAL, COLLECTOR AND LOCAL STREETS

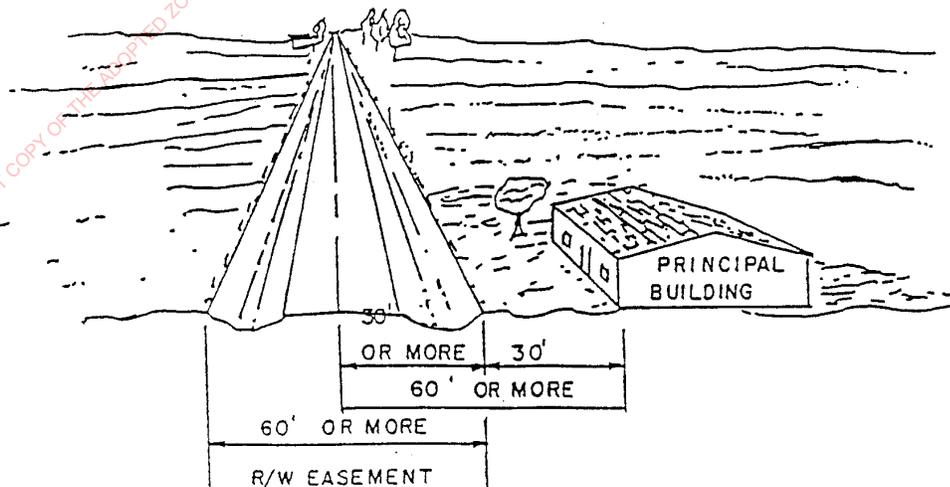
### Sections:

- 26.010 Purpose
- 26.020 Arterial Street Setback
- 26.030 Collector Street Setback
- 26.040 Local Street Setback
- 26.050 Exceptions
- 26.060 Urban Overlay Zones

**26.010 PURPOSE.** Building setback lines are hereby established for all arterial and collector streets or roads within the zoning jurisdiction, and on all local streets not divided into lots and blocks as provided in the subdivision regulations. The setback lines as established in this section shall be held to be the minimum for the purpose of promoting the public health, safety, morals, order, convenience and economy in the process of development in the County and shall conform with the requirements set forth herein.

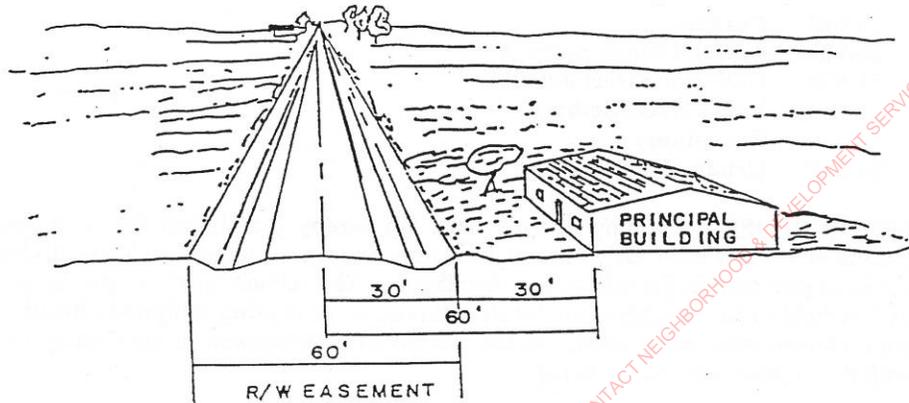
**26.020 ARTERIAL STREET SETBACK.** No building or structure, which fronts or sides on an arterial street, having a right-of-way or easement of sixty (60') feet shall be altered, constructed, enlarged or erected closer than sixty (60') feet from the center line of an arterial street or road right-of-way or easement. Where the right-of-way or easement width is greater than sixty (60') feet, buildings or structures shall set back a minimum of thirty (30') feet from the road right-of-way or easement line. (See figure 1 below.)

FIGURE 1  
BUILDING SETBACK LINE ON ARTERIAL STREETS



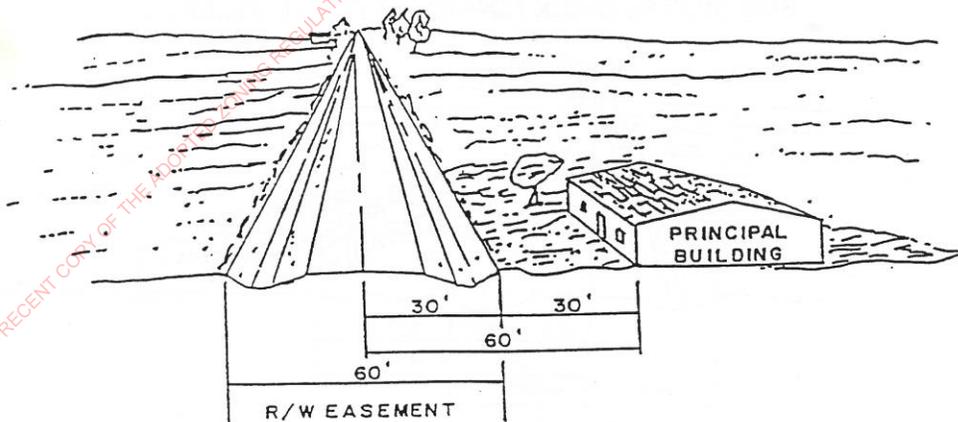
**26.030 COLLECTOR STREET SETBACK.** No building or structure, which fronts or sides on a collector street, shall be altered, constructed, enlarged or erected closer than sixty (60') feet from the centerline of any collector street. (See Figure 2 below.)

FIGURE 2  
BUILDING SETBACK LINE COLLECTOR STREETS



**26.040 LOCAL STREET SETBACK.** No building or structure, which fronts or sides on a local street and which is not platted in accordance with the subdivision regulations, shall be altered, constructed, enlarged or erected closer than sixty (60') feet from the centerline of a local street. (See Figure 3 below.)

FIGURE 3  
BUILDING SETBACK LINE LOCAL STREETS



**26.050 EXCEPTIONS.** The following exceptions maybe permitted, providing: forty (40%) percent or more of the principal structures along a frontage between adjacent parallel streets or an adjacent parallel street and alley varies from the prescribed setback line otherwise established in this article, a new setback line shall be calculated for new structures by taking the average setback from the street of all the existing principal structures along such frontage; provided, that if neither of the existing principal structures in the lots adjacent to the proposed new structures are on the building line thus resulting, the average of these adjacent structures may be used except that a variation of more than ten (10') feet from the established building line as above determined shall not be required. Under no circumstances shall any structure be constructed, reconstructed, enlarged, or structurally altered so as to reduce the front yard to a distance of less than ten (10') feet. All exceptions shall conform to Article 28 of this Zoning Regulation.

**26.060 URBAN OVERLAY ZONES.** The Planning Commission may recommend and the County Commissioners may approve more restrictive construction standards with alternative set back requirements. These requirements, when applied, shall interface with the standards of the incorporated City closest to the developing area. When utilizing City standards the urban overlay zone must be an area planned for annexation to such City.

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# ARTICLE 27

## AMENDMENTS

### SECTIONS:

- 27.010 Amendment Authority**
- 27.020 Amendment Purpose**
- 27.030 Amendment Procedure**
- 27.040 Amendment Evaluation Criteria**

**27.010 AMENDMENT - AUTHORITY.** The Governing Body of the County may from time to time on it's own motion or on petition of any party; amend, supplement, change, modify, or repeal, by ordinance, the boundaries of any zoning district or the regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Planning Commission for it's recommendation and report.

**27.020 AMENDMENT - PURPOSE.** For the purpose of establishing and maintaining sound, stable, and desirable development within the County, it is declared to be a public policy that amendments shall not be made to the Zoning Regulations and Map except to promote more fully the objectives and purposes of the Zoning Regulation or to correct manifest errors.

**27.030 AMENDMENT - PROCEDURE.**

1. Request for an amendment. - Any person seeking an amendment to this Zoning Regulation or Map shall file with the Planning and Community Development Director an application, upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. At the time of filing said application with the Planning and Community Development Director, the applicant shall provide the Director with a certified listing of the names and addresses of all owners of record of lands located within at least 1000 feet of the area proposed to be altered for request within the County to which the applicant desires change of zoning.
2. Fee. - For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the collecting agency a fee in the amount of Two-Hundred Fifty (\$250.00) Dollars.
3. Duties of the Planning Commission:
  - (A) Upon the filing of a complete application or before the deadline established for submittal, the Planning & Community Development Director shall refer the application to the Planning Commission for study and recommendation

and shall report to the Governing Body concerning the nature of the application and the fact of its referral to the Planning Commission.

(B) Before the Planning Commission shall by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary, whether initiated by the Governing Body or by others, the Planning Commission shall hold a public hearing on such proposal and such hearing shall be held only after notice of the hearing has been given as follows:

(1) One notice published as a legal notice in the official newspaper of the County of Finney County, Kansas, said publication notice to be at least twenty (20) days prior to the date set for said hearing. Such notice shall fix the time and place for such hearing and, contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designed by legal description or a general description sufficient to identify the property under consideration. The notice shall also include a statement that a complete legal description of the property is available for public inspection and shall indicate where such information is available.

(2) In addition to published notice, written notice of the proposed amendment shall be mailed by first class mail, at least 20 days before the hearing to all owners of record of lands located within at least 1000 feet, excluding streets and public ways, of the area proposed to be altered for regulations of the County. Said list of said owners shall be determined by the records in the office of the Register of Deeds as of the date on which said application is filed with the Planning and Community Development Director.

(3) In the event that a protest against such amendment, supplement, or change be filed in the office of the County Clerk within fourteen (14) days after the date of conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of real property proposed to be rezoned or by the owners of record of 20% or more of the total area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways, the ordinance or resolution adopting such amendment shall not be passed except by at least a three fourths (3/4) vote of all of the members of the Governing Body of the County.

**27.040. AMENDMENT EVALUATION CRITERIA.** Prior to taking any action on a request for an amendment which is not a general revision of the Zoning Regulations and which will

affect specific property, the Planning Commission shall give consideration to the following evaluation criteria:

- (A) The physical character of the neighborhood surrounding the property under consideration,
- (B) The existing zoning and land uses of properties both adjacent and near the property under consideration,
- (C) The suitability under existing conditions of the subject property for the land uses to which it has been zoned,
- (D) The extent to which removal or alteration of the existing zoning classification will affect nearby properties (outlined in (B) above),
- (E) The length of time the subject property has remained vacant as zoned (if applicable),
- (F) The relative gain to the public health, safety and welfare by the change of value of the landowner's property compared to any hardship that may be imposed upon the landowner,
- (G) The consideration of recommendations of permanent or professional staff (if applicable),
- (H) The conformance of a proposed zoning change to the adopted or recognized Comprehensive Plan being utilized by the County of Finney County, Kansas, and
- (I) Other factors relevant or specific to a particular proposed zoning amendment.

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# ARTICLE 28

## BOARD OF ZONING APPEALS (Res.#01-2019 12/7/18)

### SECTIONS:

- 28.010 The Board Of Zoning Appeals Established**
- 28.020 Organization Of The Board of Zoning Appeals**
- 28.030 Powers And Jurisdiction**
- 28.040 Appeals To The Board of Zoning Appeals**
- 28.050 Decision Of Appeals**
- 28.060 Fee**
- 28.070 Applications**
- 28.080 Judicial Appeal**

**28.010 THE BOARD OF ZONING APPEALS ESTABLISHED.** A Board of Zoning Appeals is hereby created by the Governing Body of the City as prescribed by law. Such Board of Zoning Appeals shall consist of three members all of whom shall be taxpayers and residents of the County of Finney County. They shall be appointed by the Governing Body. Not less than one or more than two members of the Board of Zoning Appeals shall be members of the Planning Commission. One member of said Board of Zoning Appeals shall be appointed to serve for a period of two years, one for a period of three years, and one for a period of four years. Each successor shall be appointed for four years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board of Zoning Appeals serve without compensation.

**28.020 ORGANIZATION OF THE BOARD of Zoning Appeals.** The Board of Zoning Appeals shall organize by electing annually one of its members as Chairman. The Board of Zoning Appeals may also select from among their members a Vice-Chairman and such other officers as the Board of Zoning Appeals shall consider necessary. The Board of Zoning Appeals shall appoint a Secretary, who need not be a member of the Board of Zoning Appeals, to maintain its records and keep minutes of all proceedings before the Board of Zoning Appeals. The Governing Body of the County shall have the power to remove any member of the Board of Zoning Appeals for cause. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the Acting-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the secretary of the Board of Zoning Appeals in the Neighborhood & Development Services Department and shall be a public record. (Ref. Board of Zoning Appeals rules etc. K.S.A. 12-174).

**28.030 POWERS AND JURISDICTION.** The Board of Zoning Appeals shall have the following powers and jurisdictions:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this regulation.
2. To interpret the provisions of this regulation in such a way as to carry out the intent and purposes of the plan, as shown upon the map (fixing the several districts) accompanying and made a part of this regulation.
3. To permit the reconstruction of a nonconforming building which has been damaged by casualty, act of God, or the public enemy, to the extent of more than fifty (50%) percent of the structural value of the building and the land upon which it is located, where the board finds some compelling public necessity requiring continuance of the nonconforming use and the primary purpose of continuing the nonconforming use, and the primary purpose of continuing the nonconforming use is not to continue a monopoly. In the case of doubt, the fair market value shall be determined, as provided in Article 22, Section 22.090(2).
4. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare of the neighborhood or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this regulation.
5. To authorize variances to the District regulations upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, will impose upon him practical difficulties or particular hardship, and that such variations of the strict applications of the terms of this ordinance as are in harmony with its general purpose and intent, (but only when the Board of Zoning Appeals is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty too great as to warrant a variation from the Comprehensive Plan as established by the regulation) and at the same time the surrounding property will be properly protected.
6. To hear and grant exceptions to the provisions of the zoning regulation in those instances where the Board of Zoning Appeals is specifically authorized to grant such exceptions and only under the terms of the zoning regulation. In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the Zoning regulation by the Governing Body, are not found to be present.

## **28.040 APPEALS TO THE BOARD OF ZONING APPEALS.**

1. **Who May Appeal.** Appeals to the Board of Zoning Appeals may be taken by any person or persons aggrieved, or by an officer, department, any board, other than the Board of Appeals, or bureau of the County of Finney County affected by a decision of the Building Inspector or Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Building Inspector or Zoning Administrator and with the Board of Zoning Appeals a Notice of Appeal specifying the grounds thereof. The Building Inspector or Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the records upon which the action appealed from is taken.
2. **Time For Appeal.** The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give not less than five (5) days notice thereof, as well as due notice to the parties in interest, as required in Section 28.040, Number 4. Upon the hearing, any party may appear in person, by agent, or by attorney.
3. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless there is imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record, on application or notice to the Building Inspector or Zoning Administrator on good cause shown.
4. **Hearing And Notice.** The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal. Public notice of the time, place, date, and subject of such hearing shall be published once in the official County newspaper at least twenty (20) days prior to the date of the hearing. A copy of such notice shall be mailed by first class mail by the Board of Zoning Appeals to each party in interest and to the Planning Commission; and if action directly affecting specific property in the subject of the appeal, then to owners of all property within one thousand (1000') feet of the boundaries thereof. The Board of Zoning Appeals may give such additional notice as it may from time to time by rule provide. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

**28.050 DECISION OF APPEALS.** The Board of Zoning Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning administrator and may issue or direct the issuance of a permit. The concurring vote of two (2) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector or Zoning Administrator, or to decide in favor of the applicant upon any matter which

it is required to pass under any such ordinance, or to effect any variation in such ordinance. Upon the hearing, any party may appear in person, by agent, or by attorney.

**28.060 FEES.** Fees for all variance requests shall be two-hundred fifty (\$250.00) dollars. The conditional use fee shall be two-hundred fifty (\$250.00) dollars. The conditional use permit shall be limited to the property and may be transferred two (2) times to two (2) separate entities if the transfer is for the same use. The conditional use transfer fee shall be two-hundred (\$200.00) dollars. The burden of proof is with the applicant and the granting of the conditional use transfer permit shall be at the Director's discretion. A requirement for the granting of the conditional use transfer permit shall be that no more than ten (10%) percent of the building footprint may change. Fees shall be paid to the Neighborhood & Development Services Department when the Notice of Appeal is filed.

**28.070 APPLICATIONS.** Applications to the Board of Zoning Appeals shall be on forms furnished by the Neighborhood & Development Services Department of the City. All conditional use permits shall be valid for one (1) year from the date it was approved by the Board of Zoning Appeals; if project has not been substantially completed within one (1) year of approval, the conditional use permit shall expire.

**28.080 JUDICIAL APPEAL.** Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or of any officer, department, board or bureau of Finney County may bring an action in the District Court having jurisdiction in Finney County, to determine the reasonableness of any such order or determination. Provided, any action brought in the District Court shall be within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

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# ARTICLE 29

## VARIANCES AND EXCEPTIONS TO THE DISTRICT REGULATIONS

### SECTIONS:

- 29.010 Variance - Procedure**
- 29.020 Allowable Variance**
- 29.030 Written Findings**
- 29.040 Exceptions - Procedure**
- 29.050 Consideration Of A Conditional Use**
- 29.060 Permitted Conditional Uses**
- 29.070 Performance Bond Required**

**29.010 VARIANCE - PROCEDURE.** An application for a variance may only be granted upon a finding by the Board that the applicant has shown by clear and convincing evidence that all of the following conditions have been met:

- (A) The strict application of the provisions of these regulations from which a variance is requested would constitute unnecessary hardship upon the applicant.
- (B) The granting of the variance will not adversely affect the rights of adjacent landowners or residents.
- (C) The granting of the variance will not be opposed to the general spirit and intent of these regulations.
- (D) The variance desired will not adversely affect the public health, safety, or general welfare.
- (E) The variance requested arises from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.

### **29.020 ALLOWABLE VARIANCES.**

- (A) Variances for yard and height regulations may be permitted and are limited to the following: A yard regulation variance shall not encroach upon the required setback for adjacent buildings as required by the adopted building code.
- (B) The Board may consider variances for permitted permanent signs as long as the sign is not a prohibited sign as defined in Article 23. These variances shall be limited to

- (1) variances on the sign area for on and off-site advertising, not to exceed fifty (50) percent of the allowable sign area;
- (2) variances on the maximum allowable height to be limited to the difference between the grade of the location of the proposed sign and the curb or crown of the nearest adjacent street. The maximum allowable amount being the difference between the sign grade and curb or street grade; and variances on the landscaping requirements for signs.

**29.030 WRITTEN FINDINGS.** Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation, a copy of which shall be filed in the office of the County Clerk, there to be available for perusal by the public.

**29.040 EXCEPTIONS - PROCEDURE.** The Board of Zoning Appeals may authorize, as an exception to the provisions of these zoning regulations, the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. No conditional use shall be authorized as an exception to these regulations unless the Board is specifically authorized, by these regulations, to grant such conditional use and unless such grant complies with all of the applicable provisions of these regulations.

The purpose of the conditional use permit is to allow proper integration of uses into the community which may only be suitable in specific locations, and may have potentially detrimental characteristics if not properly designed, located, and conditioned. A conditional use permit may be granted only for uses listed as conditional uses in respective zones, and for such other uses as are set forth in various provisions of this Title.

The following requirements and procedures shall apply in the issuance of a conditional use permit:

- (A) Application for a conditional use permit must be filed with the Secretary of the Board of Zoning Appeals in the office of the Planning and Community Development Department at least twenty-eight (28) days prior to the date of the Zoning Board of Appeals meeting. Application forms are available at the Community Development Department. The application shall contain the following information:
  - (1) Plots, plans, or drawings, drawn to scale, as may be required to clearly show how a conditional use will occupy a site and/or buildings; and what the effect of said conditional use will be upon adjacent properties.
  - (2) Legal dimension of the tract to be used.

- (3) Location of all proposed improvements, including curb-cut access, off-street parking, and other such facilities as the applicant proposed to install.
- (4) Grade elevations.
- (5) Building setback from all property lines.
- (6) Such perspective drawings, of the proposed improvements, in such detail as the Board may require to clearly show the finished appearance of the improvements proposed.
- (7) Location and type of planting, screening, or walls.
- (8) Such other items as the Board shall deem reasonably necessary to properly process the application.

**29.050 CONSIDERATION OF A CONDITIONAL USE.** In considering an application for a conditional use permit hereunder, the Board of Appeals shall give consideration to the Comprehensive Zoning Plan of the County, the health, safety, morals, comfort, and general welfare of the inhabitants of the County, including but not limited to the following factors:

(A) The stability and integrity of the various zoning districts to include:

- (1) Conservation of property values.
- (2) Protection against fire and casualties.
- (3) Observation of general police regulations.
- (4) Prevention of traffic congestion.
- (5) Promotion of traffic safety and the orderly parking of motor vehicles.
- (6) Promotion of the safety of individuals and property.
- (7) Provision for adequate light and air.
- (8) Prevention of over-crowding and excessive intensity of land uses.
- (9) Provision for public utilities and schools.
- (10) Invasion by inappropriate uses.
- (11) Value, type, and character of existing or authorized improvements and land uses.

- (12) Encouragement of improvements and land uses in keeping with overall planning.
- (13) Provisions for orderly and proper urban renewal, development, and growth.
- (B) The Board of Appeals shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

**29.060 PERFORMANCE BOND REQUIRED.** The Board shall require a performance bond for improvements such as parking lot surfacing, landscaping, etc.. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the County Engineer, and shall be enforceable by or payable to the County in the sum equal to the cost of constructing the required improvements.

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# ARTICLE 30

## ENFORCEMENT

### SECTIONS:

**30.010 Enforcement**

**30.020 Abatement**

**30.030 Occupancy Permit**

**30.040 Penalty**

**30.010 ENFORCEMENT.** It shall be the duty of the Zoning Administrator to enforce the provisions of this Zoning Regulation. All department officials and public employees of the County vested with the duty or authority to issue permits shall conform to the provisions of this Zoning Regulation and shall issue no permit, certificate, or license for use or building that would be in conflict with the provisions of the Zoning Regulation.

**30.020 ABATEMENT.** Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Zoning Regulation, and any land use or structure established, the same is hereby declared to be unlawful and a public nuisance; and the County Counselor shall immediately commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner as provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such buildings or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this Zoning Regulation. The remedies provided for herein shall be cumulative and not exclusive.

**30.030 OCCUPANCY PERMIT.** Subsequent to the effective date of this regulation, no change in the use or occupancy of any, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Inspector provided such structure lies within the Building Overlay Zone or is a commercial or industrial facility that is required to obtain a building permit as established by the Governing Body of Finney County. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this regulation

No permit of excavation for, or the erection or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

**30.040 PENALTY.** Any person, firm, or the owner or agent of a building or premises in or upon which a violation of any provisions of this regulation has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed five hundred (\$500.00) dollars. Each and every day that such violation continues shall constitute a separate offense.

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# ARTICLE 31

## APPROVAL AND EFFECTIVE DATE

### SECTIONS:

**31.010**    **Validity**

**31.020**    **Repeal**

**31.030**    **Approval**

**31.040**    **Effective Date**

**31.010 VALIDITY.** If any section, subsection, sentence, clause, or phrase of this Regulation is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Regulation.

**31.020 REPEAL.** All prior enactment's of Finney County, Kansas, heretofore affecting zoning within the three (3) mile zone are hereby repealed.

**31.030 APPROVAL.** This is to certify that the Zoning Regulation and District Zoning Map referred to in Article I of this Zoning Regulation was duly approved by the Planning Commission on this 27<sup>th</sup> day of July, 1995

**31.040 EFFECTIVE DATE** This Regulation shall become effective upon its publication in the County newspaper.

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# ARTICLE 32

## "RRP" RURAL RESIDENTIAL PIERCEVILLE DISTRICT

### Sections:

- 32.010 Purpose and Intent
- 32.020 Permitted Uses
- 32.030 Conditional Uses
- 32.040 Zoning Use Permit
- 32.050 Lot Size Requirements
- 32.060 Yard Requirements
- 32.070 Parking Requirements
- 32.080 Sign Regulations
- 32.090 Supplemental Development Standards

**32.010 PURPOSE AND INTENT.** *Rural Residential Pierceville (RRP).* This Rural Development Area (RDA) is designated Rural Residential Pierceville and is unique to the outlying unincorporated community of Pierceville, Kansas, permitting single family development on lots of .25 acres or more. Larger lot sizes may be appropriate to address environmental concerns (such as steep slopes or those that cannot accept liquid waste systems for the development proposed due conditions on or adjacent to the proposed site development). The existing rural/agricultural character of development within this area should be maintained. Residents within Pierceville are able to keep their own livestock according to the guidelines provided herein. Development will be served by approved septic systems, wells, and other services planned at rural levels. Very low intensity non-residential land uses may be developed within the Pierceville area through the rezoning process in accordance with the approved Area Plan for Pierceville, Kansas.

**32.020 PERMITTED USES.** The following uses and structures, and no others are permitted in the "R-RP" District.

1. Single family dwellings (shall include: site built homes, factory built homes - including panel homes, modular housing and HUD approved manufactured homes with full skirting).
2. Utility substations or pumping station
3. Water Reservoirs
4. Telephone Exchange
5. Public Parks and Recreation Areas
6. Churches and Cemeteries

7. Schools, public or private, primary, intermediate and secondary
8. Pasture or Rangeland
9. Field and Seed Crops
10. Rural Residential and non-commercial animal husbandry provided such activities are accessory to the residential use and no persons are employed on the premises. Limitations on animal husbandry are:
  - (A) Equine and Bovine: There shall be no more than one (1) equine or bovine on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) equine or bovine or a combination thereof, per fenced acre, for the care and keeping thereof, but not to exceed a total of ten (10) of such animals for properties less than five (5.0) acres; and/or
  - (B) Swine: There shall be no more than two (2) swine of the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed at a rate of two (2) swine, per fenced acre, for the care and keeping thereof, but not to exceed a total of eight (8) such animals for properties less than five (5.0) acres; and/or
  - (C) Sheep or Goats: There shall be no more than four (4) sheep or goats or a combination thereof on the premises on lots of two (2.0) acres or less. On lots larger than two (2.0) acres such animals shall be allowed a rate of two (2) sheep or goats or a combination thereof, per fenced acres, for the care and keeping thereof, but not to exceed a total of twelve (12) of such animals for properties less than five (5.0) acres; and/or
  - (D) Rabbits, and other small animals: There shall be no more than twenty-five (25) such animals on the premises on lots of two (2.0) acres or less; and/or
  - (E) Fowl shall be permitted in accordance with Article 22.020 (12) of these zoning regulations, but not to exceed a total of fifty (50) such animals on properties smaller than five (5.0) acres.
  - (F) Any additional types of animals not listed above for the care and keeping thereof will require a Zoning Use Permit.
  - (G) Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health or safety of any person or property.

- (H) Permitted animals and fowl other than household pets shall not be kept within a dwelling of within fifty (50') feet of any dwelling on the property or adjacent to the property.
  - (I) Permitted animals and fowl shall be kept in properly maintained housing, caging, or corrals.
  - (J) The slaughter of any permitted animal or fowl is permitted only where intended for consumption by the resident family.
11. Accessory buildings customarily incident to the above permitted uses.
  12. Home Occupations as defined herein.
  13. Licensed Day Care Home.

**32.030 CONDITIONAL USES:** The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 29.

1. Riding Stables/Training Facilities
2. Dog Kennels/Training Facilities
3. Fur bearing animal farms
4. Group Day care Homes or Child Care Centers licensed by the State, and Preschools.
5. Recreation activities such as golf courses, miniature courses and driving tees.
6. Veterinarian or Animal Hospital Services.
7. Other uses similar in nature listed in Article 32.030.

**32.040 ZONING USE PERMIT:** Manufactured home for a rural residential family as temporary living quarters while a site constructed home under the review of the building official with a building permit is constructed. The manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official.

**32.050 LOT SIZE REQUIREMENTS:** Subject to the Environmental Code and FEMA Flood Regulations, the minimum lot size shall be one-quarter (.25) acre.

**32.060 YARD REQUIREMENTS:** The following minimum yard requirements shall apply in the "R-RP: District.

1. Front Yard:

(A) Each lot in the "R-RP" District shall have a front yard of not less than twenty five (25') feet from the property line, unless otherwise provided in Article 26.

(B) Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets. The vision clearance area as defined herein shall be free of buildings and all other obstructions.

2. Side Yard:

Except as otherwise provided in the following paragraph and Article 23, there shall be a side yard having a minimum width of five (5') feet.

3. Rear Yard:

Each lot in the "R-RP" District shall have a minimum rear yard of twenty five (25') feet.

**32.070 PARKING REQUIREMENTS:** Parking requirements will allow the parking of vehicles on the property on unimproved driveways behind the front property lines.

**32.080 SIGN REQUIREMENTS:** See Article 24.

**32.090 SUPPLEMENTAL DEVELOPMENT STANDARDS:** See Article 23.

# ARTICLE 33

## "AIO" AIRPORT INFLUENCE OVERLAY DISTRICT

### Sections:

- 33.010 Purpose and Intent**
- 33.020 Conflicting Provisions**
- 33.030 District Boundaries**
- 33.040 Yard Requirements**
- 33.050 Height Regulations**

**33.010 PURPOSE AND INTENT.** The Airport Agricultural Influence Overlay District offers supplemental guidance for use in conjunction with other districts to determine land use compatibility and additional design requirements for areas of the county which are in close proximity to the Garden City Regional Airport (GCK).

**33.020 CONFLICTING PROVISIONS.** Regulations for other districts shall maintain their requirements, unless stipulated otherwise herein.

**33.030 DISTRICT BOUNDARIES.** Boundaries of the Airport Agricultural Influence Overlay District comply with standards set forth in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces, as drawn on the official "District Zoning Map of Finney County, Kansas", as amended. See Section 3.020 of these regulations.

**33.040 YARD REQUIREMENTS.** Yards must comply with FAA Advisory Circular Hazardous Wildlife Attractants near Airports 150/5200-33, current edition, in addition to requirements applicable in other districts.

**33.050 HEIGHT REGULATIONS.** Structure height must be in accordance with CFR Title 14 Part 77, and may not obstruct surfaces as described in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces. Maximum height for structures shall be one hundred (100) feet and with no effect or impact to airport operations including instrument flight rules. No height variance may be granted by the Board of Zoning Appeals in this overlay district.

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# ARTICLE 34

## "FSO" FLIGHT SAFETY OVERLAY DISTRICT

### Sections:

- 34.010 Purpose and Intent**
- 34.020 Conflicting Provisions**
- 34.030 District Boundaries**
- 34.040 Yard Requirements**
- 34.050 Height Regulations**

**34.010 PURPOSE AND INTENT.** The Flight Safety Overlay district has been established to provide specific protection in areas designated by FAA regulations as Runway Protection Zones, Runway Approach Zones, and Extended Approach Zones.

**34.020 CONFLICTING PROVISIONS.** Regulations for other districts shall maintain their requirements, unless stipulated otherwise herein.

**34.030 DISTRICT BOUNDARIES.** Boundaries of the Airport Agricultural Influence Overlay District comply with standards set forth in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces, as drawn on the official "District Zoning Map of Finney County, Kansas", as amended. See Section 3.020 of these regulations.

**34.040 YARD REQUIREMENTS.** Yards must comply with FAA Advisory Circular Hazardous Wildlife Attractants near Airports 150/5200-33, current edition, in addition to requirements applicable in other districts.

**34.050 HEIGHT REGULATIONS.** Structure height must be in accordance with CFR Title 14 Part 77, and may not obstruct surfaces as described in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces. Maximum height for structures shall be fifty (50) feet with no effect or impact to airport operations including instrument flight rules. No height variance may be granted by the Board of Zoning Appeals in this overlay district.

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF FINNEY COUNTY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-276-1170 WITH QUESTIONS.

# ARTICLE 35

## "AOO" AIRPORT OPERATIONS OVERLAY DISTRICT

### Sections:

- 35.010 Purpose and Intent**
- 35.020 Conflicting Provisions**
- 35.030 District Boundaries**
- 35.040 Yard Requirements**
- 35.050 Height Regulations**
- 35.060 Supplemental Development Regulations**

**35.010 PURPOSE AND INTENT.** The Airport Operations Overlay district offers supplemental guidance for use in conjunction with other districts to determine land use compatibility and additional design requirements to preserve air operational safety and to promote the common health and welfare.

**35.020 CONFLICTING PROVISIONS.** Regulations for other districts shall maintain their requirements, unless stipulated otherwise herein.

**35.030 DISTRICT BOUNDARIES.** Boundaries of the Airport Operations Overlay district comply with standards set forth in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces, as drawn on the official "District Zoning Map of Finney County, Kansas", as amended. See Section 3.020 of these regulations.

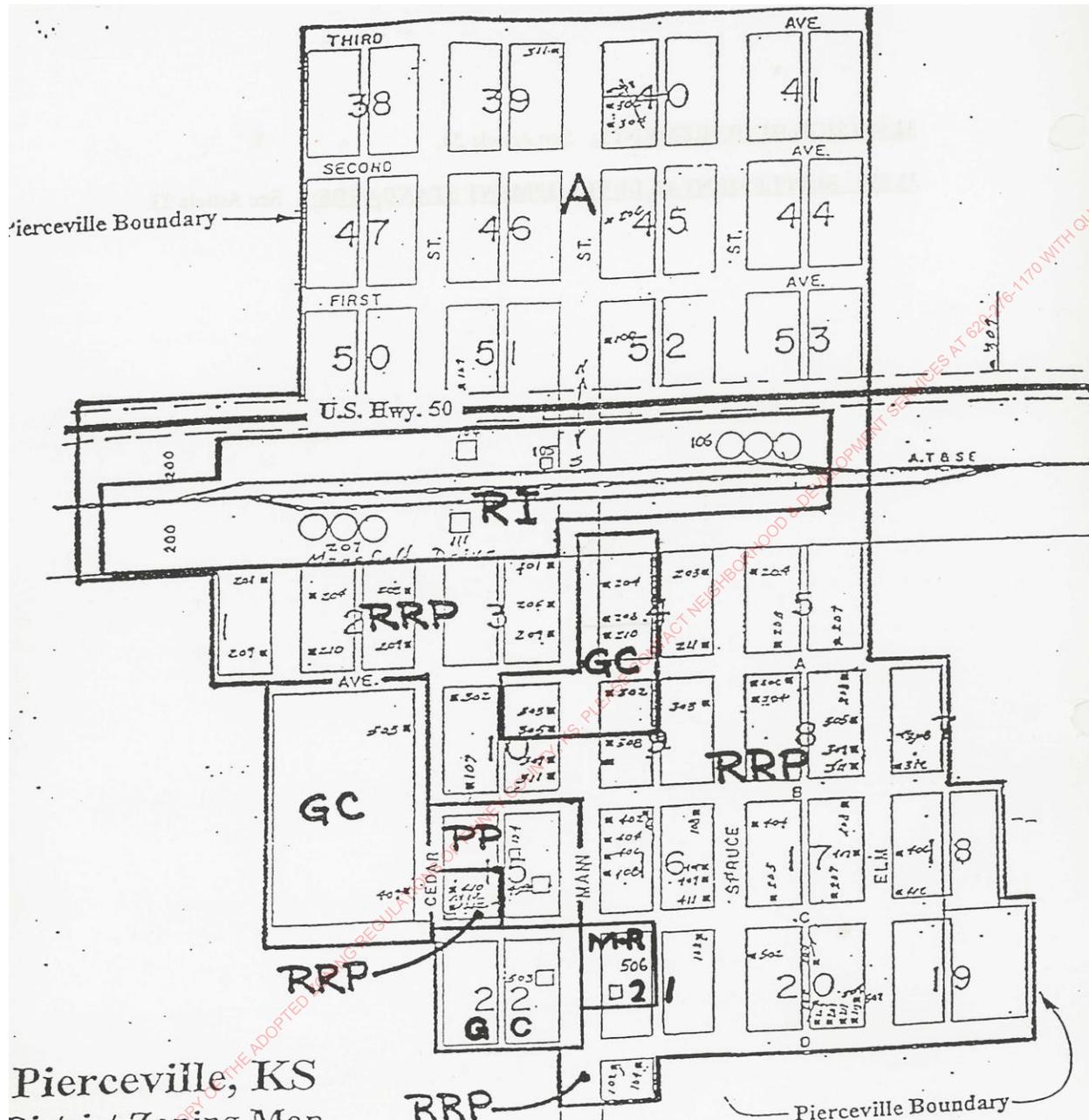
**35.040 YARD REQUIREMENTS.** Yards must comply with FAA Advisory Circular Hazardous Wildlife Attractants near Airports 150/5200-33, current edition, in addition to requirements applicable in other districts.

**35.050 HEIGHT REGULATIONS.** Structure height must be in accordance with CFR Title 14 Part 77, and may not obstruct surfaces as described in CFR Title 14 Part 77.19 Civil Airport Imaginary Surfaces. Maximum height for structures shall be twenty (20) feet with no effect or impact to airport operations including instrument light rules. No height variance may be granted by the Board of Zoning Appeals in this overlay district.

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# **APPENDIXES**

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**Pierceville, KS**  
**District Zoning Map**  
**Exhibit II**

- A - Agricultural District
- RRP - Rural Residential Pierceville District
- PP - Public Park District
- GC - Commercial General District
- RI - Rural Industrial District

BEFORE THE BOARD OF ZONING )  
APPEALS OF FINNEY COUNTY, KANSAS )

Case No. \_\_\_\_\_  
Filed: \_\_\_\_\_

**APPLICATION FOR VARIANCE**

(Print or Type)

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

ZONING REGULATION FOR WHICH VARIANCE  
DESIRED: \_\_\_\_\_

Cite Regulation No.

LOCATION OF PROPERTY AFFECTED BY REGULATION: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY AFFECTED BY REGULATION: \_\_\_\_\_

(attach separate sheet if necessary)

PLEASE STATE WITH PARTICULARITY:

1. I have attached the names of all adjacent property owners or residents via a certified list from a local abstract company.  Initial
2. Why the variance requested is necessary: \_\_\_\_\_
3. What unnecessary hardships, if any, will be incurred if a variance is not granted? \_\_\_\_\_
4. How the zoning regulation as applied adversely affects your property. \_\_\_\_\_
5. How is the property currently zoned? \_\_\_\_\_

I acknowledge the information contained in this application to be true and accurate to the best of my knowledge and belief. I understand that in making this application, I authorize and permit the board of zoning appeals or its agent to view my property for purposes of granting or denying my request.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Applicant*

**VERIFICATION**

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF FINNEY        )

I do hereby certify upon my oath that I have read the above Application for Variance and know the contents thereof to be true and correct to the best of my knowledge.

SUSCRIBED AND SWORN TO before this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
*NOTARY PUBLIC*

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF FINNEY COUNTY, KS. PLEASE CONTACT THE PLANNING & DEVELOPMENT SERVICES AT 620-276-1170 WITH QUESTIONS.

APPLICATION FOR EXCEPTION

(Print or Type)

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

ZONING REGULATION FOR WHICH EXCEPTION DESIRED: \_\_\_\_\_  
Cite Regulation No.

LOCATION OF PROPERTY AFFECTED BY REGULATION: (attach sheet if necessary)

LEGAL DESCRIPTION OF PROPERTY AFFECTED BY REGULATION: (attach legal)

PLEASE STATE WITH PARTICULARITY:

1. The names of all adjacent property owners or residents:
  - The names shall be a certified listing of all property owners within 1000 feet of the boundaries of the property in the request.
  - Attach listing.
2. What use of the property is contemplated? \_\_\_\_\_
3. What is the current use of the property? \_\_\_\_\_
4. How long has the property been utilized as described in number 3 above? \_\_\_\_\_
5. How is the property currently zoned? \_\_\_\_\_

I acknowledge the information contained in this application to be true and accurate to the best of my knowledge and belief . I understand that in making this application, I authorize and permit the board of zoning appeals or its agents to view my property for purposes of granting or denying my request.

DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT

VERIFICATION

STATE OF KANSAS )  
 ) ss.  
COUNTY OF FINNEY )

I do hereby certify upon my oath that I have read the above Application for Exception and I know the contents thereof to be true and correct of the best of my knowledge.

\_\_\_\_\_  
SUBSCRIBED AND SWORN TO before this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

CERTIFICATE OF OWNERSHIP

I, the undersigned, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, I am the lawful owner of the following described property, to Wit:

Check here if legal is attached.

\_\_\_\_\_  
Signature

DECLARATION OF RESTRICTION

I hereby state as registered proprietor of land, if said application is granted by the Board of Zoning Appeals of Finney County that said use of land will be solely that which was applied for as an excepted use or conditional use. And henceforth if said use is abandoned or changed proposed, that the subsequent use shall be in conformity with the zoning restrictions ten in effect as to the land, unless a notice of application for a transfer or change is filled and consent obtained by said Governing Body, Finney County, Kansas.

\_\_\_\_\_  
Signature

Case No. \_\_\_\_\_

BEFORE THE BOARD OF ZONING )  
APPEALS OF FINNEY COUNTY, KANSAS )

NOTICE OF APPEAL

Pursuant to K.S.A. 19-2934a (a) and Finney County Zoning Regulation, Art.28, the undersigned petitioner, having been aggrieved by an order, requirement, decision, or determination of an administrative officer of Finney County, Kansas, in the enforcement of the County's zoning regulations, hereby give notice of my intention to appeal such order, requirement, decision or determination to the BOARD OF ZONING APPEALS OF FINNEY COUNTY, KANSAS.

NAME OF PETITIONER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

1. Name of Administrative Officer: \_\_\_\_\_  
Title of Administrative Officer: \_\_\_\_\_

2. Brief Statement of Facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Basis of Grounds for Appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Date of Administrative Officers Decision Appealed From: \_\_\_\_\_  
\_\_\_\_\_

5. Description of Property Affected: \_\_\_\_\_  
\_\_\_\_\_

6. How is Property Currently Zoned? \_\_\_\_\_  
\_\_\_\_\_

I acknowledge the information contained in this application to be true and accurate to the best of my knowledge and belief. I understand that in making this application, I authorize and permit the Board of Zoning Appeals or its agent to view my property for purposes of granting or denying my request.

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF FINNEY COUNTY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-276-1170 WITH ANY QUESTIONS.

DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT

VERIFICATION

STATE OF KANSAS            )  
  ) Ss  
COUNTY OF FINNEY        )

I do hereby certify upon my oath read the above Notice of Appeal and know the contents thereof to be true and correct to the best of my knowledge.

\_\_\_\_\_

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

THIS MAY NOT BE THE MOST RECENT COPY OF THE ADOPTED ZONING REGULATIONS OF FINNEY COUNTY, KS. PLEASE CONTACT NEIGHBORHOOD & DEVELOPMENT SERVICES AT 620-276-1170 WITH QUESTIONS.