

# **ZONING REGULATIONS**

**FOR**

## **RUSSELL COUNTY, KANSAS**

**PREPARED AT THE DIRECTION OF THE**

### **RUSSELL COUNTY PLANNING COMMISSION**

**BY**

**RIGGS ASSOCIATES**

**PLANNERS · LAND PLANNERS · LANDSCAPE ARCHITECTS**

**Lindsborg, Kansas**

**Official Copy as Incorporated by Resolution No. 2009-3**

**And amended by 2018-01**

**EFFECTIVE DATE: February 6, 2009**

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Table of Contents	
ARTICLE I TITLE .....	1
SECTION 1 .....	1
ARTICLE II PURPOSE AND INTENT.....	2
SECTION 1.....	2
ARTICLE III AUTHORITY AND JURISDICTION .....	3
SECTION 1. AUTHORITY:.....	3
SECTION 2. JURISDICTION:.....	3
SECTION 3. APPLICABILITY:.....	3
SECTION 4. NOTICE OF AMENDMENTS TO CITIES:.....	3
ARTICLE IV INTERPRETATION AND CONSTRUCTION .....	4
SECTION 1. RULES OF INTERPRETATION:.....	4
SECTION 2. RULES OF CONSTRUCTION:.....	4
SECTION 3. ZONING PROCEDURE: .....	5
ARTICLE V DEFINITIONS .....	6
SECTION 1. DEFINITIONS: .....	6
SECTION 2.....	19
ARTICLE VI GENERAL PROVISIONS.....	20
SECTION 1. DISTRICT CLASSIFICATIONS:.....	20
SECTION 2. ZONING DISTRICT MAPS:.....	20
SECTION 3. ZONING OF RIGHTS-OF-WAY:.....	20
SECTION 4. APPLICATION OF REGULATIONS:.....	20
ARTICLE VII "A – 1" GENERAL AGRICULTURAL DISTRICT.....	23
SECTION 1. INTENT AND PURPOSE OF DISTRICT:.....	23
SECTION 2. DISTRICT REGULATIONS: .....	23
SECTION 3. USE REGULATIONS:.....	23
SECTION 4. INTENSITY OF USE REGULATIONS:.....	24
SECTION 5. HEIGHT REGULATIONS: .....	24
SECTION 6. YARD REGULATIONS: .....	25
SECTION 7. SIGN REGULATIONS: .....	25
SECTION 8. PARKING AND LOADING REGULATIONS: .....	25
ARTICLE VIII "A – 2" COMMERCIAL AGRICULTURAL DISTRICT .....	26
SECTION 1. INTENT AND PURPOSE OF DISTRICT:.....	26
SECTION 2. DISTRICT REGULATIONS: .....	26

SECTION 3.	USE REGULATIONS: .....	26
SECTION 4.	INTENSITY OF USE REGULATION:.....	27
SECTION 5.	HEIGHT REGULATIONS: .....	27
SECTION 6.	YARD REGULATIONS: .....	28
SECTION 7.	SIGN REGULATIONS: .....	28
SECTION 8.	PARKING AND LOADING REGULATIONS: .....	28
ARTICLE IX "F – P"	FLOODPLAIN DISTRICT .....	29
SECTION 1.	INTENT AND PURPOSE OF DISTRICT:.....	29
SECTION 2.	DISTRICT REGULATIONS: .....	29
SECTION 3.	SPECIAL USE REGULATIONS:.....	29
SECTION 4.	INTENSITY OF USE REGULATIONS:.....	30
SECTION 5.	HEIGHT REGULATIONS: .....	30
SECTION 6.	YARD REGULATIONS:.....	30
SECTION 7.	SIGN REGULATIONS:.....	30
SECTION 8.	PARKING AND LOADING REGULATIONS:.....	30
ARTICLE X "W – P"	WATER QUALITY PROTECTION DISTRICT .....	31
SECTION 1.	INTENT AND PURPOSE OF DISTRICT:.....	31
SECTION 2.	DISTRICT REGULATIONS: .....	31
SECTION 3.	SPECIAL USE REGULATIONS:.....	31
SECTION 4.	INTENSITY OF USE REGULATIONS:.....	32
SECTION 5.	HEIGHT REGULATIONS: .....	32
SECTION 6.	YARD REGULATIONS:.....	32
SECTION 7.	SIGN REGULATIONS:.....	32
SECTION 8.	PARKING AND LOADING REGULATIONS:.....	32
ARTICLE XI "G – 1"	RECREATION DISTRICT .....	33
SECTION 1.	INTENT AND PURPOSE OF DISTRICT:.....	33
SECTION 2.	DISTRICT REGULATIONS: .....	33
SECTION 3.	USE REGULATIONS: .....	33
SECTION 4.	INTENSITY OF USE REGULATIONS:.....	33
SECTION 5.	HEIGHT REGULATIONS: .....	33
SECTION 6.	YARD REGULATIONS: .....	33
SECTION 7.	SIGN REGULATIONS: .....	34
SECTION 8.	PARKING AND LOADING REGULATIONS: .....	34
ARTICLE XII "R – C"	RURAL CENTER DISTRICT.....	35
SECTION 1.	INTENT AND PURPOSE OF DISTRICT:.....	35
SECTION 2.	DISTRICT REGULATIONS: .....	35

SECTION 3. USE REGULATIONS: .....	35
SECTION 4. INTENSITY OF USE REGULATIONS: .....	36
SECTION 5. HEIGHT REGULATIONS: .....	36
SECTION 6. YARD REGULATIONS: .....	36
SECTION 7. SIGN REGULATIONS: .....	36
SECTION 8. PARKING AND LOADING REGULATIONS: .....	36
ARTICLE XIII "R – R" RURAL RESIDENTIAL DISTRICT .....	37
SECTION 1. INTENT AND PURPOSE OF DISTRICT: .....	37
SECTION 2. DISTRICT REGULATIONS: .....	37
SECTION 3. USE REGULATIONS: .....	37
SECTION 4. INTENSITY OF USE REGULATIONS: .....	38
SECTION 5. LOT COVERAGE: .....	38
SECTION 6. HEIGHT REGULATIONS: .....	38
SECTION 7. YARD REGULATIONS: .....	38
SECTION 8. SIGN REGULATIONS: .....	38
SECTION 9. PARKING AND LOADING REGULATIONS .....	38
ARTICLE XIV "R – 1" SINGLE-FAMILY DWELLING DISTRICT .....	39
SECTION 1. INTENT AND PURPOSE OF DISTRICT: .....	39
SECTION 2. DISTRICT REGULATIONS: .....	39
SECTION 3. USE REGULATIONS: .....	39
SECTION 4. INTENSITY OF USE REGULATIONS: .....	40
SECTION 5. LOT COVERAGE: .....	40
SECTION 6. HEIGHT REGULATIONS: .....	40
SECTION 7. YARD REGULATIONS: .....	40
SECTION 8. SIGN REGULATIONS: .....	40
SECTION 9. PARKING AND LOADING REGULATIONS: .....	40
ARTICLE XV "R – 2" TWO- AND THREE-FAMILY DWELLING DISTRICT .....	41
SECTION 1. INTENT AND PURPOSE OF DISTRICT: .....	41
SECTION 2. DISTRICT REGULATIONS: .....	41
SECTION 3. USE REGULATIONS: .....	41
SECTION 4. INTENSITY OF USE REGULATIONS: .....	41
SECTION 5. LOT COVERAGE .....	41
SECTION 6. HEIGHT REGULATIONS: .....	41
SECTION 7. YARD REGULATIONS: .....	41
SECTION 8. SIGN REGULATIONS: .....	42
SECTION 9. PARKING AND LOADING REGULATIONS: .....	42

ARTICLE XVI “R – 3” MULTIPLE-FAMILY DWELLING DISTRICT.....	43
SECTION 1.    INTENT AND PURPOSE OF DISTRICT:.....	43
SECTION 2.    DISTRICT REGULATIONS: .....	43
SECTION 3.    USE REGULATIONS:.....	43
SECTION 4.    INTENSITY OF USE REGULATIONS:.....	43
SECTION 5.    LOT COVERAGE: .....	43
SECTION 6.    HEIGHT REGULATIONS:.....	44
SECTION 7.    YARD REGULATIONS: .....	44
SECTION 8.    SIGN REGULATIONS .....	44
SECTION 9.    PARKING AND LOADING REGULATIONS: .....	44
ARTICLE XVII “PUD” PLANNED UNIT DEVELOPMENT DISTRICT.....	45
SECTION 1.    INTENT AND PURPOSE OF DISTRICT:.....	45
SECTION 2.    DISTRICT REGULATIONS: .....	45
SECTION 3.    USE REGULATIONS: .....	45
SECTION 4. INTENSITY OF USE REGULATIONS:.....	45
SECTION 5. HEIGHT REGULATIONS: .....	45
SECTION 6.    YARD REGULATIONS: .....	45
SECTION 7.    GENERAL REQUIREMENTS:.....	46
SECTION 8.    PROCEDURES FOR REVIEW AND APPROVAL: .....	46
ARTICLE XVIII “M – H” MANUFACTURED HOME DISTRICT .....	49
SECTION 1.    INTENT AND PURPOSE OF DISTRICT:.....	49
SECTION 2.    DISTRICT REGULATIONS: .....	49
SECTION 3.    USE REGULATIONS: .....	49
SECTION 4.    INTENSITY OF USE REGULATIONS:.....	49
SECTION 5.    LOT COVERAGE:.....	49
SECTION 6.    HEIGHT REGULATIONS: .....	49
SECTION 7.    YARD REGULATIONS:.....	49
SECTION 8.    SIGN REGULATIONS:.....	49
SECTION 9.    PARKING AND LOADING REGULATIONS:.....	49
SECTION 10. SPECIAL MANUFACTURED HOME REQUIREMENTS.....	49
ARTICLE XIX “M – P” MANUFACTURED HOUSING PARK DISTRICT .....	51
SECTION 1.    INTENT AND PURPOSE OF DISTRICT:.....	51
SECTION 2.    DISTRICT REGULATIONS: .....	51
SECTION 3.    USE REGULATIONS: .....	51
SECTION 4.    PARK REQUIREMENTS: .....	51
SECTION 5.    APPLICATION PROCEDURE:.....	53

ARTICLE XX “B – 1” NEIGHBORHOOD COMMERCIAL DISTRICT .....	55
SECTION 1.    INTENT AND PURPOSE OF DISTRICT:.....	55
SECTION 2.    DISTRICT REGULATIONS: .....	55
SECTION 3.    USE REGULATIONS: .....	55
SECTION 4.    INTENSITY OF USE REGULATIONS: .....	56
SECTION 5.    LOT COVERAGE: .....	56
SECTION 6.    HEIGHT REGULATIONS:.....	56
SECTION 7.    YARD REGULATIONS: .....	56
SECTION 8.    SIGN REGULATIONS: .....	56
SECTION 9.    PARKING AND LOADING REGULATIONS: .....	56
SECTION 10.   LANDSCAPE REGULATIONS: .....	56
SECTION 11.   TRAFFIC REGULATIONS: .....	56
ARTICLE XXI “B – 2” CENTRAL BUSINESS DISTRICT.....	57
SECTION 1.    INTENT AND PURPOSE OF DISTRICT:.....	57
SECTION 2.    DISTRICT REGULATIONS: .....	57
SECTION 3.    USE REGULATIONS: .....	57
SECTION 4.    INTENSITY OF USE REGULATIONS: .....	57
SECTION 5.    LOT COVERAGE: .....	58
SECTION 6.    HEIGHT REGULATIONS:.....	58
SECTION 7.    YARD REGULATIONS: .....	58
SECTION 8.    SIGN REGULATIONS: .....	58
SECTION 9.    PARKING AND LOADING REGULATIONS: .....	58
SECTION 10.   LANDSCAPING REGULATIONS:.....	58
SECTION 11.   TRAFFIC REGULATIONS: .....	58
ARTICLE XXII “B – 3” GENERAL BUSINESS DISTRICT .....	59
SECTION 1.    INTENT AND PURPOSE OF DISTRICT:.....	59
SECTION 2.    DISTRICT REGULATIONS: .....	59
SECTION 3.    USE REGULATIONS: .....	59
SECTION 4.    INTENSITY OF USE REGULATIONS: .....	60
SECTION 5.    LOT COVERAGE: .....	60
SECTION 6.    HEIGHT REGULATIONS:.....	60
SECTION 7.    YARD REGULATIONS: .....	60
SECTION 8.    SIGN REGULATIONS: .....	61
SECTION 9.    PARKING AND LOADING REGULATIONS: .....	61
SECTION 10.   LANDSCAPING REGULATIONS:.....	61
SECTION 11.   TRAFFIC REGULATIONS: .....	61

ARTICLE XXIII “B – 4” HIGHWAY SERVICE DISTRICT .....	62
SECTION 1. INTENT AND PURPOSE OF DISTRICT:.....	62
SECTION 2. DISTRICT REGULATIONS: .....	62
SECTION 3. USE REGULATIONS: .....	62
SECTION 4. INTENSITY OF USE REGULATIONS: .....	63
SECTION 5. LOT COVERAGE: .....	63
SECTION 6. HEIGHT REGULATIONS:.....	63
SECTION 7. YARD REGULATIONS: .....	63
SECTION 8. SIGN REGULATIONS: .....	63
SECTION 9. PARKING AND LOADING REGULATIONS: .....	63
SECTION 10. LANDSCAPING REGULATIONS:.....	63
SECTION 11. TRAFFIC REGULATIONS: .....	63
ARTICLE XXIV “B – 5” ADULT ENTERTAINMENT DISTRICT.....	64
SECTION 1. INTENT AND PURPOSE OF DISTRICT:.....	64
SECTION 2. DISTRICT REGULATIONS .....	64
SECTION 3. USE REGULATIONS:.....	64
SECTION 4. INTENSITY OF USE REGULATIONS:.....	64
SECTION 5. HEIGHT REGULATIONS: .....	64
SECTION 6. YARD REGULATIONS:.....	64
SECTION 7. SIGN REGULATIONS:.....	64
SECTION 8. PARKING AND LOADING REGULATIONS:.....	64
SECTION 9. LANDSCAPING REQUIREMENTS: .....	65
SECTION 10. TRAFFIC REGULATIONS:.....	65
SECTION 11. USE AND LOCATION RESTRICTIONS:.....	65
ARTICLE XXV “I – 1” LIGHT INDUSTRIAL DISTRICT.....	66
SECTION 1. INTENT AND PURPOSE OF DISTRICT: .....	66
SECTION 2. DISTRICT REGULATIONS: .....	66
SECTION 3. USE REGULATIONS: .....	66
SECTION 4. INTENSITY OF USE REGULATIONS: .....	67
SECTION 5. LOT COVERAGE: .....	67
SECTION 6. HEIGHT REGULATIONS:.....	67
SECTION 7. YARD REGULATIONS: .....	68
SECTION 8. SIGN REGULATIONS: .....	68
SECTION 9. PARKING AND LOADING REGULATIONS: .....	68
SECTION 10. LANDSCAPING REGULATIONS:.....	68
SECTION 11. TRAFFIC REGULATIONS: .....	68



ARTICLE XXVI “I – 2” HEAVY INDUSTRIAL DISTRICT .....	69
SECTION 1.    PURPOSE AND INTENT OF DISTRICT:.....	69
SECTION 2.    DISTRICT REGULATIONS: .....	69
SECTION 3.    USE REGULATIONS: .....	69
SECTION 4.    INTENSITY OF USE REGULATIONS: .....	71
SECTION 5.    LOT COVERAGE: .....	71
SECTION 6.    HEIGHT REGULATIONS:.....	71
SECTION 7.    YARD REGULATIONS: .....	71
SECTION 8.    SIGN REGULATIONS: .....	71
SECTION 9.    PARKING AND LOADING REGULATIONS: .....	71
SECTION 10.   LANDSCAPING REGULATIONS:.....	71
SECTION 11.   TRAFFIC REGULATIONS: .....	71
ARTICLE XXVII SIGN REGULATIONS .....	72
SECTION 1.    GENERAL REQUIREMENTS: .....	72
SECTION 2.    SIGN DEFINITION.....	72
SECTION 3.    SIGN SIZE: .....	73
SECTION 4.    SIGN STANDARDS: .....	73
SECTION 5.    PERMIT REQUIRED:.....	73
SECTION 6.    EXEMPTIONS:.....	74
SECTION 7.    DISTRICT A – 1 AND “A - 2” REGULATIONS: .....	74
SECTION 8.    DISTRICT “R - C” REGULATIONS:.....	75
SECTION 9.    DISTRICT R – R, R – 1, R – 2, AND R – 3 REGULATIONS: .....	76
SECTION 10.   DISTRICT B – 1, B – 2, B – 3, B – 4 and “B - 5” REGULATIONS: .....	77
SECTION 11.   DISTRICT I – 1 and I – 2 REGULATIONS:.....	78
SECTION 12.   DISTRICT G – 1, “PUD”, and “M - P” REGULATIONS:.....	78
ARTICLE XXVIII PARKING AND LOADING REGULATIONS .....	79
SECTION 1.    REQUIREMENTS: .....	79
SECTION 2.    LOCATION REQUIREMENTS: .....	80
SECTION 3.    PLANS AND APPROVAL REQUIRED:.....	81
SECTION 4.    CONSTRUCTION REQUIREMENTS:.....	81
SECTION 5.    PERFORMANCE:.....	81
ARTICLE XXIX LANDSCAPING REQUIREMENTS .....	82
SECTION 1.    MINIMUM LANDSCAPE REQUIREMENTS: .....	82
ARTICLE XXX TRAFFIC REGULATIONS .....	83
SECTION 1.    MINIMUM REQUIREMENTS FOR TRAFFIC REGULATIONS:.....	83
ARTICLE XXXI SUPPLEMENTARY DISTRICT REGULATIONS .....	84

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS:	84
ARTICLE XXXII NONCONFORMING LOTS, BUILDINGS, AND USES	94
SECTION 1. NONCONFORMING USES WHICH MAY BE CONTINUED:	94
SECTION 2. NONCONFORMING USES WHICH MAY NOT BE CONTINUED:	94
ARTICLE XXXIII ENFORCEMENT, VIOLATION, AND PENALTY	95
SECTION 1. ENFORCEMENT:	95
SECTION 2. CERTIFICATE OF ZONING COMPLIANCE AND OCCUPANCY PERMIT REQUIRED:	95
SECTION 3. APPLICATION REQUIREMENTS:	95
SECTION 4. VIOLATION AND PENALTY:	96
ARTICLE XXXIV BOARD OF ZONING APPEALS	97
SECTION 1. BOARD OF ZONING APPEALS ESTABLISHED:	97
SECTION 2. ELECTION OF OFFICERS:	97
SECTION 3. RULES OF PROCEDURE:	97
SECTION 4. MEETINGS:	97
SECTION 5. RECORDS:	97
SECTION 6. FILING FEE:	97
SECTION 7. PUBLIC HEARING AND NOTICE:	97
SECTION 8. POWERS AND JURISDICTIONS:	97
SECTION 9. PROCEDURE:	98
SECTION 10. VARIANCES TO THIS ZONING RESOLUTION:	98
SECTION 11. EXCEPTIONS TO THIS ZONING RESOLUTION:	99
SECTION 12. PERFORMANCE:	100
ARTICLE XXXV AMENDMENTS AND CHANGES	101
SECTION 1. AMENDMENTS AND CHANGES:	101
SECTION 2. APPLICATION:	101
SECTION 3. FILING FEE:	101
SECTION 4. PUBLIC HEARING AND NOTICE:	101
SECTION 5. ZONING CLASSIFICATIONS OF LESSER CHANGE:	102
SECTION 6. PROTEST:	102
ARTICLE XXXVI VALIDITY AND EFFECTIVE DATE	103
SECTION 1. VALIDITY:	103
SECTION 2. EFFECTIVE DATE:	103

***ARTICLE I TITLE***

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

## ***ARTICLE II PURPOSE AND INTENT***

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

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

## ***ARTICLE III AUTHORITY AND JURISDICTION***

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

**SECTION 2. JURISDICTION:** These Regulations shall apply to all structures and land within the unincorporated area of Russell County, Kansas, plus that area of the County within the jurisdiction of any incorporated city which may elect to request through inter-local agreement county administration of the zoning regulations on behalf of the city.

**SECTION 3. APPLICABILITY:** These Regulations shall not apply to:

1. The use of land for agricultural purposes, nor to the erection or maintenance of associated buildings so long as such land and buildings are used for agricultural purposes and not otherwise, except in federally designated floodplain areas.
2. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water, but not including utility substations on or above the surface of the ground.
3. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way and maintenance and repair work on such facilities and equipment.
4. Drilling for oil or gas wells except in residential or rural center districts.
5. Structures or land used by the Federal Government.
6. Land areas within incorporated cities unless otherwise determined by inter-local agreement.
7. Any approved extraterritorial zoning jurisdiction of an incorporated city.

**SECTION 4. NOTICE OF AMENDMENTS TO CITIES:** Whenever amendments to the text of these Regulations or to the Zoning District Map are proposed within three (3) miles of any incorporated city within the County, written notice of such proposed action shall be given to the governing body of such city at least twenty (20) days prior to the proposed action.

## ***ARTICLE IV INTERPRETATION AND CONSTRUCTION***

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

1. **Minimum Requirements.** In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of Russell County.
2. **Overlapping or Contradictory Regulations.** Where the conditions imposed by the provisions of these Regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. **Private Agreements.** The provisions of these Regulations are not intended to abrogate any easement, covenant, or other private agreement provided that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these Regulations shall govern.
4. **District Boundary Lines.** Interpretation of zoning district boundary line locations shall be governed by the following:
  - a. Where district boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
  - b. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.
  - c. Where a boundary of a district appears to follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.
  - d. Where a district boundary line divides a lot or un-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.
5. **Vesting of Development Rights.** No Building or zoning permit issued prior to the effective date of these regulations shall be invalidated by the passage of these regulations, or any change or amendment thereto but shall remain a valid and subsisting permit, provided that all such permits shall expire not later than 60 days from the effective date of these regulations, unless actual construction shall have begun and continued pursuant to the terms of said permit.

**SECTION 2. RULES OF CONSTRUCTION:** Except where clearly required to be otherwise by the context,

rules of construction shall include:

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

**SECTION 3. ZONING PROCEDURE:** The requirements of this Zoning Resolution permit only those uses listed in each district under USE REGULATIONS for each district. Any owner of property desiring to use his property for some use other than the listed uses may proceed as follows:

1. When the proposed use intensity varies slightly from regulation, the property owner may file an application with the Zoning Administrator for a hearing with the Board of Zoning Appeals for one (1) of the following:
  - a. Variance (height, area and yard).
  - b. Exception (special use permit as outlined in the district regulations).
  - c. Appeals from Zoning Administrator’s decisions.
2. When the proposed use requires a change of Zoning Resolution and/or change in District Zoning Map, the property owner may file an application for zoning changes and proceed as set out in Article XXXV.
3. Any person intending to perform construction of any sort other than for agricultural structures shall provide certification of proof of compliance with Zoning Requirements from the Zoning Administrator.
4. Any person intending to construct a residence for other than agricultural use shall prepare a plat in accordance with the Subdivision Regulations and shall obtain the approval of the Plat by the Planning Commission and the Governing Body before requesting a zoning permit.

## *ARTICLE V DEFINITIONS*

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

1. **Accessory Building.** A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises. For the purposes of this Resolution, the term accessory building shall include storage sheds and similar structures.
2. **Accessory Use.** A use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.
3. **Adult.** Any person aged 18 years or older.
4. **Adult Book and/or Video Store.** An establishment which offers for sale or rental books, magazines, photographs, films, videos, or other visual representations, and other materials oriented toward representation of sexual activity of any kind.
5. **Adult Care Center.** A facility in which care and maintenance on an hourly or daily basis for adults of all ages. The latter arrangement is not construed to be a nursing home. Such centers may be referred to as an adult day care facility. Such centers shall be licensed under regulations established and administered by the Kansas Department of Health and Environment.
6. **Adult Entertainment Establishment.** Any premises which provides adult sexually-oriented entertainment whether live or by motion pictures, videos, photographic reproductions, or other means
7. **Adult Novelty Store.** A commercial establishment offering for sale visual materials, printed matter, instruments, devices and other paraphernalia designed and intended for use in connection with sexual activities.
8. **Agriculture.** The use of a tract of land 5 acres or larger, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, and cattle or other livestock, including commercial feed lots. Such definition includes the structures necessary for carrying on farming operations and, as accessory uses, the dwelling(s) of those owning and/or operating the premises, including single-wide manufactured homes. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming.
9. **Aircraft.** Any contrivance current or future which is designed for flight in the air.
10. **Airport.** Any facility designed for landing and take-off of aircraft including any appurtenant areas which are used for airport buildings or other airport structures including access and rights-of-way.
11. **Alley.** A strip of land along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots.
12. **Alley Line.** The line of division between the public travelway comprising the alley and the private lot.
13. **Alteration.** Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
14. **Amusement Center.** An indoor commercial establishment which contains amusement devices for public use as the principal activity of the business which operates four or more such devices. Amusement



devices shall include computer video games, pinball machines, pool or billiard and other table games. Such definition is not intended to include recreational uses such as bowling, skating rinks, miniature golf or adult entertainment establishments.

15. Animal Hospital or Clinic. An establishment where animals are admitted principally for examination and treatment by a Doctor of Veterinary Medicine. Boarding of animals shall be limited to that necessary for the treatment of the sick animal. This does not include open kennels or runs.
16. Apartment. A room or suite of rooms in an apartment house or other building intended, designed, used, or suitable for use by one or more persons as a place of residence with culinary accommodations.
17. Apartment House. A building or portion thereof intended, designed, used, or suitable for use as a residence for three (3) or more families living in separate apartments.
18. Approved Public Sanitary Sewer System. A sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of Russell County, Kansas and the Kansas State Department of Health.
19. Approved Public Water System. Water treatment plant and service lines approved by the governing body of Russell County, Kansas and the Kansas State Department of Health.
20. Attached Accessory Building. A building which has approximately 50% of any wall in common with a wall or portion of a principal building.
21. Automobile Service Station. A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and/or for accessory uses, such as the sale of lubricants, accessories, or supplies; the incidental washing of motor vehicles, and the performing of minor repairs; but not including tire recapping, body repairs, major overhaul, provision of rental equipment, or open sales lots.
22. Basement. A story of a building having more than one-half (1/2) of its height below grade and which serves as substructure or foundation for the remainder of the building.
23. Bed and Breakfast Inn. A residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that when the inn is located in a residential district, the number of such sleeping rooms shall not exceed a maximum of six (6).
24. Block. A series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, park, green strips, open land, or waterways.
25. Board of Zoning Appeals. Referred to herein as the —Board which has been created by the Governing Body and which has the statutory authority to hear and determine appeals, variances, and exceptions ( special use permits) to these zoning Regulations.
26. Boarding Home for Children. A residential facility where children not related to the family by blood, marriage, or adoption are cared for twenty-four (24) hours a day by adult supervision which is licensed by the Kansas Department of Health and Environment.
27. Boarding or Lodging House. A building or place, other than a hotel, where by pre-arrangement and for compensation, lodging and meals for a definite period are provided for three (3) or more persons, and such accommodations are not furnished to transient or overnight customers. Individual cooking facilities shall not be provided
28. Board of County Commissioners. The Russell County Board of County Commissioners.
29. Buildable Area. That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these Regulations.
30. Building. A structure having a roof supported by columns or walls intended, designed, used, or suitable for use for the support, enclosure, shelter, or protection of persons, animals, or property; and when

- separated by fire walls each portion of such structure so separated shall be deemed a separate building.
31. **Building Height.** The vertical distance measured from the average elevation of the finished lot grade to the highest point of a coping or a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge of gable, hip, curved, or gambrel roof.
  32. **Building – Main.** A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in a residential district is a main building.
  33. **Building Site.** The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these Regulations.
  34. **Bulk Regulations.** Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yard and setbacks.
  35. **Business and Professional Office.** The office of an engineer, dentist, doctor, attorney, real estate or insurance agent, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration.
  36. **Campgrounds.** Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground for a period exceeding thirty (30) days on a temporary basis. The term campgrounds does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection, or sale.
  37. **Canopy.** Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements, or a roof-like structure of a permanent nature which from the wall of a structure and overhangs the public way.
  38. **Car Wash.** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
  39. **Child Care.** The process of caring for unrelated minor children as a service with or without financial arrangements. Child care shall include the term —baby-sitting|. Child care facilities may include any of the following facilities which have been approved and licensed under the regulations of the Kansas Department of Health and Environment:
    - a. **Child Care Center:** A facility in which care and educational activities for 13 or more children two weeks to 16 years of age are provided for more than three, but less than 24 hours per day, including before and after school care for school age children.
    - b. **Day Care Home:** A home or facility in which care is provided for a maximum of 10 children under 16 years of age for less than 24 hours per day.
    - c. **Family Day Care Home:** A home in which care is provided for less than 24 hours per day for a maximum of six children who are less than 16 years of age, but of whom not more than three children are less than 18 months.
    - d. **Foster Home:** A residence or building in which more than twelve hour care is provided to no more than five children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.
    - e. **Group Boarding Home:** A non-secure facility providing 24-hour residential care for not less than five nor more than 10 persons unrelated to the caregivers. Emergency shelter and maternity care may be provided.

- f. Group Day Care Home: A home in which care is provided for less than 24 hours per day for a maximum of six children who are less than 16 years of age, but of whom not more than three children are less than 18 months.
  - g. Preschool: A facility such as a —nursery school providing learning experiences for children of less than kindergarten age, but who are 30 months or older, which sessions do not exceed three hours per day.
40. Clinics. An establishment where patients who are normally not lodged overnight are admitted for examination and treatment. This does not include Animal Hospitals or Animal Clinics.
  41. Club or Lodge – Private. A nonprofit association or organization formed for either fraternal, social educational, philanthropic, or other similar purpose, including professional organizations, unions, and other similar organizations.
  42. Collocation. The mounting or installation of transmission equipment on a building or support structure of any degree.
  43. Common Open Space. An area of land or water or combination thereof planned for passive or active recreational use by designated land owners, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
  44. Comprehensive Plan. The duly adopted comprehensive plan for the development of Russell County, Kansas, unless otherwise identified.
  45. Density. Restrictions on the number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.
  46. Developer. The legal or beneficial owner or owners of all of the land proposed to be included in a planned development or the duly authorized agent thereof. The holder of an option or contract of purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these Regulations.
  47. District or Zone. A section or sections of the County and/or cities specifically declared within which the regulations governing the use of buildings and premises are uniform.
  48. Dog. Any canine species over 6 months of age.
  49. Dog Kennel: Any place where more than three dogs are kept, maintained, boarded, bred for a fee or offered for sale. A —dog is defined as any member of any canine species over six months of age. This definition includes dogs which are kept or maintained as pets.
  50. Drive-in Service. A type of retail sales establishment which encourages, recognizes, or permits patrons or customers to call for service by the flashing of lights or by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.
  51. Dump. A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
  52. Dwelling. Any building or portion thereof which is designed and used primarily for residential purposes, including modular homes and residential-design, multiple-width manufactured homes at least twenty-two (22) feet wide when the latter is placed on a permanent foundation and has a peaked roof and exterior siding somewhat similar in appearance to site-built, single-family dwellings.

53. Dwelling, Attached. A residential building which is joined to another dwelling at one or more sides by a party wall or walls.
54. Dwelling, Detached. A residential building which is entirely surrounded by open space on the same lot.
55. Dwelling, Multiple-Family. A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses but does not include hotels, motels, and tourist courts.
56. Dwelling, Seasonal. A residence intended for occasional occupancy.
57. Dwelling, Single-Family. A detached building or portion thereof designed for or occupied exclusively by one (1) family.
58. Dwelling, Two-Family. A building or semi-detached building or portion thereof designed or occupied exclusively by two (2) families living independently of each other.
59. Dwelling Unit. One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one (1) family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
60. Earth-sheltered Dwelling: A single-family dwelling constructed so that 50% of the exterior surface area of the building, excluding garages and other accessory structures, is covered with earth. Such a dwelling is a complete structure that does not serve just as a foundation or substructure for above-grade construction. A partially completed building shall not be considered earth-sheltered. Bulk regulations shall be measured from the structural part of the dwelling as distinguished from the earth covering.
61. Easement: A public dedication or private grant by the property owner of the specific use of a strip of land by others. Limitations apply on what type of principal or accessory buildings or structures can be located on a public easement.
62. Escort Agency. A business which furnishes a person to act as a companion, guide or date for another person and/or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
63. Exception. An exception shall mean the allowance of a use by special use permit within a given district by the Board of Zoning Appeals. Exceptions shall be limited to only those specifically authorized and listed in this zoning resolution.
64. Family. Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; plus in either case, domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.
65. Fence. A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.
66. Floodplain. A watercourse and land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent as identified on an official FEMA flood hazard map.
67. Floor Area. Floor area shall mean the gross floor area of the building of the several floors in the building.
68. Fraternal and/or Service Clubs. An association formally organized for either fraternal, social, educational, philanthropic, or other similar purposes, including union and professional organizations, and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs

and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all federal, state, county, and local laws.

69. Frontage. The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
70. Garage, Private. Any accessory building designed or used only for the housing and storage of automobiles which are the property of, or provided for the exclusive use of, the occupants of the lot or premises upon which such building is located and having no provisions for the commercial repair or equipping of such vehicles.
71. Garage, Public. Any building, portion of a building, or premises designed, operated, or used for commercial purposes in the storage, sale, hiring, care, or repair of motor vehicles.
72. Garage, Storage. A building, or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.
73. Governing Body – (Legislative Body). The Board of County Commissioners of Russell County, Kansas, unless otherwise identified.
74. Group Homes. Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state.
75. Hazardous Waste. Any material or substance identified and classified as hazardous by the Kansas Department of Health and Environment.
76. Home Occupation. Any use customarily conducted entirely upon the premises and carried on by a member of a family, related by marriage or blood, residing in the dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and which use neither changes the character thereof nor adversely affects the uses permitted in the district of which it is a part. No signs are displayed, except as permitted in this resolution, no commodity is sold at wholesale or retail upon the premises except that which is prepared on the premises, no outdoor display or storage of materials or supplies, no more than one (1) person is employed, and no mechanical equipment is used that makes any loud, unnecessary, or unusual noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. (Also see the provisions of ARTICLE XXXI.)
77. Hospital. An establishment used primarily for inpatient care and to provide health, medical, mental, and surgical care of the sick or injured, excluding animal hospitals.
78. Hotel or Motel. A commercial building used as a temporary abiding place for persons who are being lodged for compensation with or without meals.
79. Institution of Higher Learning. A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses, and other student housing, which are constructed on campus, shall be considered accessory buildings.
80. Institution (Nonprofit). A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
81. Kennel. Any place, area, building, structure, or enclosure where more than three domesticated animals,

- commonly considered to be household pets, more than three months old, are boarded, cared for, housed, fed, trained, or bred. This definition includes both private and commercially operated facilities.
82. Landscaping. The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
  83. Laundry (Self-Service). An establishment equipped with individual coin-operated washing, drying, or dry cleaning machines.
  84. Laundry. An establishment where commercial laundry and dry-cleaning work is undertaken.
  85. Lodging House. A residential building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, or for three (3) or more persons in contra-distinction to hotels open to transients.
  86. Lot. A parcel of land shown as a unit on a recorded subdivision plat.
  87. Lot Area. The total horizontal area within the lot lines of a lot.
  88. Lot, Corner or External. A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.
  89. Lot, Depth Of. A mean horizontal distance between the front and rear lot lines, measured in the general direction of the sidelines of the lot.
  90. Lot, Double Frontage. An internal lot having a frontage on two (2) streets.
  91. Lot, Internal. Any lot which does not constitute a corner lot.
  92. Lot Line, Front. A boundary line of a lot which coincides with street boundary lines. The word — streetl as used in this definition shall not include alley.
  93. Lot Line, Rear (Internal). A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.
  94. Lot Line, Side (Internal). A boundary line of a lot which does not coincide with a street boundary line. The word — streetl as used in this definition does not include alley.
  95. Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds.
  96. Lot, Reversed Corner. A corner lot, the rear lot line of which either abuts upon or is directly across an alley from the side lot line of another lot or parcel.
  97. Lot Width. The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front lot line be less than thirty-five (35) feet in width.
  98. Manufactured Home. A factory-built structure or structures equipped with the necessary utility service connections and made so as to be transportable as a unit or units on its or their own running gear and designed to be used as a dwelling unit irrespective of how affixed to the land. The transportation system is designed so that the manufactured home may be moved from time to time. The term shall include two (2) or more separately towed units which, when bolted or otherwise fastened together, form a complete living unit. Such homes are built on a chassis consisting of drawbar and coupling mechanism, frame (e.g., steel I-beams), running gear assembly, and lights. Removal of any or all of these component parts does not change the definition. All manufactured homes shall be either skirted or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas, shall be anchored to the ground.
  99. Manufactured Home, Certified. A manufactured home bearing a certification plate pursuant to the —

National Manufactured Housing Construction and Safety Standards Act of 1974', 42 U.S.C. 5401 et seq., as amended.

100. **Manufactured Home, Dependent.** A manufactured home which does not have a flush toilet and bath or shower.
101. **Manufactured Home, Independent.** A manufactured home which has a flush toilet and a bath or shower.
102. **Manufactured Home Park.** Any area, parcel, or tract of ground equipped as required for support of manufactured homes and used or intended to be used by two (2) or more occupied manufactured homes. Such manufactured home park shall be under one ownership and control, but under no circumstances shall the manufactured home spaces be sold or offered for sale individually. The term does not include a sales area on which unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale. A manufactured home may, however, remain on a space for purposes of sale by the resident owner or the manufactured home park owner. No more than fifteen (15) percent of the manufactured homes may be for rent at any one time. Also see ARTICLE XXXI.
103. **Manufactured Home, Residential Design.** A manufactured home on permanent foundation which has (a) minimum dimensions of twenty-two (22) body feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes. Residential Design Manufactured homes shall be on a permanent-type, enclosed perimeter foundation, and comply with the following architectural or aesthetic standards so as to ensure compatibility with site-built housing:
  - a. The roof must be predominantly double-pitched and have a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches which may include a gutter.
  - b. Exterior siding shall be of a non-reflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with building code standards.
  - c. The home shall be installed in accordance with the recommended installation procedures of the manufacturer. A continuous, permanent-type foundation shall be installed under the perimeter of the home which is similar in material and appearance to a site-built house.
  - d. At the main entrance door there shall be a landing that is a minimum of four feet by five feet which is constructed to meet building code standards.
  - e. The moving hitch, axles, wheels and transporting lights must be removed at the time of installation of the home on the lot.
  - f. The finished floor of the home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
  - g. Any attached addition to such a home shall comply with all construction requirements of building code standards, unless designed and constructed by a manufactured home factory.
  - h. In developed areas, if 50% or more of the frontage of existing site-built housing on both sides of the street on which the residential-design manufactured home is to be installed have a garage and/or a similar percentage have a covered porch or recessed entry, such a home shall also provide a garage and/or porch or entry based on the percentages determined by the Zoning Official. On a corner lot, the street shall mean that street on which the frontage of the facade has

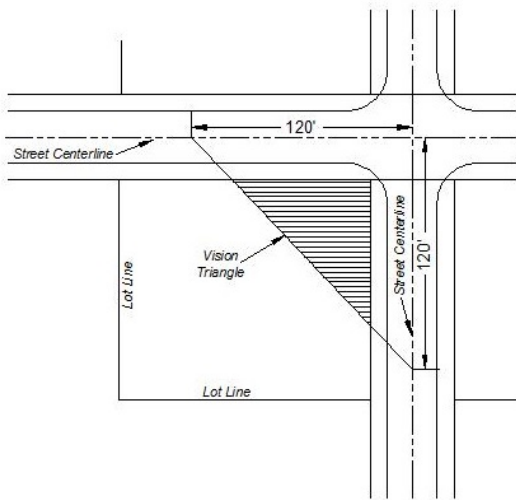
been designed for the household address number. External roofing and siding material of such garage, porch or entry shall be similar to appearance to the materials on the roofing and siding of the residential- design manufactured home.

104. Medical, Dental, or Health Clinic. Any building designed for use by one or more persons lawfully engaged in the diagnosis, care, and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, psychiatrists, and podiatrists; and in which no patients are lodged overnight.
105. Mini-storage Facility: A building or group of buildings that contain varying sizes of individual, compartmentalized and controlled-access stalls and/or lockers for the indoor storage of customer's goods or wares. Outdoor storage may be permitted but the operation shall not include a transfer and storage business where the use of vehicles is part of such a business.
106. Modular Home. A dwelling structure located on a permanent foundation with permanently connected utilities, consisting of pre-selected, prefabricated units, or modules designed to meet the requirements of the building code, and transported to and/or assembled on the site of its permanent foundation; as opposed to a dwelling structure which is custom built on the site of its permanent location; and also as opposed to a manufactured home, either single-wide, double-wide, or of multiple width.
107. Motel. A group of buildings including either separate cabins or a row of connected cabins or rooms, which contain individual sleeping accommodations for transient occupancy and have individual entrances.
108. Motor Vehicle Repair Shop. A building or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles.
109. Nonconforming Lot of Record. A platted lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
110. Nonconforming Structure or Use. A lawfully existing structure or use at the time these Regulations or any amendments thereto became effective which does not conform to the requirements of the zone in which it is located.
111. Nursing Home. An establishment or agency licensed by the State of Kansas for the reception, board, care, or treatment of three (3) or more unrelated elderly individuals.
112. Occupancy Permit. The written certification from the Zoning Administrator that all requirements and conditions of the zoning compliance certificate have been satisfactorily completed and that occupancy and use of the premises is authorized.
113. Parcel. All contiguous lands (including lots and parts of lots) held in one (1) ownership.
114. Parking Area, Public or Customer. An area other than a private parking area, street, or alley, used for parking of automobiles and available for public or semi-public use.
115. Parking Space. A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building, suitable in size and location to store one standard automobile.
116. Paved Parking. A vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free, all-weather condition.
117. Permanent Foundation. A foundation of formed and poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.
118. Person. Any natural individual, firm, trust, partnership, association, or corporation.
119. Planned Development. A tract of land meeting specified minimum site size whereon all elements of development may be designed as inter-related aspects of an overall improvement concept in accordance

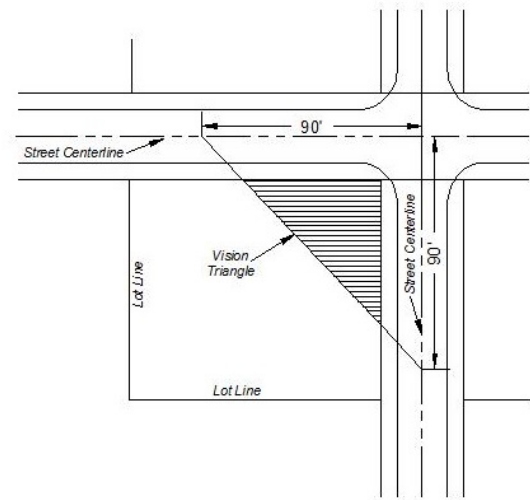


- with the provisions of this Ordinance.
120. Planning Commission. The County Planning Commission of Russell County, Kansas unless otherwise specified.
  121. Plat. A layout of a subdivision indicating the location and boundaries of individual properties.
  122. Premises. A parcel together with all buildings and structures thereon.
  123. Preschool. A public or privately owned facility with defined curriculum which offers preparatory education for minor children aged 5 years and younger. The term does not include kindergarten.
  124. Principal Structure. The main use of land or structures as distinguished from a subordinate or accessory use.
  125. Private Club. An association, other than fraternal or service club, organized and operated either for or not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided that such sale or service is in compliance with all applicable federal, state, county, and local laws.
  126. Public Utility. Any business which furnishes the general public telephone service, electricity, cable television, natural gas, or water and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
  127. Quasi-Public Facility. A facility operated and maintained by a group, club, association, congregation, fraternal order or other such entity which serves segments of the general public but which is not a part of the formed structure of federal, state or local government.
  128. Quorum. A majority of the membership.
  129. Recreational Vehicle, (RV). A vehicle or a unit that may be independently motorized or may be carried or towed by another vehicle, which is primarily designed and used for travel, camping, recreation, temporary living or occasional use. Recreational vehicles include motor homes, mini-motor homes, converted buses, converted camper vans, pickup and truck campers, camping trailers, fifth-wheel trailers, boats and boat trailers, jet ski trailers and similar vehicles. Conventional vans and pickup trucks with or without slide-in pickup campers or toppers are not considered to be recreational vehicles nor are small trailers used for hauling animals, equipment or household goods of the occupant of the dwelling whereon such trailer is parked.
  130. Recycling Facility. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to scrap metals, paper, rags, tires, bottles and other such materials.
  131. Renovation. Up-grading an existing structure to a higher quality including repair and/or reconstruction of roofs, floors, walls, support structures, utility services, interior and exterior surfaces and similar improvements, provided that renovation of non-conforming structures shall not include enlargement or structural alterations.
  132. Restaurant. A public eating establishment, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants, and soda fountains, but not a drive-in establishment, unless otherwise specified.
  133. Restaurant, Drive-In. An eating establishment where, for compensation, food is prepared and dispensed having only incidental consumption within the principal building on the premises.

134. Rooming House. A building or portion thereof other than a hotel, where lodging of three (3) or more persons is provided for compensation.
135. Salvage Yard. Any land or building used for the collection, storage or sale of wastepaper, trash, rags, fibrous material, scrap metal, or other discarded material; or for collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof; or materials from the demolition of buildings or structures. In the agricultural and residential districts, no more than two (2) licensed or unlicensed motor vehicles which are in the process of restoration to operating condition may be stored; provided, however, such vehicles are stored inside a structure or screened from public view.
136. Sanitary Landfill. A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, trash, refuse, junk, or other waste and which is in conformance with the requirements of the Kansas Department of Health and Environment.
137. School. A public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a Parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.
138. Service Station. An establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs, or major overhaul.
139. Setback. The distance between the lot line and building line.
140. Sign. Any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to designate an individual firm, profession, business, or a commodity and which are visible from any public street or air. For various types of signs see ARTICLE XXVII.
141. Site. See "Parcel"
142. Sight Triangle. A triangular area at a street intersection in which nothing shall be erected, placed (including automobiles, trucks and other large vehicles or trailers), planted, or allowed to grow in such a manner as to materially impede vision and, therefore, the safety of vehicles and pedestrians, above a height of two (2) feet above the centerline of the intersecting streets measured from the point of intersection of the centerline of the streets, 120 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 120 – foot distance shall be increased to 150 feet.



Corner Lot Vision Control Triangle  
Russell County



Corner Lot Vision Control Triangle  
Bunker Hill

143. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
144. Story, Half. A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
145. Street. A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.
146. Street Line. A dividing line between a lot, tract, or parcel of land and the contiguous street.
147. Street Network.
  - a. Arterial Street. A street which provides for through traffic movement between and around areas and across the City with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
  - b. Collector Street. A street which provides for traffic movement between arterial and local streets with direct access to abutting property.
  - c. Local Street. A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial, or residential areas.
148. Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences, driveways, hard surfaced walk and terraces, or public items, such as utility poles, street light fixtures, and street signs.
149. Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Resolution, the following shall not be considered structural alterations.
  - a. Attachment of a new front where structural supports are not changed.
  - b. Addition of fire escapes where structural supports are not changed.
  - c. New windows where lintels and support walls are not materially changed.

- d. Repair or replacement of non-structural members.
  - e. Alterations for the safety of the building and normal repairs and maintenance.
150. Subdivision. The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term subdivision includes re-subdivision, and the term "re-subdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purpose which varies from the latest, approved subdivision of the same. See the land Subdivision Regulations.
  151. Subdivision Plat. A plan or map prepared in accordance with the provisions of the duly adopted Subdivision Regulations and recorded with the Register of Deeds.
  152. Support Structure. A free standing structure such as a monopole, guyed or self-supporting tower.
  153. Tavern. An establishment in which the primary function is the public sale and serving of cereal malt beverages.
  154. Theater, Moving Picture. A building or part of a building devoted to the showing of moving pictures on a paid admission basis.
  155. Theater, Outdoor Drive-In. An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.
  156. This Resolution. The document duly approved and adopted by the Planning Commission and the County Commission of Russell County, Kansas, which establishes zoning requirements.
  157. Tourist Cabins. See "Motel"
  158. Tourist Home. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.
  159. Tract. A plot or parcel of land other than a lot in a subdivision which is recorded in the office of the Register of Deeds.
  160. Transmission Equipment. Includes antennas, radio transceivers, control station, base station or a transmitter/receiver.
  161. Use. Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.
  162. Use Regulations. The provisions of these Regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.
  163. Utility Pole. A structure owned or operated by a public utility or municipality or electric cooperative that is designed specifically for and used to carry lines, cables or wires for telecommunications, cable, to provide lighting or conduct alternate current electricity.
  164. Variance. A modification or variation of the provisions of these Regulations, as applied to a specific parcel of property, as distinct from rezoning.
  165. Water tower. A water storage tank or standpipe or an elevated tank situated on a support structure that was originally constructed for use as a reservoir facility to store or deliver water.
  166. Way. A street or an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
  167. Wind Farm. An area where there is a concentration of commercial wind energy turbine systems installed and maintained for the purpose of generating electricity in wholesale quantities for resale to area consumers. Also see the detailed wind farm regulations of Russell County, Kansas.
  168. Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a

- structure from the ground upward, except as otherwise provided herein. In measuring a yard, the depth of the front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
169. Yard, Front. A yard extending along a full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard. On a corner lot, each yard that abuts a street shall be considered a front yard.
170. Yard, Rear. A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard. Yard, Side. A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of a required minimum side yard, but excluding any area encompassed within a front yard or rear yard.
171. Yard, Side. A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of a required minimum side yard, but excluding any area encompassed within a front yard or rear yard
172. Zone or District. A portion, area, or section of Russell County, Kansas, for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.
173. Zoning Administrator. The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.
174. Zoning Area. The area to be zoned as set out on the official Zoning Maps filed of record.
175. Zoning Compliance Certificate. The written documentation from the Zoning Administrator certifying that a proposed use, structure, development or activity is in compliance with the zoning regulations of Russell County, Kansas.
176. Zoning Regulations. The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

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

## **ARTICLE VI GENERAL PROVISIONS**

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

“A – 1”	General Agricultural District
“A – 2”	Commercial Agricultural District
“F – P”	Floodplain District
“G – 1”	Recreation District
“W – P”	Water Quality Protection District
“R – C”	Rural Center District
“R – R”	Rural Residential District
“R – 1”	Single-Family Dwelling District
“R – 2”	Two-and Three- Family Dwelling District
“R – 3”	Multiple Family Dwelling District
“PUD”	Planned Unit Development District
“M – H”	Manufactured Home District
“M – P”	Manufactured Housing Park District
“B – 1”	Neighborhood Commercial District
“B – 2”	Central Business District
“B – 3”	General Commercial District
“B – 4”	Highway Service District
“B – 5”	Adult Entertainment District
“I – 1”	Light Industrial District
“I – 2”	Heavy Industrial District

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

**SECTION 3. ZONING OF RIGHTS-OF-WAY:** All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

**SECTION 4. APPLICATION OF REGULATIONS:** In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements where these Regulations impose a greater restriction upon the use of land or buildings, or upon the height or bulk of buildings, or require larger building site areas, yards, or open spaces than are imposed or required by any such other law, resolution, easement, covenant, or agreement, then the provisions of these Regulations shall control. Wherever the provisions of any other statute or local ordinance or regulation requires a greater width or size of yard, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or

impose other higher standards than are required by these Regulations, the provisions of such statute, local ordinance, or regulation shall govern.

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

Regulations.

10. Home Occupations. No home occupation, as defined herein, shall hereafter be established, altered, or enlarged in any residential district unless it complies with the conditions, restrictions, and permitted uses as provided for in these Regulations.
11. Signs. No sign shall hereafter be built and no existing sign shall be moved or remodeled unless it complies, or will thereafter comply, with the restrictions imposed by ARTICLE XXVII.
12. Off-Street Parking and Loading. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied, or designed for use or occupancy unless the minimum regulations shall be provided. No structure or use already established on the effective date of these Regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by these Regulations are provided for the whole structure or use as enlarged.
13. Determination of Building Setback Line. The building setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure. If a recorded subdivision plat imposes a building or setback line for a lot which is less than the minimum setback or front yard required by the applicable section of these Regulations, then notwithstanding any other provision of these Regulations, the minimum setback or minimum front yard change shall be the setback required in these Regulations.



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

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

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

**SECTION 3. USE REGULATIONS:** Agricultural uses including farming, animal husbandry, poultry, fur-bearing animals, and other livestock, truck gardening, orchards, bee keeping, and the sale of food products grown in agricultural districts.

1. Single-family dwelling units, including residential designed manufactured housing, on five (5) or more acres for agriculture related use.
2. Foster homes.
3. Group homes.
4. Boarding houses for children.
5. Accessory uses for agricultural and single-family dwelling units.
6. Churches and similar places of worship and parish houses.
7. Greenhouses, nurseries, and garden centers.
8. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
9. Public and semi-public parks, playgrounds, campgrounds, fishing preserves, or other recreational areas and community buildings owned and operated by a public agency or non-profit organization.
10. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
11. Water sheds, wildlife habitats, wildlife production areas, and game management areas or other conservation uses.
12. Private, non-commercial recreation areas, including country clubs, swimming pools, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracks, or similar commercial recreational businesses.
13. Home occupations.
14. Fire and police stations.
15. Oil and gas exploration, drilling, and production providing these operations are conducted in accordance with the requirements of the State of Kansas, and provided further that upon abandonment of these operations, the land shall be returned as nearly as practicable to its original condition.
16. Utility lines and facilities necessary for public service, and including refuse disposal area conducted under a landfill or sanitary fill method, public and semi-public storage and repair facilities, sewage disposal, water supply and treatment facilities, dams, and power plants, subject to applicable Kansas Department of Health and Environment Regulations.
17. Animal feed lots subject to the licensure and operational requirements of the State including the minimum sanitation and odor practices in order to maintain a healthful environment in the vicinity.

The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning appeals and subject to conditions as the Board may impose.

1. Single-wide manufactured housing on five (5) acres or more for agricultural related use.
2. Any public building erected or land used by any department of the City, County, or State Government which is not permitted above.
3. Airport or heliport.
4. Bed and breakfast establishments.
5. Cemetery, crematory, or mausoleums.
6. Commercial wind farms subject to the detailed wind farm regulations of Russell County, Kansas
7. Hospitals, nursing homes, rest homes, convalescent homes, and homes for the aged on a tract of land ten (10) acres or larger.
8. Child care center.
9. Support structure used for the attachment of signal transmission or signal receiver equipment including but not limited: to Radio, television, navigation or military control station, transmitter, or tower. Also see ARTICLE XXXI, Supplementary District Regulations.
10. Animal hospital or kennel, provided that no animal hospital shall be located closer than three hundred (300) feet from any residential zone, and that no kennel may be located closer than one thousand (1,000) feet from any residential zone.
11. Fur-bearing animal farms.
12. Preschools.
13. Reservoirs, wells, water towers, filter beds, or water supply plants.
14. Riding stables, not closer than five hundred (500) feet to any residential zone.
15. Sanitary landfill operations, subject to the requirements of state statutes and the regulations of the Kansas Department of Health and Environment.
16. Seasonal dwellings.
17. Sewage disposal facilities, subject to the requirements of state statutes and the regulations of the Kansas Department of Health and Environment.
18. Electrical substations.
19. Oil and gas storage facilities, equipment, and materials yards and buildings, excluding exploration, well drilling and resource recovery as regulated by the State of Kansas.
20. Major high voltage primary electric transmission lines and equipment except local service facilities.

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

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

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

**SECTION 6. YARD REGULATIONS:**

1. Front Yard.
  - a. There shall be a front yard having a depth of not less than forty (40) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations.)  
**Bunker Hill – fifteen (15) feet**
  - b. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
  - c. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract.
  - d. No accessory building shall project beyond the front yard line on either street or road.
2. Side Yard. There shall be a side yard on each side of every building or structure which said yard shall not be less than fifteen (15) feet.
3. Rear Yard. Except as hereinafter provided in the additional height, area, and use regulations of this resolution, there shall be a rear yard having a depth of not less than forty (40) feet.  
**Bunker Hill – five (5) feet**

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

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

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

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

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

**SECTION 3. USE REGULATIONS:**

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

The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning appeals and subject to conditions as the Board may impose:

1. All special uses permitted in “A - 1” District.
2. Commercial storage and/or sale of anhydrous ammonia or propane and the wholesale storage of gasoline and other manufactured petroleum products above ground level.
3. Commercial development of natural resources and extraction of raw materials, such as rock, gravel, or sand, provided that all operations are in conformance with state statutes and the regulations of the Kansas Department of Health and Environment. Provided further, that the application for a special use permit shall be accompanied by the following information:
  - a. A plan showing the boundary of the entire tract, vehicular access routes and surfacing, prevailing wind directions, existing, and proposed street rights-of-way, easements, water bodies, mining area, and proposed fencing.
  - b. A general plan of operation, including blasting hours, removal plan, and hours of operation.
  - c. A plan showing the finished topography of the restored areas including grades and slopes.
  - d. A general timing for restoring the various excavation pits and overburden for a continuing use.
  - e. A general description of the methods and materials proposed to provide for a continuing use.
  - f. Amount and type of planting to be done on the restored area or other approved restoration uses or methods.
4. Salvage yards, subject to the following conditions:
  - a. Located on a tract of land at least three hundred (300) feet from a residential district.
  - b. The operation shall be conducted wholly within an enclosed, noncombustible building or within an area completely surrounded by a fence or wall at least eight (8) feet high but not more than ten (10) feet high. Such fence or wall shall be of uniform texture and color and shall be properly maintained by the owner.
  - c. No salvage materials shall be loaded, unloaded, or otherwise placed temporarily or permanently outside the enclosed building, fence, wall, or within the public right-of-way.
  - d. No salvage materials shall be piled higher than the top of the required fence or wall.
  - e. Burning of salvage materials shall be subject to any applicable county, state, and federal laws.
5. Commercial shooting ranges, paintball courses and sporting clays courses.
6. Motorcycle and recreational vehicle parks and ranges.
7. Commercial auction houses other than livestock sales barns
8. Commercial golf courses, driving ranges, go-cart tracks, miniature golf courses, and other recreational areas.
9. Commercial stables.
10. Agricultural equipment sales.

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

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

1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, said building or structure shall not exceed thirty-five (35) feet in height.

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

**SECTION 6. YARD REGULATIONS:**

1. Front Yard.
  - a. There shall be a front yard having a depth of not less than forty (40) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations. **Bunker Hill – fifteen (15) feet**)
  - b. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
  - c. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract.
  - d. No accessory building shall project beyond the front yard line on either street or road.
2. Side Yard. There shall be a side yard on each side of every building or structure which said yard shall not be less than fifteen (15) feet.
3. Rear Yard. Except as hereinafter provided in the additional height, area, and use regulations of this Resolution, there shall be a rear yard having a depth of not less than forty (40) feet. **Bunker Hill – five (5) feet**

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

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

## ***ARTICLE IX "F – P" FLOODPLAIN DISTRICT***

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

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

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

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

In areas within the county zoning jurisdiction which are designated as “F - P” Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by the County.

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

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

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

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

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



## ***ARTICLE X “W – P” WATER QUALITY PROTECTION DISTRICT***

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

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

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

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

- e. Industrial uses, which discharge process waters on-site.
- f. Bulk storage of road salt or other de-icing chemicals.
- g. Dumping of snow containing de-icing chemicals brought from outside the district.
- h. Commercial feed lots and kennels.
- i. Mining of land, including sand and gravel extraction.
- j. Storage and disposal of hazardous wastes.
- k. Automotive service and repair shops, junk and salvage yards.

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

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

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

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

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

## ***ARTICLE XI "G – 1" RECREATION DISTRICT***

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

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

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

1. Public parks, playgrounds, and recreation areas.

The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and subject to conditions as the Board may impose.

1. Private recreational areas including golf courses, driving ranges and miniature golf.
2. Boat rentals and supplies, including tackle, bait, marine gas services, and related services.
3. Seasonal dwellings.
4. Campgrounds for trailers, overnight and permanent.
5. Motels, hotels, and motor hotels.
6. Restaurants.
7. Other similar uses after approval of the Board.
8. **Bunker Hill only – Enclosed accessory buildings on lots without principal building.**

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

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

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

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

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than forty (40) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations.)  
**Bunker Hill – fifteen (15) feet**
  - b. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
  - c. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a

front yard on each street or road side of said lot or tract.

- d. No accessory building shall project beyond the front yard line on either street or road.
- e. Side Yard: There shall be a side yard on each side of every building or structure which side yard shall not be less than fifteen (15) feet.

- 2. Rear Yard: Except as hereinafter provided in the additional height, area, and use regulations of this Resolution, there shall be a rear yard having a depth of not less than forty (40) feet. **Bunker Hill – five (5) feet**

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

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

## **ARTICLE XII “R – C” RURAL CENTER DISTRICT**

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

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

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

1. Single-family residential units, including manufactured homes and residential design manufactured homes on permanent foundations, two- and three-family units, and multi-family residential units.
2. Foster homes.
3. Group homes.
4. Boarding homes for children.
5. Agricultural commercial; the sale of farm machinery and the repair of equipment.
6. Bed and breakfast establishments.
7. Childcare Centers.
8. Preschools.
9. Churches, chapels, temples, and synagogues.
10. Financial institutions and offices.
11. Food stores.
12. Grain storage elevators and feed mills.
13. Package sales, taverns, and bars.
14. Community meeting or group meeting facilities.
15. Public and private schools: primary, intermediate, and secondary.
16. Home occupations.
17. Temporary structures incidental to construction work but only for the period of work. Basements and cellars may not be occupied for residential purposes until the building is completed.
18. Restaurants, including drive-in establishments.
19. Service stations, including painting and body work.
20. Welding shops and small machine shops.

The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and subject to conditions as the Board may impose:

1. Public buildings erected or land used by any agency of a city, a township, the County, or State government.
2. Public and private utility substations, pumping stations, water towers and support structures.
3. Wrecking, salvage, or junk yard, providing the storage yard is completely enclosed and obstructs the view

of the site with at least a six (6) foot solid fence or wall and located not less than three hundred (300) feet from a residential district zone and subject to the following:

- a. The operation shall be conducted completely within the enclosed area. The fence or wall shall be of uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the area. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
  - b. No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosing fence or wall or within public right-of-way.
  - c. Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department and in accordance with State requirements. Said burning, when permitted, shall be done during daylight hours only.
4. Exploration and extraction of oil and natural gas.
  5. Other uses not specifically listed as a permitted or special use, but, which in the opinion of the Board of Zoning Appeals, are in keeping with the spirit and intent of the Rural Center District regulations.

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

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

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

**SECTION 6. YARD REGULATIONS:**

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in Article XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where a lot or tract is located at the intersection of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract.
  - d. No accessory building shall project beyond the front yard line on either street or road.
2. Side Yard: There shall be a side yard on each side of every building or structure which side yard shall not be less than eight (8) feet.
3. Rear Yard: Except as hereinafter provided in the additional height, area, and use regulations of this resolution, there shall be a rear yard having a depth of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet**

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

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

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

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

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

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

1. General farm operations excluding animal husbandry. This shall not include or permit:
  - a. Any activity within three hundred (300) feet of a residence which activity is noxious or offensive by reason of dust, odor, or noise.
2. Single-family non-farm dwellings including residential designed manufactured homes.
3. Foster homes.
4. Group homes.
5. Boarding homes for children.
6. Temporary structures incidental to construction work, but only for the period of work. Basements and cellars may not be occupied for residential purposes until the building is completed.
7. Golf courses, except miniature golf courses or driving tees.
8. Public parks, playgrounds, recreational areas owned and operated by a public agency.
9. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces.
10. The following non-farm uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:
  - a. Accessory buildings on the rear half of non-farm residential building sites used as private storerooms, wood sheds, work shops, laundries, playhouses, greenhouses, poultry or animal shelters, and other similar or related accessory uses; provided, however, that there shall be not more than three (3) buildings allowed in addition to private garages as accessory to any non-farm, single-family residence, subject to limitations specified in “c” below.
  - b. No accessory building shall project beyond the front line of the main building, or be located in any portion of a required front yard.
  - c. Bed and breakfast establishments.
  - d. Raising and care of livestock for show and pleasure.
    - i. The following limitations are applicable to issuance of special use permits “c” above:
    - ii. When an “R - R” District or a portion thereof is reclassified to another more restrictive residential zone, all those uses granted by special use permit for animal shelters or similar related uses in —al above and those uses granted under “b” above shall be completely discontinued within a period of six (6) months from the date of reclassification.

- iii. Uses permitted in “c” above shall not be kept for commercial purposes.
- iv. Livestock permitted in “c” above shall be properly sheltered and proper sanitation shall be maintained at all times.
- v. Livestock cages or pens permitted in “c” above shall not be closer than fifty (50) feet from any residence.
- e. Churches and similar places of worship.
- f. Home Occupations
- g. Hospitals for people on a lot, plot, or tract of land three (3) acres or larger
- h. Nursing home, sanitarium, rest home, homes for the aged, or convalescent home on a lot, plot, or tract of land three (3) acres or larger.
- i. Child care center.
- j. Preschool
- k. Raising of trees, shrubs, and grasses not sold on the premises.
- l. Schools: public or parochial, elementary, junior high and high schools, and private schools with equivalent curriculum.
- m. Cemetery
- n. Any public building erected or land used by any department of the City, County, or State Government..
- o. Electric substations.
- p. Oil and gas exploration.

**SECTION 4. INTENSITY OF USE REGULATIONS:** A lot area of not less than five (5) acres is required

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

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

**SECTION 7. YARD REGULATIONS:**

- 1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot or group of lots has a double frontage, the required front yard shall be provided on both streets.
- 2. Side Yard: Except as hereinafter required in the additional height, area, and use regulations of this Resolution, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of eight (8) feet on each side of the principal building.
- 3. Rear Yard: There shall be a rear yard having a depth of not less than twenty (25) feet. **Bunker Hill – five (5) feet**

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

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



## ***ARTICLE XIV "R – 1" SINGLE-FAMILY DWELLING DISTRICT***

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

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

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

1. Single-family dwellings, including residential design manufactured homes.
2. Foster homes.
3. Group homes.
4. Boarding homes for children.
5. Churches and similar places of worship and parish houses.
6. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
7. Hospitals for people only on a lot, plot, or tract of land three (3) acres or larger.
8. Nursing homes on a lot, plot, or tract of land three (3) acres or larger.
9. Public parks, playgrounds, recreational areas.
10. Raising of crops, trees, shrubs, and grasses not sold on the premises.
11. Schools – public or parochial, elementary, junior high and high schools, and private schools with equivalent curriculum.
12. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces.
13. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
14. General farm operations excluding activities which are noxious or offensive by reasons of dust, odor, or noise.
15. Cemeteries.
16. Any public building erected or land used by any department of the City, County, or State Government.
17. Gorham only -- Childcare centers
18. Gorham only -- Preschools

The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:

1. Bed and breakfast establishments
2. Childcare centers. (Gorham only Permitted under R-1, no special use permit needed)
3. Preschools. (Gorham only Permitted under R-1, no special use permit needed)

4. Home occupations.
5. Electrical substations.
6. Oil and gas exploration.
7. **Bunker Hill only – Enclosed accessory buildings on lots without principal building**

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

1. Where a state approved and acceptable sanitary sewer system is available, a lot area of not less than ten thousand (10,000) square feet is required.
2. Where a state approved sanitary sewer system is not available, a lot area of not less than three (3) acres is required.

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

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

**SECTION 7. YARD REGULATIONS:**

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where a lot is located at the intersection of two (2) or more streets or roads, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this resolution, shall not be reduced to less than thirty-five (35) feet.
  - d. No accessory building shall project beyond the front yard line on either street or road.
2. Side Yard: Except as hereinafter required in the additional height, area, and use regulations of this Resolution, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of six (6) feet on each side of the principal building.
3. Rear Yard: There shall be a rear yard having a depth of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet**

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

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

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

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

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

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

1. Uses permitted by right in the R – 1 District.
2. Two-family (duplex) units and three-family units.
3. Boarding, rooming, and lodging houses.
4. Institutions of higher learning, including dormitory accommodations.
5. Nonprofit institutions of an educational, philanthropic, or eleemosynary nature, but not penal institutions.

The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:

- a. All special uses allowed in the “R - 1” District.

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

1. Where a state approved and acceptable sanitary sewer system is available:
  - a. Single-family dwelling — eight thousand (8,000) square feet.
  - b. Two-family dwelling — three thousand seven hundred fifty (3,750) square feet per family.
  - c. Three-family dwelling — three thousand (3,000) square feet per family.
  - d. Dormitories, lodging houses, nursing homes, and boarding houses — five hundred (500) square feet per person.
  - e. All other uses — eight thousand (8,000) square feet.
2. Where a state approved and acceptable sanitary sewer system is not available, minimum lot size for all uses shall be three (3) acres.

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

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

**SECTION 7. YARD REGULATIONS:**

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets or roads.
  - c. Where a lot is located at the intersection of two (2) or more streets or roads, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Resolution shall not be reduced to less than thirty (30) feet.
  - d. No accessory building shall project beyond the front yard line on either street or road.
2. Side Yard:
  - a. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of eight (8) feet.
  - b. Where more than one principal building is constructed on a tract of land for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi- public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.
3. Rear Yard: There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet**

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

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

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

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

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

**SECTION 3. USE REGULATIONS:**

1. Any use permitted in the “R - 2” Two-Family District.
2. Multiple-Family Dwellings.
3. Private clubs, fraternities, sororities, and lodges, except those where the chief activity is a service, customarily carried on as a business.

The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:

- a. All special uses allowed in the “R - 2” District.

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

1. Where a state approved and acceptable sanitary sewer system is available:
  - a. Single-family dwelling — six thousand (6,000) square feet.
  - b. Two-family dwelling — three thousand seven hundred fifty (3,750) square feet per family.
  - c. Three-family dwelling — three thousand (3,000) square feet per family.
  - d. Multiple-family dwelling — two thousand five hundred (2,500) square feet per family.
  - e. Dormitories, lodging houses, nursing homes, and boarding houses — five hundred (500) square feet per person.
  - f. All other uses — six thousand (6,000) square feet.
2. Where a state approved and acceptable sanitary sewer system is not available, minimum lot size for all uses shall be three (3) acres.
3. Where a single lot of record, as of the effective date of this resolution, as defined in the definitions section of these Resolutions, has less area than that specified for multiple-family dwellings and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this resolution, and have not since been changed, such lot may be used only for single-family dwelling purposes or for any other non-dwelling use permitted in this district provided the structure conforms with other yard and height requirements of this district.

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

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

**SECTION 7. YARD REGULATIONS:**

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
  - c. Where a lot is located at the intersection of two (2) or more streets or roads, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Resolution, shall not be reduced to less than thirty (30) feet.
  - d. No accessory building shall project beyond the front yard line on either street or road.
2. Side Yard:
  - a. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of six (6) feet.
  - b. Where more than one principal building is constructed on a tract for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi-public uses, the spacing between principal buildings shall not be less than the average height of adjacent buildings.
3. Rear Yard: There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet**

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

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

## **ARTICLE XVII “PUD” PLANNED UNIT DEVELOPMENT DISTRICT**

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** The provisions of this Article are intended for application in instances where tracts of land of considerable size are developed, redeveloped, or renewed as integrated and harmonious units, and where the overall design of such units warrants modification of the standards contained elsewhere in this Resolution. To be eligible under this section, the Planned Unit Development must:

1. Reflect compatibility with the comprehensive plan.
2. Be composed of such uses and in such proportions as are appropriate to the integrated function of the development within the context of established county growth patterns.
3. Be so designed in its space allocation, orientation, texture, materials, landscaping, and other features as to produce an environment of stable and desirable character, complementing the design and values of adjacent areas of the county.

**SECTION 2. DISTRICT REGULATIONS:** This district is intended to provide for the most advantageous techniques of land development consistent with the intent and purpose of this Resolution, the Subdivision Regulations, and the Comprehensive Plan. No land or building shall be designed or used for other than one of the uses in SECTION 3 below.

**SECTION 3. USE REGULATIONS:**

1. All private institutional facilities and public uses.
2. All residential units permitted by right or exception in any residential district.
  - a. The gross density of the “PUD” may not exceed fifteen (15) dwelling units per acre.
3. Commercial and office use.
4. Industrial uses.
5. No less than ten (10) percent of the total land area shall remain in vacant open space. For this calculation, parking areas, yards, or developed open spaces may not be used.

**SECTION 4. INTENSITY OF USE REGULATIONS:** The minimum area of a tract of land to be zoned as a “PUD” Planned Unit Development District within a parent district shall be five (5) acres.

**SECTION 5. HEIGHT REGULATIONS:** No building shall exceed forty-five (45) feet in height.

**SECTION 6. YARD REGULATIONS:** Except as may otherwise be permitted, the following shall be the minimum setback requirements:

1. Front Yard:
  - a. The planned development tract shall have a front yard of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where the planned development tract has a double frontage, the required front yard shall be provided on both streets and roads.
  - c. Where a planned development tract is located at the intersection of two (2) or more streets or roads, there shall be a front yard on each street side of the corner lot.
  - d. No accessory building shall project beyond the front yard line on either street or road.

2. Side Yard: Except as hereinafter required in the additional height, area, and use regulations of this Resolution, there shall be a side yard having a width of not less than fifteen (15) feet on each side of the planned development tract.
3. Rear Yard: The planned development tract shall have a rear yard having a depth of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet**
4. Interior Structures: The minimum separation for individual structures within the “PUD” District shall be not less than the average height of adjacent buildings.

**SECTION 7. GENERAL REQUIREMENTS:** Interior lots and general development of the tract may vary according to several site design practices as influenced by existing topography. In general, the following guidelines shall apply:

1. Every single-family structure shall have access to a public street, or if group or courtyard parking is used, each unit shall be provided with an easement. If a public street is not provided in the “PUD”, then it shall be under the control of a homeowners or development association.
2. All open spaces shall be protected by fully recorded covenants running with the land.
3. The street layout for internal roads and connections to county or township roads shall be submitted in the form of road engineering plans.
4. The developer shall provide for water and sewerage facilities for the “PUD”. These shall be submitted as approved written agreements.
5. All “PUD”’s shall form an association to provide for maintenance of common open space facilities and any areas, which are to be held in common by the residents or occupants. All such areas shall be clearly marked on the development plan.
6. If the association created for maintaining open space and other common facilities fails to operate and keep open areas, facilities, or roads in a reasonable condition, the Governing Body shall assess a tax or create a benefit district and perform the proper maintenance.

**SECTION 8. PROCEDURES FOR REVIEW AND APPROVAL:** When a property owner or developer intends to develop a tract of land containing at least the minimum area and involving more than two (2) commercial or industrial establishments, or in the case of a residential area, more than two (2) dwelling units, application may be made for zoning the property to an “PUD” Planned Unit Development District. The zoning change, if approved, shall be an amendment to the official Zoning Map.

An applicant for a change in zoning to “PUD” Planned Unit Development District must satisfy the Planning Commission that he/she has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction.

Such applicant also shall prepare and submit a Preliminary Development Plan for review and approval by the Planning Commission and the Governing Body which shall include:

1. A topographic map showing contours at intervals of two (2) feet.
2. A plot plan showing:
  - a. Building and sign structure locations on the tract.
  - b. Access for streets.
  - c. Parking arrangement and number of spaces.
  - d. Interior drives and service areas.



- e. Area set-aside for public open space.
3. Location map showing the development and zoning of the adjacent property within one thousand (1,000) feet, including the location and the type of buildings and structures thereon and the current ownership thereof.
4. The full legal description of the boundaries of the properties to be included in the area to be zoned "PUD" Planned Unit Development.
5. A map showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the area to be zoned "PUD" Planned Unit Development District.
6. A map showing location of proposed sewer, water, and other utility lines.
7. A description of general character of proposed buildings and any signs to be placed on the site.
8. A construction schedule.

The applicant may further be asked to furnish other information, such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.

The applicant may be asked to submit the tentative financial plan and description of the intended means of financing any proposed common areas of common improvements and statements covering ownership and maintenance of common easements or other common areas, such as open space or recreational facilities.

Within sixty (60) days after the filing of a preliminary application, a public hearing shall be held after proper notice before the Planning Commission.

Following the hearing, but within sixty (60) days, the Planning Commission may either grant approval, modify, or disapprove the preliminary plan.

If the preliminary plan is disapproved, the Planning Commission shall set forth their reasons, in writing, to the applicant.

Upon approval of the Preliminary Development Plan by the Planning Commission, the applicant shall prepare and submit a final Development Plan which shall incorporate any changes or alterations requested. Alterations in the preliminary schedule of construction shall be submitted at this time. The final Development Plan and the Planning Commission's recommendations shall be forwarded to the Governing Body for their review and final action.

All plans and documents shall become a part of the amendment and shall form the basis for issuance of a zoning permit in conformity therewith.

Changes in the Development Plan, which increase the number of dwelling units or establishments, the arrangement of buildings, the number of parking stalls, any increase in the size or number of other improvements, and the alignment of driveways or roadways, shall require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities, and recreation facilities may be approved by the Zoning Administrator without re-submission.

Upon approval of the final plan, the Governing Body shall specify the stages of the “PUD” if any, and the number of building permits to be issued for each stage. The Governing Body shall also place on the record all agreements for performance, covenants, and restrictions.

In the event that, within five (5) years following approval of the final plan by the Governing Body, the applicant does not proceed with construction in accordance with the plan so approved, the Planning Commission shall initiate action to re-zone the property to the original zoning district. A public hearing, as required by law, shall be advertised and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the Governing Body.

## ***ARTICLE XVIII “M – H” MANUFACTURED HOME DISTRICT***

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** It is intended that this district be established to permit manufactured homes on permanent foundations where a lot or a group of lots is owned by the manufactured home owner.

This district is intended to be appended as an overlay to any of the residential districts to provide an opportunity for individual siting and use of manufactured homes for single-family dwellings consistent with the use and density characteristics of the surrounding development.

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

**SECTION 3. USE REGULATIONS:**

1. Manufactured homes (certified) on permanent foundations.
2. Uses and structures permitted under the provisions of the regulations of the parent district, of which this district is made a part.

**SECTION 4. INTENSITY OF USE REGULATIONS:** A manufactured home in an “M - H” District shall be located on a lot which conforms with the minimum lot size requirements of the parent district, of which this district is made a part.

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

**SECTION 6. HEIGHT REGULATIONS:** The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements.

**SECTION 7. YARD REGULATIONS:** The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements.

**SECTION 8. SIGN REGULATIONS:** The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for signs unless otherwise approved by the Planning Commission and the Governing Body.

**SECTION 9. PARKING AND LOADING REGULATIONS:** The parking and loading requirements of the parent district, of which this district is made a part, shall be the minimum requirements unless otherwise prescribed and/or approved by the Planning Commission and the Governing Body.

**SECTION 10. SPECIAL MANUFACTURED HOME REQUIREMENTS:** Manufactured homes sited on individually owned lots shall be subject to the following special requirements:

1. Manufactured homes shall be mounted on a foundation of permanent design.
2. All open space below such manufactured home not completely enclosed by the permanent foundation shall be skirted, blocked, or otherwise screened using solid materials which will assure positive closure.
3. Each manufactured home shall be an independent dwelling unit, connected to all available utilities.
4. Each manufactured home shall be provided with anchors and tie-downs of adequate capacity to provide stability against high winds and adverse weather conditions.
5. Each independent manufactured home shall be sited in such a manner as to preserve the visual character of the neighborhood, which shall include provisions for landscaping and other site improvements as well as off-street parking.
6. Each manufactured home shall display evidence of HUD certification.

**ARTICLE XIX “M – P” MANUFACTURED HOUSING PARK DISTRICT**

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

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

**SECTION 3. USE REGULATIONS:**

1. Independent manufactured homes located on a well-drained concrete slab.
2. Parks and playgrounds.
3. Manufactured housing service buildings, such as coin-operated washers and dryers, for exclusive use of residents of the manufactured home park.
4. Office for manager of the manufactured home park.
5. Storage building for vehicles used to tow manufactured housing units.
6. Storage building for blocks, skirts, pipe, and other material and equipment required to set up a manufactured house.
7. Accessory uses and buildings, including swimming pools, bath houses, patios, etc., for exclusive use of manufactured housing residents.
8. Childcare centers.
9. Foster houses, group homes and boarding houses for children.

**SECTION 4. PARK REQUIREMENTS:**

1. A tract to be used for a manufactured housing park shall be large enough to accommodate twenty-five (25) or more manufactured units.
2. Each manufactured housing park space shall be not less than thirty-five (35) feet wide.
3. Manufactured housing parks shall have a maximum density of eight (8) manufactured units per gross acre, and each space shall have not less than three thousand (3,000) square feet.
4. The manufactured housing park shall be located on a well-drained site properly graded to insure rapid drainage.
5. Manufactured housing parks designed to accommodate fifty (50) or more units shall be located on or near major roads that provide a hard surface (concrete or blacktop).
6. Manufactured housing parks shall provide screening when they abut residential property.
7. Each manufactured housing park having more than ten (10) lots for rent shall reserve an area for child recreation according to the following schedule:

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

25 and over

100 square feet per lot

8. The recreation area shall be located so as to be free from hazards and provided with play equipment.
9. All new manufactured housing parks shall provide a storm shelter for the occupants. All existing manufactured housing parks (at the date of the adoption of this Resolution) are encouraged to provide storm shelters.
10. The manufactured housing shelter shall be approved, after the submission of plans by the applicant, by the Zoning Administrator. The shelter shall be constructed below ground level as a concrete structure and provided with heavy metal doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.
11. Manufactured housing units shall be located so that there is at least a twenty (20) foot clearance between manufactured houses; provided, however, with respect to manufactured houses parked end-to-end, the clearance shall not be less than ten (10) feet. No manufactured housing unit shall be located less than ten (10) feet from the front driveway.
12. No manufactured housing unit shall be located less than twenty-five (25) feet from any property line of the manufactured housing park or from any community building within the park, including any washroom, toilet, laundry facilities, or office.
13. All manufactured housing spaces shall abut on an internal driveway that is not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to twenty-eight (28) feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to thirty-six (36) feet. Such driveways shall have unobstructed access to a public street or highway and shall have, as a minimum, a gravel surface or be paved and well maintained and lighted.
14. Manufactured housing parks containing more than twenty (20) units shall provide each lot with a concrete pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) feet in depth. In parks containing less than twenty (20) units, the parking space may be constructed of crushed rock finished to a depth of eight (8) inches.
15. All roadways and walks within the manufactured housing park shall be hard surfaced or gravel surfaced and provided with night lighting using lamps spaced at intervals of not more than one hundred (100) feet.
16. All electrical distribution systems and telephone service systems to each manufactured housing space, except outlets and risers, shall be underground. Each manufactured housing space shall be provided with a 110-volt and 220-volt service with a minimum 100-ampere individual service outlet.
17. Whenever master television antenna systems are to be installed, the complete plans and specifications for the system must be submitted for approval. Distribution to individual manufactured housing spaces shall be underground and shall terminate adjacent to the electrical outlet.
18. Laundry facilities for the exclusive use of the manufactured housing occupants may be provided in a service building.
19. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured housing spaces within the park. Each manufactured housing space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.
20. All manufactured housing units within the "M - P" District shall be connected to an approved public water supply and an approved sanitary sewer system with at least a four (4) inch sewer connection to each manufactured housing unit. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the manufactured housing drain and the sewer connection. Such individual unit connections shall be so constructed that they can be closed when not linked to a

manufactured housing unit and shall be trapped in such a manner as to maintain them in an odor-free condition.

21. Each manufactured housing unit shall be secured by anchoring the superstructure against uplift, sliding, rotation, and overturning.
22. Outdoor laundry drying space of adequate area and suitable location shall be provided and indicated upon required plan.
23. The owner or operator shall include with the required plan the method of refuse collection and the location of refuse containers.
24. If only independent manufactured housing spaces are to be provided, no service building will be required; however, when such service building is required, it shall comply with the following regulations:
  - a. Be located twenty (20) feet or more from any manufactured housing unit.
  - b. Be adequately lighted.
  - c. Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.
  - d. Provide at least one (1) lavatory, water closet, and shower for each sex; one (1) laundry tray, one (1) floor drain, and hot and cold water.
  - e. Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.
  - f. Have all rooms well ventilated with all openings effectively screened.
25. The Owner or operator shall include with the required plan a budget for financing the proposed improvements.

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

1. The applicant for a manufactured housing park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present ten (10) copies of the plan for review by the Planning Commission. The development plan shall show topography and the location and size of:
  - a. Manufactured housing sites.
  - b. Service buildings.
  - c. Off-street parking areas.
  - d. Electrical outlets.
  - e. Sewer outlets.
  - f. Water outlets.
  - g. Water lines.
  - h. Sewer lines.
  - i. Recreational areas.
  - j. Landscaped areas and walls or fences.
  - k. Roadways.
  - l. Sidewalks.
2. Following a rezoning hearing, as required by law and preliminary approval of the development plan, the Planning Commission shall submit the plan together with a record of the hearing plus its formal recommendations to the Governing Body for final approval.
3. When final approvals have been obtained, the Zoning Administrator shall issue a permit to operate the manufactured housing park.
4. After the effective date of this Resolution, no new manufactured housing park may be operated and

no existing park expanded, except in accordance with these Regulations and under permit from the Zoning Administrator.



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

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

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

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

1. Ambulance service.
2. Bakeries and confectioneries, not wholesale.
3. Banks, trust companies, building and loan associations.
4. Barber shops, beauty shops, other personal service shops.
5. Bed and breakfast establishments
6. Bicycle sales and repair shops.
7. Blueprinting and Photo stating establishments.
8. Book, stationery, and gift stores
9. Bowling alleys.
10. Clothing stores, retail.
11. Drug stores having no curb or parking lot; delivery service of fountain products.
12. Dry cleaning pick-up stations.
13. Fabric or decorator shops.
14. Filling stations not performing major repair services.
15. Finance and loan companies.
16. Florist shop (not including greenhouses).
17. Food sales, retail.
18. Furniture and appliance stores, retail.
19. Hardware stores, retail.
20. Hobby, craft and toy shops, retail.
21. Jewelry and watch repair shops, retail.
22. Laundromats; laundry pick-up stations.
23. Lock and gunsmiths, not including shooting range.
24. Music stores.
25. Offices and agencies.
26. Office equipment and supplies sales and service, retail.
27. Optical services.
28. Package liquor stores.
29. Paint stores, retail.
30. Pharmacy.

31. Photography shops and studios.
32. Public buildings and uses.
33. Radio and television sales and service.
34. Restaurant or cafeteria not including drive-in facilities.
35. Rug and carpet stores, retail.
36. Shoe store and shoe repair, retail.
37. Sporting goods store, retail.
38. Tailors, dressmakers, and milliners, custom service.
39. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and subject to such conditions as the Board may impose:
  - a. Motels, motor hotels.
  - b. Collection and distribution of recyclable items.
  - c. Residences.

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

1. Where the lot will be served by public water and sewer, there shall be no minimum lot size except as may be required to satisfy setback and parking requirements.
2. Where water and sewer service will be provided on the lot, the minimum lot size shall be three (3) acres.

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

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

**SECTION 7. YARD REGULATIONS:**

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets.
  - c. No accessory buildings or structures shall project beyond the setback line of either street.
2. Side Yard and Rear Yard: Where a “B - 1” Zone abuts any residential district zone, a side and/or rear yard of not less than fifteen (15) feet shall be provided. Such side and rear yard shall be completely enclosed with a board fence or other acceptable enclosure which shall be not less than six (6) feet in height. **Bunker Hill – A side yard of not less than fifteen (15) feet shall be provided. A rear yard of not less than five (5) feet shall be provided. All other requirements remain the same as written above.**

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

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

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

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

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

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

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

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

1. All uses permitted in any “B - 1” Neighborhood Business District.
2. Any and all retail sales stores.
3. Beer parlor, tavern, and night club.
4. Books binding.
5. Bus depot, cab depot, and railroad depot.
6. Clinics, but not including the housing or treatment of animals.
7. Parking lots.
8. Sale and show rooms.
9. Schools, business, and/or commercial. (Only Gorham has childcare centers and preschools permitted.)
10. Shops for the repair and servicing of household appliances and electrical equipment and lawn and garden tools powered by not more than twelve (12) horsepower, and which shops have not more than five (5) persons engaged in such repair and servicing. (This paragraph does not authorize the manufacture of any article or product for sale at wholesale or retail.)
11. Telecommunications offices.
12. Theaters, not including drive-ins.
13. Tourist courts, motels, and motor hotels and hotels.
14. Residences on other than the ground floor.
15. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and subject to such conditions as the Board may impose:
  - a. Collection and distribution of recyclable items.
  - b. Residences.
  - c. **Bunker Hill only – Enclosed accessory buildings on lots without principal building**

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

1. Where the lot will be provided with public water and sewer service, there shall be no requirements except those to meet fire regulations.
2. Where water and sewer service will be provided on the lot, the minimum lot size shall be three (3) acres.

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

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

**SECTION 7. YARD REGULATIONS:**

1. Front Yard: No front yard is required for any building in the “B - 2” Central Business District.
2. Side Yard: No side yard is required for any building in the “B - 2” Central Business District, except where a lot sides on any residential district in which case there shall be a fifteen (15) foot side yard.
3. Rear Yard: No rear yard is required for any building in the “B - 2” Central Business District, except where a lot abuts on a residential district in which case there shall be a fifteen (15) foot rear yard. **Bunker Hill – where a lot abuts on a residential district, there shall be a five (5) foot rear yard.**

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

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

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

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

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

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

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

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

1. All uses permitted in “B - 2” Districts.
2. Amusement and commercial recreation centers.
3. Auction sales, not including livestock.
4. Automatic parts and machine service.
5. Bait shops.
6. Building materials and products.
7. Catering establishments.
8. Clinics, including animal clinics.
9. Equipment rental.
10. Feed stores, not including milling or grinding of feed.
11. Fertilizer sales, retail.
12. Food and cold storage lockers.
13. Fruit and vegetable markets.
14. Garage, automobile repair.
15. Gasoline and oil filling stations.
16. Jewelry and watch manufacture.
17. Laundries.
18. Lawn and garden services, including greenhouses.
19. Lodge hall.
20. Manufactured home sales.
21. Museum and art galleries, commercial.
22. Pawnbroker, pawn shops.
23. Plumbing shops.
24. Poultry display for retail sales on premises.
25. Printing shops and newspaper plants.
26. Radio and television studios.
27. Restaurants and other eating establishments, including drive-ins.
28. Sign painting not including advertising display manufacture.
29. Theaters, not including drive-ins.
30. Tire capping and re-treading.

31. Undertaking establishments.
32. Used car sales, not including salvage or wrecking of any type.
33. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and subject to such conditions as the Board may impose:
  - a. Welding shop
  - b. Light industrial uses which do not constitute a nuisance by reason of noise, vibration, odor, dust, smoke, gas, or other offensive conditions.
  - c. Residences
  - d. **Bunker Hill – Enclosed accessory buildings on lots without principal building.**

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

1. Where the lot will be served by public water and sewer, the minimum lot size shall be six thousand (6,000) square feet with a minimum width of fifty (50) feet.
2. Where water and sewer service will be provided on the lot, the minimum lot size shall be three (3) acres.

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

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

**SECTION 7. YARD REGULATIONS:**

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets.
  - c. No accessory buildings or structures shall project beyond the setback line of either street.
2. Side Yard: Where a “B - 3” Zone abuts any residential district zone, a side yard of not less than twenty (20) feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure, which shall be not less than six (6) feet in height. **Bunker Hill – A side yard of not less than fifteen (15) feet shall be provided. All other requirements remain the same as written above.**
3. Rear Yard: There shall be a rear yard having a depth of not less than twenty (20) feet. **Bunker Hill – five (5) feet.**

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

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

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

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

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

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

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

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

**SECTION 3. USE REGULATIONS:**

1. Ambulance services.
2. Animal hospitals or clinics.
3. Automobile sales, service, and repair, provided that there is no outside repair or repair storage.
4. Bakery and pastry shops, retail.
5. Bed and breakfast establishments.
6. Boat and recreational vehicle sales and service.
7. Campgrounds.
8. Camp sites and commercial recreation facilities.
9. Car wash.
10. Electrical and telephone substations.
11. Farm implement sales; outdoor display shall be permitted provided that no machinery shall be displayed, parked, or stored in any required yard.
12. Feed and seed stores, including garden and lawn supplies.
13. Florist shops.
14. Grocery stores.
15. Liquor stores.
16. Motels or motor hotels.
17. Parking lots, customer and private.
18. Parks, playgrounds, and community buildings.
19. Restaurants and drive-ins.
20. Self-service laundries and dry-cleaning stores.
21. Service stations.
22. Theaters, including drive-ins
23. Truck sales, service, and repair, provided there is no outside repair or repair storage.
24. Truck terminals.
25. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals:
  - a. Collection and distribution of recyclable items.



- b. Residences.
- c. **Bunker Hill only – Enclosed accessory buildings on lots without principal building**

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

- 1. Where the lot will be served by public water and sewer, the minimum lot size shall be ten thousand (10,000) square feet.
- 2. Where water and sewer service will be provided on the lot, the minimum lot size shall three (3) acres.

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

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

**SECTION 7. YARD REGULATIONS:**

- 1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXXI. **Bunker Hill – Fifteen (15) feet**
  - b. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets.
  - c. No accessory buildings or structures shall project beyond the setback line of either street.
- 2. Side Yard: Where a “B – 4” Zone abuts any residential District Zone, a side yard of not less than fifteen (15) feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure, which shall be not less than six (6) feet in height.
- 3. Rear Yard: There shall be a rear yard having a depth of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet.**

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

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

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

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

## **ARTICLE XXIV “B – 5” ADULT ENTERTAINMENT DISTRICT**

**SECTION 1. INTENT AND PURPOSE OF DISTRICT:** It is the intent and purpose of the “B - 5” Adult Entertainment District to regulate adult entertainment establishments which by their nature are known to produce deleterious effects to adjacent development and serious secondary negative impacts to juveniles, especially where such uses are clustered. Special regulations of such uses is therefore necessary to insure that these and other adverse secondary effects will not impact residential neighborhoods, public and quasi-public institutions or facilities serving the youth of the community.

**SECTION 2. DISTRICT REGULATIONS:** In the “B - 5” District no building shall be used, and no building shall be erected, altered or enlarged which is arranged, intended or designed for other than adult entertainment uses listed in SECTION 3 below.

**SECTION 3. USE REGULATIONS:**

1. Escort agencies.
2. Adult book and/or video stores.
3. Adult entertainment establishments, including bars, cabarets, massage parlors, live theaters, motion picture theaters, and other sexually-oriented entertainment businesses.
4. Adult novelty stores.

**SECTION 4. INTENSITY OF USE REGULATIONS:** All lots and tracts shall have not less than seven thousand (7,000) square feet in area with an average width of not less than fifty (50) feet.

**SECTION 5. HEIGHT REGULATIONS:** No building in a “B - 5” District shall exceed thirty-five (35) feet in height, except as may be otherwise provided by these regulations.

**SECTION 6. YARD REGULATIONS:**

1. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as may be required for arterial streets and collector streets. **Bunker Hill – Fifteen (15) feet**
  - a. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - b. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
2. Side Yard. There shall be a side yard on each side of a building, and no side yard shall be less than ten (10) feet.
3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet**

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

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

**SECTION 9. LANDSCAPING REQUIREMENTS:** See ARTICLE XXIX.

**SECTION 10. TRAFFIC REGULATIONS:** See ARTICLE XXX

**SECTION 11. USE AND LOCATION RESTRICTIONS:**

1. No adult entertainment use, escort agencies, adult book or video store, or adult novelty store shall be conducted in any manner:
  - a. To allow the merchandise or activities of the establishment to be visible from any point outside of the building or structure containing such use.
  - b. That permits the observation of any material depicting, describing or relating to sexual activities from any point outside of the building or structure containing such use.
2. The provisions of Subsections (a.) and (b.) above shall apply to any display, decoration, sign, window or other opening.
3. No adult use as set out in Section 3 above shall be allowed within one thousand (1,000) feet of another existing adult use.
4. No adult use as set out in Section 3 above shall be located within one thousand (1,000) feet of any zoning district which allows residential uses or within one thousand (1,000) feet of any residence.
5. No adult use as set out in Section 3 above shall be located within one thousand (1,000) feet of an existing church or place of worship, day-care facility, park, educational institution, library, museum, community center, playground or swimming pool.
6. For purposes of Subsections 3., 4. and 5. above, measurements shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest point on the property line of the applicant's adult entertainment use to the nearest point on the property line of the church, etc.
7. No more than one such use shall be conducted within any building or structure containing an adult use.
8. No permitted adult oriented business as defined herein shall be operated between the hours of 8:00 p.m. and 8:00 a.m.

## ***ARTICLE XXV "I - 1" LIGHT INDUSTRIAL DISTRICT***

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

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

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

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

**SECTION 3. USE REGULATIONS:**

1. Advertising display manufacture.
2. Agriculture implement fabrication repair.
3. Animal hospitals or clinics.
4. Assembly or repair of electrical and mechanical appliances, instruments, devices, and the like.
5. Auto sales and repair.
6. Bakeries, wholesale.
7. Billboards subject to requirements outlined in ARTICLE XXVII.
8. Book bindery.
9. Bottling works.
10. Building materials and products production, storage, and sales.
11. Business machines and equipment fabrication.
12. Canvas and burlap products manufacture.
13. Carpenter, cabinet, plumbing, or sheet metal shops.
14. Car wash establishments.
15. Carton and container fabrication.
16. Clothing fabrication.
17. Coffin manufacture.
18. Coin operated vending machines, fabrication, repair, and rental.
19. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
20. Distillation of mineral waters and the like.
21. Dog kennels.
22. Dry cleaning and/or laundry plants.
23. Farm implement sales and services.
24. Feed and grain storage and sales, including grain elevators.
25. Fertilizer sales, wholesale.
26. Food processing.
27. Frozen food lockers.
28. Greenhouses and nurseries, retail and wholesale.

29. Hatcheries.
30. Ice manufacture and storage.
31. Laboratories for research and testing.
32. Leather goods manufacture.
33. Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
34. Lumber yards.
35. Machinery sales and storage lots.
36. Metal manufacture or assembly, using plate or sheet metal not requiring stamping or forming, standard parts and structural shapes.
37. Monument sales.
38. Motor freight terminals and warehouses.
39. Motor vehicle and farm implement sales and storage.
40. Public utility and public service uses as follows:
  - a. Public power plant.
  - b. Substations.
  - c. Railroads.
  - d. Support structure, telephone exchanges, telephone transmission buildings, and electrical power plants.
  - e. Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
41. Recycling center
42. Sign printing and manufacturing.
43. Upholstering shops.
44. Vehicle body repair, provided all repair operations are conducted in a closed building, and that all outside storage shall be enclosed by a six (6) foot solid fence.
45. Warehouses.
46. Wholesale merchandise sales and storage.
47. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and subject to such conditions as the Board may impose:
  - a. **Bunker Hill only – Enclosed accessory buildings on lots without principal building.**

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

Where the lot will be served by public water and sewer, the minimum lot size shall be one (1) acre.

1. Where water and sewer service will be provided on the lot, the minimum lot size shall be three (3) acres.

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

**SECTION 6. HEIGHT REGULATIONS:**

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

**SECTION 7. YARD REGULATIONS:**

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial streets and collector streets in ARTICLE XXXI. ~~Bunker Hill – fifteen (15) feet~~
  - b. Where a lot or group of lots has a double frontage, the required front yard shall be provided on both streets.
  - c. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
2. Side Yard: There shall be a side yard of not less than twenty (20) feet. ~~Bunker Hill – fifteen (15) feet~~
3. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet. ~~Bunker Hill – five (5) feet~~

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

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

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

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

## ***ARTICLE XXVI "I - 2" HEAVY INDUSTRIAL DISTRICT***

**SECTION 1. PURPOSE AND INTENT OF DISTRICT:** The "I - 2" Heavy Industrial District is intended to provide for heavy industrial uses not otherwise provided for in the districts established by this Resolution. The intensity of uses permitted in this district makes it desirable that they be located away from residential and commercial uses whenever possible. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

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

**SECTION 3. USE REGULATIONS:**

1. Any use permitted in the "I - 1" District.
2. Blacksmith shops.
3. Contractor's office and equipment storage yard.
4. Manufactured housing production, sales, and storage.
5. Meat processing and packing.
6. Radiator repair shops.
7. Steel fabricators and assembly.
8. Storage yards providing the storage yard is completely enclosed with a six (6) foot fence or wall.
9. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose:
  - a. Heavy industrial uses having the potential for significant environmental hazard, including, but not limited to:
    - (1.) Automobile wrecking yards, junk yards, and scrap processing yards when said yard is completely enclosed with six (6) foot solid fence and no junk or scrap is stored outside the fence or wall and subject to other restrictions imposed by the Board of Zoning Appeals.
    - (2.) Abattoirs (slaughter houses).
    - (3.) Abrasives manufacture.
    - (4.) Acid manufacture.
    - (5.) Ammonia, bleaching powder, or chlorine manufacture.
    - (6.) Asphalt and asphalt products manufacture.
    - (7.) Automobile and truck assembly plants.
    - (8.) Bedding, carpet, and pillow manufacture.
    - (9.) Blacksmith shop.
    - (10.) Boat manufacture.
    - (11.) Brick, tile, clay pipe, and other clay products manufacture.
    - (12.) Cellophane manufacture.
    - (13.) Cement, lime, and plastic and products manufacture.
    - (14.) Charcoal manufacture.

- (15.) Coal and coke yards.
- (16.) Creosote manufacturing and treatment.
- (17.) Disinfectants manufacture.
- (18.) Distillation of bones, coal, petroleum, refuse grain, tar, and wood.
- (19.) Dumps (sanitary landfills).
- (20.) Enamels and paint manufacture.
- (21.) Excelsior and fiber manufacture.
- (22.) Explosives, ammunition, fireworks, or gun powder manufacture.
- (23.) Fat rendering, manufacture of products from fats, oils, animal, or vegetable, by baking.
- (24.) Feed grain and flour processing.
- (25.) Felt manufacture.
- (26.) Fertilizer manufacture.
- (27.) Flammable liquids, manufacture and storage in bulk plant.
- (28.) Garbage and waste incinerators.
- (29.) Grease or tallow manufacture.
- (30.) Insulation material manufacture.
- (31.) Junk yards and auto wrecking.
- (32.) Leather or hide processing.
- (33.) Linseed oil, shellac, or turpentine manufacture or refining.
- (34.) Meat processing and packing.
- (35.) Metals, all type fabrication and manufacture.
- (36.) Millwork, wood products.
- (37.) Mixing plants (permanent), cement, mortar, plaster, and paving materials.
- (38.) Oilcloth and linoleum manufacture.
- (39.) Oxygen manufacture and storage.
- (40.) Paper, pulp, cardboard and building board manufacture.
- (41.) Petroleum refining.
- (42.) Planing or sawmills.
- (43.) Plastics and peroxyene manufacture.
- (44.) Potash works.
- (45.) Pottery, porcelain, and vitreous china manufacture.
- (46.) Poultry dressing, wholesale.
- (47.) Railroad car repair and manufacture.
- (48.) Ready-mix concrete and asphalt mix plants.
- (49.) Recyclable items, storage and processing plants.
- (50.) Rock crushers.
- (51.) Rodenticide, insecticide, or pesticide mixing plants.
- (52.) Rubber products manufacture.
- (53.) Scrap paper or rag storage, sorting, or bailing within enclosed building.
- (54.) Soap, detergent, and working compound manufacture.
- (55.) Soy bean oil manufacture.
- (56.) Stockyard and slaughter houses.
- (57.) Stonecutting, monument manufacture.
- (58.) Stone quarry.



- (59.) Storage of bulk oil, gas, and explosives.
- (60.) Tar and waterproofing materials manufacture.
- (61.) Tire or battery manufacture.
- (62.) Wrecking contractor's yard.
- (63.) Other uses which may be noxious
- (64.) **Bunker Hill only – Enclosed accessory buildings on lots without principal building.**

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

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

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

**SECTION 6. HEIGHT REGULATIONS:**

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

**SECTION 7. YARD REGULATIONS:**

- 1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial streets and collector streets in ARTICLE XXXI. **Bunker Hill – fifteen (15) feet**
  - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
- 2. Side Yard: There shall be a side yard of not less than twenty (20) feet. **Bunker Hill – fifteen (15) feet**
- 3. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet. **Bunker Hill – five (5) feet**

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

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

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

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

## **ARTICLE XXVII SIGN REGULATIONS**

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

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

### **SECTION 2. SIGN DEFINITION**

1. Sign. This term shall mean any outdoor sign structure, display, light, device, notice, bulletin, figure, painting drawing, message, placard, poster, billboard, non-tagged and running vehicle or other platform which is designed, intended or used to advertise or inform, any part of the advertising or informative contents which is visible from any place on the road.
2. On-Premises Sign. This term shall mean a sign that is located on the same premises on which the activity is conducted. Any property on which a sign is placed, that is not integral to the activity, or is separated from the activity by a roadway, highway, common drive or other obstruction, or is at such a distance that the sign is closer to the highway than the activity is not considered on-premises. If the parcel has multiple zoning districts, the sign placement is limited to the zoning district of the associated activity.
3. Off-Premises Sign. This term shall mean a sign that is located off the premises in which the activity is conducted.
4. Billboard. The term billboard shall mean any sign with a surface in excess of forty-five (45) square feet.
5. Face Sign. This term shall mean any sign attached to the face or any exterior wall of a building or structure in such a manner as to be approximately parallel to the plane of such face of a building or structure, and not extending farther than one (1) foot from the face of the building.
6. Ground Sign. Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structures shall be considered ground signs.
7. Illuminated Sign. This term shall include any advertising display which, through electrical or other illumination devices, illuminates characters, letters, figures, or outlines by means of electrical lights or luminous tubes as a part of the sign proper. Moving or flashing signs are not permitted in the County without approval of the County with respect to the non-interference with traffic and safety.
8. Projecting Sign. This term shall mean and include all signs, other than face signs, which are suspended or supported by any building or wall and which projects outward therefrom.
9. Pole Sign. The term pole sign shall mean a sign supported wholly by a pole or poles in the surface which is not a part of a building. Pylon signs shall be considered pole signs.
10. Roof Sign. This term shall mean a sign supported on or over a roof of a building and not projecting over public property.
11. Temporary Sign. This term shall mean and include any sign intended to be displayed for a short period, which period shall be not greater than three (3) months.

**SECTION 3. SIGN SIZE:**

1. Square Footage of signs shall be defined by Zoning District regulations contained below in Article XXVII.

**SECTION 4. SIGN STANDARDS:**

1. Sign Area. Area of signs shall be determined as gross area of the whole sign for printed, constructed, or painted matter and does not include supporting poles or structure. For free standing lettered signs, area shall be measured by drawing an imaginary line a distance one (1) inch from all letters and words, enclosing the complete sign and area calculated as above.
2. Height of Sign. Sign height shall be measured from ground level at the base of or below the sign to the highest element of the sign.
3. Building and Electrical Codes Applicable. All signs must also conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.
4. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any brightly illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11:00 P.M. and 7:00 A.M.
5. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in any residential district. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flash-sign if the lighting changes are limited to the numerals indicating the time and/or temperature.
6. Metal Signs. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of nine (9) feet to ground.
7. Location. No sign shall be permitted to project over the public right-of-way, except with the approval of the Board of Zoning Appeals as a special use.
8. Signs on Trees or Utility Poles. No sign shall be attached to a tree or utility pole whether on public or private property.
9. Scenic and Historic Sites. No billboards may be located nearer than one thousand (1,000) feet from an area that has been established as a Scenic or Historic area.
10. Traffic Safety.
  - a. No sign shall be maintained at any location where, by reason of its position, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic.
  - b. No sign shall be located in any vision triangle as may be required by any applicable subdivision or other regulations, except official traffic signs or other signs mounted eight (8) feet or more above the ground whose supports (not exceeding two) do not exceed twelve (12) inches at the widest dimension and thus do not constitute an obstruction.

**SECTION 5. PERMIT REQUIRED:**

1. Permits. Permits are required for every sign erected or constructed in the County except those specifically exempted by SECTION 5. Application for such signs shall be made on forms provided along with proof of agreement of owner of land, (if not owned by the applicant) to erect the sign.

2. Fees. The Zoning Administrator shall establish and maintain a schedule of fees for permits by type of sign, which fees shall be commensurate with the cost of sign administration.

**SECTION 6. EXEMPTIONS:** The following signs shall be exempt from the provisions of this Article:

1. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
2. Flags or emblems of a government or tribal organization displayed on private property.
3. Signs, not exceeding five (5) square feet in area displayed on private property including but not limited to: signs to identify entrance and exit drives, parking area, one-way drives, rest rooms, freight entrances, and the like.
4. Address numerals and other signs required to be maintained by other laws, rules, or regulations; provided, however, that the content and size of the sign do not exceed such requirements.
5. Scoreboards in athletic fields or stadiums.

**SECTION 7. DISTRICT A – 1 AND “A - 2” REGULATIONS:** Signs shall be permitted in the A – 1 and A – 2 Districts as follows:

1. On-premises Signs:
  - a. Types and number of signs permitted and allowed per lot or tract:
    - i. Face signs. Two (2)
    - ii. Ground signs. Two (2)
    - iii. Pole signs. One (1)
    - iv. Temporary signs (1)
  - b. Additionally, tracts with a permitted home occupation will be allowed one (1) additional sign of any permitted type in this district. (maximum of six (6) square feet.)
  - c. Maximum area of permitted signs:
    - i. Face signs: (maximum of six (6) square feet.)
    - ii. Ground, Pole and Temporary signs: (maximum of thirty two (32) square feet.)
  - d. Maximum Height: fifteen (15) feet.
  - e. Required Setback: None other than following the Sight triangle setback
2. Off –premises Signs:
  - a. Types and number of signs permitted and allowed per lot or tract:
    - i. Billboard
  - b. Maximum area of permitted signs:
    - i. Billboard: two hundred fifty (250) square feet not to exceed one (1) sign per 500ft of road frontage and not to be located within one thousand (1,000) foot of a residential driveway.
  - c. Maximum Height: twenty five (25) feet.
  - d. Required Setback: thirty (30) feet.
3. Illumination: No sign shall be illuminated except for one (1) Face Sign on tracts with a permitted home occupation and the sign shall be indirectly illuminated with incandescent, fluorescent or LED light.

**SECTION 8. DISTRICT “R - C” REGULATIONS:** Signs in the “R - C” District shall be permitted as follows:

1. For tracts classified as Residential in the County Appraiser Records, the following permitting applies:
  - a. On-premises Signs
    - i. Types and number of signs permitted and allowed per lot or tract:
      1. Face signs. Two (2)
      2. Ground signs. Two (1)
      3. Pole signs. One (1)
      4. Temporary signs (1)
    - ii. Additionally, tracts with a permitted home occupation shall be allowed one (1) additional sign of any permitted type in this district. (maximum six (6) square feet.)
    - iii. Maximum area of permitted signs:
      1. Face signs: six (6) square feet.
      2. Pole signs: thirty-two (32) square feet.
      3. Ground signs: sixteen (16) square feet.
      4. Temporary signs: six (6) square feet.
    - iv. Maximum Height: fifteen (15) feet.
    - v. Required Setback: ten (10) feet from front property line and following the Sight triangle setback
    - vi. Illumination: No sign shall be illuminated except for one (1) Face sign on tracts with a permitted home occupation and the sign shall be indirectly illuminated with incandescent, fluorescent or LED light.
  - b. Off-premises Signs are not allowed.
2. For tracts classified as Commercial in the County Appraiser Records, the following permitting applies:
  - a. Sign Regulations: the following list of signs is permitted in this district.
    - i. On-Premises
      1. Face Sign
      2. Ground Sign
      3. Illuminated Sign
      4. Projecting Sign
      5. Pole Sign
      6. Temporary Sign
    - ii. Off-Premises
      1. Billboard
        - a. Restricted to maximum height of 20 feet and maximum area of one hundred fifty (150 square feet.)
        - b. Number of signs permitted:
    - iii. Face Sign: no limitation
    - iv. Ground signs: one (1) per lot.
    - v. Illuminated sign: Two (2) with maximum square footage of six (6) square feet and two (2) with maximum square footage of thirty two (32) square feet.
    - vi. Projecting sign: no limitation
    - vii. Pole signs: one (1) per lot.
  - b. Maximum area of permitted signs:
    - i. Face Signs shall not cover more than 20 percent of the building fronts facing public

- streets.
- ii. Ground and Pole signs shall not exceed the following in gross area: thirty (30) square feet.
- c. Maximum gross area of all signs, including on premises and off-premises signs, shall not exceed two hundred fifty (250) square feet per tract or lot.
- d. Maximum Height: No sign shall exceed thirty (30) feet in vertical height and shall not extend higher than ten (10) feet above the roof line of the principal structure.
- e. Required Setback: No minimum required.
- f. Illumination: Illuminated signs shall be permitted.
- 3. For tracts classified as Agricultural in the County Appraiser Records, the following permitting applies:
  - a. On-premises Signs
    - i. Types and number of signs permitted and allowed per lot or tract:
      - 1. Face signs. Two (2)
      - 2. Ground signs. Two (2)
      - 3. Pole signs. One (1)
      - 4. Temporary signs (1)
    - ii. Additionally, tracts with a permitted home occupation will be allowed one (1) additional sign of any permitted type in this district. (maximum of six (6) square feet.)
    - iii. Maximum area of permitted signs:
      - 1. Face signs: (maximum of six (6) square feet.)
      - 2. Ground, Pole and Temporary signs: (maximum of thirty two (32) square feet.)
    - iv. Maximum Height: fifteen (15) feet.
    - v. Required Setback: None other than following the Sight triangle setback
- 4. Off –Premises Signs: Are not allowed

**SECTION 9. DISTRICT R – R, R – 1, R – 2, AND R – 3 REGULATIONS:** Signs shall be permitted in residential dwelling district subject to the following:

- 1. On-premises Signs
  - a. Types and number of signs permitted and allowed per lot or tract:
    - i. Face signs. Two (2)
    - ii. Ground signs. Two (1)
    - iii. Pole signs. One (1)
    - iv. Temporary signs (1)
  - b. Additionally, tracts with a permitted home occupation shall be allowed one (1) additional sign of any permitted type in this district. (maximum six (6) square feet.)
  - c. Maximum area of permitted signs:
    - i. Face signs: six (6) square feet.
    - ii. Pole signs: thirty-two (32) square feet.
    - iii. Ground signs: sixteen (16) square feet.
    - iv. Temporary signs: six (6) square feet.
  - d. Maximum Height: fifteen (15) feet.
  - e. Required Setback: ten (10) feet from front property line and following the Sight triangle setback.
  - f. Illumination: No sign shall be illuminated except for one (1) Face sign on tracts with a permitted home occupation and the sign shall be indirectly illuminated with incandescent, fluorescent or LED light.

2. Off-premises Signs are not allowed.

**SECTION 10. DISTRICT B – 1, B – 2, B – 3, B – 4 and “B - 5” REGULATIONS:** Signs in business and commercial districts shall be permitted as follows:

1. Sign Regulations: the following list of signs is permitted in this district.
  - a. On-Premises
    - i. Face Sign
    - ii. Ground Sign
    - iii. Illuminated Sign
    - iv. Projecting Sign
    - v. Pole Sign
    - vi. Temporary Sign
  - b. Off-Premises
    - i. Billboard
2. Number of signs permitted:
  - a. Face Sign: no limitation
  - b. Ground signs: one (1) per lot.
  - c. Illuminated sign: Two (2) with maximum square footage of six (6) square feet and two (2) with maximum square footage of thirty two (32) square feet.
  - d. Projecting sign: no limitation
  - e. Pole signs: one (1) per lot.
3. Maximum area of permitted signs by zoning district:
  - a. Face Signs shall not cover more that 20 percent of the building fronts facing public streets.
  - b. Ground and Pole signs shall not exceed the following in gross area:
    - i. —B – 1 District: thirty (30) square feet.
    - ii. —B – 2 District: fifty (50) square feet.
    - iii. —B – 3 District: one hundred fifty (150) square feet.
    - iv. —B – 4 District: two hundred fifty (250) square feet.
    - v. The following special requirements shall apply in the —B – 5 District:
      1. Advertising and business signs shall have no more than two display surfaces. All such display surfaces shall:
        - a. Not contain any flashing lights.
        - b. Be a flat plane, rectangular shape.
        - c. Not exceed forth-nine square feet in sign area if a wall sign, nor twenty-five square feet if other than a wall sign.
        - d. Not exceed seven feet in height or seven feet in length.
        - e. The maximum gross area of all business signage shall not exceed 125 square feet.
  - c. Maximum gross area of signs other than in the —B – 5 district, shall not exceed two hundred fifty (250) square feet per sign except as otherwise provided.
4. Maximum Height: No sign shall exceed thirty (30) feet in vertical height and shall not extend higher than ten (10) feet above the roof line of the principal structure, except for automobile and truck service station signs in the “B - 4” District which may extend to fifty (50) feet.
5. Required Setback: No minimum required.
6. Illumination: Illuminated signs shall be permitted.

**SECTION 11. DISTRICT I – 1 and I – 2 REGULATIONS:** Signs are permitted in the industrial districts as follows:

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

**SECTION 12. DISTRICT G – 1, “PUD”, and “M - P” REGULATIONS:** Signs shall be permitted in these districts subject to the following:

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

**SECTION 13. REMOVAL OF SIGNS FROM VACANT BUILDINGS:** Signs located on vacant buildings shall be removed by the property owner or his authorized agent within thirty (30) days after said premises are vacated.



**ARTICLE XXVIII PARKING AND LOADING REGULATIONS**

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

**SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS**

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Education Uses, Adult Day Care and Day Care, and Primary Schools	Parking spaces equal to 20% of capacity in students or persons served	2 spaces per structure
Educational Uses, All Other	Parking spaces equal to 40% structure of capacity in students	2 spaces per
Funeral Homes and Chapels	8 spaces per repose room plus 1 space per 4 seats in chapel	2 spaces per
Home Occupations	2 spaces in addition to those required for the dwelling	None
Hospitals	1 space per 2 beds plus 1 per each employee	3 spaces per structure
Hotels	1 space per rental unit	1 space per establishment
Indoor Recreation Centers: Fitness Clubs, Arcades, Skating Rinks, Bingo Parlors, and similar facilities	1 space per 125 square feet of gross floor area	1 space per establishment
Industrial Uses	1 space per 2 employees on largest shift	2 spaces per establishment
Libraries	1 space per 500 square feet of floor area	1 space per structure
Lodging & Boarding Houses	1 space per 2 rental units	None required
Medical Clinics	5 spaces per staff doctor or dentist	None required
Manufactured Home Park	2 spaces per dwelling unit	None required
Motels	1 space per rental unit	None required

**SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS  
(Continued)**

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Offices	1 space per 250 square feet of floor area	None Required
Private Clubs & Lodges	1 space per 200 square feet of gross floor area	1 space per establishment
Residential Structures (Multi-family)	2 spaces per dwelling unit	None required
Residential Structures (Single-Family)	2 spaces per dwelling unit	None required
Retail Sales Establishments	1 space per 200 square feet gross floor area	1 space per establishment
Roadside Stands	4 spaces per establishment	None required
Convalescent & Rest Home Services	1 space per 3 beds, plus 1 space per employee	1 space per establishment
Service Establishments	1 space per 200 square feet gross floor area	1 space per establishment
Theaters, Auditoriums, & Places of Assembly	1 space per 4 people in designed capacity	1 space per establishment
Veterinary Establishments	3 spaces per staff doctor	None required
Wholesaling and Distribution Operations	1 space per 2 employees	2 spaces per establishment

**SECTION 2. LOCATION REQUIREMENTS:**

1. Off-Street Loading and Unloading. In all districts, loading and unloading space shall be provided off-street and on the same premises with the building or part thereof which requires the receipt and distribution of materials or merchandise by motor vehicle. The loading and unloading space shall be so located as to avoid undue interference with public use of streets, alleys, and walkways.
2. Residential. All required spaces shall be located on the same parcel with the residential use and shall not be located in any required front yard area.
3. Business. Required spaces may be located on the same parcel as the commercial use or on an area not more than four hundred fifty (450) feet from the building.
4. Industrial.

- a. Permitted Uses: Required spaces may be located on the same parcel with the permitted industrial use or on an area not more than one thousand (1,000) feet from the parcel.
- b. Special Uses: Required spaces may be located on the same parcel with the special industrial use or on an area not more than one thousand (1,000) feet from the parcel.

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

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

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

## ***ARTICLE XXIX LANDSCAPING REQUIREMENTS***

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

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

***ARTICLE XXX TRAFFIC REGULATIONS***

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

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

**ARTICLE XXXI SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS:** The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in the Resolution.

1. **Accessory Buildings.** Accessory buildings, as regulated herein, are permitted in any district. No detached accessory building hereafter constructed shall occupy a required front yard or be located within ten (10) feet of any dwelling existing or under construction on the building site, except that for a detached garage of which the minimum distance shall be five (5) feet. No single accessory building in a residence district shall occupy more than thirty (30) percent nor shall all such buildings collectively occupy more than forty (40) percent of the required yard spaces in the rear half of the lot. No accessory building shall be located in any required side or front yard.
2. **Accessory Uses.** An accessory use, as regulated herein, is permitted in any district where the principal use to which it is accessory is permitted.
3. **Conversions of Existing Single-family Structures.** The Board of Zoning Appeals may permit the conversion of an existing single-family dwelling in an “R - 2” Two-Family District to provide units for not more than two (2) families, and in an “R - 3” Multiple-Family District to provide dwelling units for not more than four (4) families provided all of the following conditions shall be met:
  - a. The dwelling shall be located on a lot having an area of not less than seven thousand (7,000) square feet, and the principal building on the lot shall have a floor area of not less than twelve hundred (1,200) square feet, exclusive of open porches, and shall occupy not more than one-fourth (1/4) of the ground area of such lot.
  - b. The remodeled dwelling shall provide a lot size of not less than two thousand five hundred (2,500) square feet per family or as required for water and sewer service.
  - c. No exterior remodeling shall be done and no extensions made except as approved by the Board of Zoning Appeals.
  - d. Fire escapes and outside stairways shall conform to established yard requirements.
  - e. No dwelling shall be converted unless, in connection therewith, it is placed in a reasonable state of repair.
  - f. Garage or off-street parking facilities shall be provided.
4. **Multi-family Dwelling Unit Conversion.** Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the requirements of the Subdivision Regulations and to the following:
  - a. An application for such unit conversion shall be filed for review and comment by County staff and the Planning Commission and approval by the Governing Body. Such application shall be accompanied by the following information as a minimum:
    - 1) A plot plan showing site and structure arrangements and proposed re-platting.
    - 2) A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
    - 3) A description of proposed structural and utility alterations to provide for individual services and maintenance.
    - 4) A description of proposed public access patterns, both vehicular and pedestrian.
    - 5) A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or

easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development.

- 6) Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.
  - b. The applicant for unit conversion shall submit with his application a consent agreement signed by seventy-five (75) percent of all owners of property within two hundred (200) feet of the premises whereon the unit conversion is proposed.
  - c. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.
  - d. The Planning Commission and Governing Body shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utility line would require entry into an individually-owned dwelling unit.
  - e. All conversions of two-family or multiple-family structures to individually owned, single-family dwelling units are subject to all applicable County codes, including building permit application and inspection procedures.
  - f. The above procedures and regulations are applicable even where the conversion does not require new construction.
  - g. After reviewing a conversion application against all applicable County codes, the Building Official/Code Enforcement Officer shall report to the Planning Commission and Governing Body all details of non-compliance with County codes.
5. Height Limitations.
- a. In a residence district, a permitted building, other than a dwelling or accessory building as defined herein, may be built to a height of forty (40) feet and to a greater height if the minimum dimensions of the rear yard and each of the side yards exceed the requirement in the district by one (1) foot for each one (1) foot of additional height.
  - b. The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulk heads, other similar features, and necessary mechanical appurtenances usually carried above the roof level.
  - c. Other structures
    - 1) Commercial/Utility Grade Wind Energy Conversion Systems (WEC) are governed by Resolution 08-19. Private non-commercial WEC may be permitting according to subsection entitled "WIND ENERGY CONVERSION SYSTEMS (WECS):"
    - 2) Support structures may be granted by special use permit as outlined in subsection entitled "SUPPORT STRUCTURES:" if allowed in the parent district by special use permit

The provisions of this Resolution shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

6. Lot Coverage. In calculating the percentage of lot coverage or required yards for the purpose of applying the regulations of this Resolution, the features of a structure, as hereafter set forth, shall not be included as coverage nor be considered an infringement into the required yards:
  - a. Unenclosed steps, stairways, landings, and stoops not extending above the ground level.
  - b. Unenclosed surfaced walks and driveways.
  - c. Fence or trestles not exceeding six (6) feet. In residence districts, fences in front yard shall be open.
  - d. Retaining walls not more than eighteen (18) inches higher than the grade of the ground retained.
  - e. Flue or fireplace chimney attached to the main building.
  - f. Bay windows extending not more than eighteen (18) inches from the main building.
  - g. Cornices, canopies, and eaves not extending more than three (3) feet.
  - h. Open fire escape not projecting into a required side yard more than half the width of such yard.
  - i. Fire escapes, solid floor balconies, and enclosed outside stairways projecting to within twelve (12) feet of the rear lot line.
  - j. For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.
7. Fences. Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction of fences:
  - a. No fence shall be constructed which will constitute a traffic hazard, and no fence shall be constructed in a required front yard unless the Zoning Administrator has certified that the proposed fence will not constitute a traffic hazard.
  - b. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
  - c. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight, or hindering ventilation or any fence which shall adversely affect the public health, safety, and welfare.
  - d. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet; provided, however, that the Board of Zoning Appeals may, by exception, authorize the construction of a fence higher than six (6) feet if the Board finds the public welfare is preserved.
  - e. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
8. Building Setback Lines. Building setback lines are hereby established for all arterial and collector streets, as shown on the approved major street plan. The setback lines, as established in this Section, shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience, and economy in the process of development and shall conform with the following requirements:
  - a. Arterial Streets: No building or structure, which fronts or sides on an arterial street, shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus fifty (50) feet. In no case shall setback be less than twenty-five (25) feet from the effective property line.
  - b. Collector Streets: No building or structure, which fronts or sides on a collector street, shall be



located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus forty (40) feet. In no case shall setback be less than twenty-five (25) feet from the effective property line.

- c. Future Major Travelways: No building or structure which fronts or sides on a Future Major Travelway identified in the Future Major Road System Plan of the Russell County Comprehensive Plan shall be located nearer to the centerline of the road than two hundred fifty (250) feet. In no case shall setback be less than twenty-five (25) feet from the effective property line.

In all cases, regardless of road or street classification, building setbacks shall be measured from the certified effective property line whether or not the line marks a dedicated right-of-way or a rural road easement.

9. Canopy and Marquee. A canopy or marquee may be permitted to overhang a public way in Districts "B - 1", "B - 2", and "R - C" providing:
  - a. The canopy or marquee is constructed and maintained in accordance with the City Building Code and other codes, ordinances, and resolutions.
  - b. No portion of the canopy or marquee shall be less than eight (8) feet above the level of the sidewalk or other public way, except as required above.
  - c. The canopy or marquee shall not extend beyond a point two (2) feet inside the curb line of a public street.
10. Temporary Uses. The following temporary uses of land may be allowed by the Governing Body in any zoning district subject to the regulations below and to any special requirements that may be established as conditions for approval:
  - a. Carnival or circus may temporarily be located in any district. Such use need not comply with the front yard requirements; provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two streets.
  - b. Christmas tree sales in any district, except residential, for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.
  - c. Concrete and asphalt batching plants are permitted temporarily in any district when being used as part of a local construction project only.
  - d. Contractors' office and equipment sheds or manufactured homes accessory to a construction project and to continue only during the duration of such project.
  - e. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Structures incidental to such sale need not comply with the applicable front yard requirements.
  - f. Promotional activities of retail merchants involving the display and sale of goods may periodically be displayed outside an enclosed building when the goods are of a type generally sold within the building. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, used appliances, used plumbing, used housewares, used building material, or similar display or sale in any business districts, unless permitted by other sections of these Regulations.
  - g. Periodic conduct of what are commonly called garage or yard sales which do not exceed a period of more than three (3) days at any one sale and no more than three (3) sales at a dwelling during

- any calendar year.
- h. Fireworks may be sold from an outside stand during June and July when all other applicable federal, state, and local regulations have been met and such stand is removed other times of the year unless otherwise specifically permitted by the Governing Body.
  - i. Similar temporary uses which in the opinion of the Governing Body will be compatible with the proposed location subject to any special conditions as may be established.
11. Home Occupations. Home occupations that are customarily incidental to the principal use of a residential building shall be permitted where indicated by the district regulations provided the residential appearance of the building is maintained and no undue traffic or parking problems are created.
- a. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
    - 1) The home occupation shall be conducted entirely within the principal residential building or in a private garage or accessory structure.
    - 2) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling or causes goods to be displayed visibly from the dwelling or on the grounds; provided the latter is not otherwise permitted by other sections of these Regulations.
    - 3) No sign shall be permitted other than one business sign not exceeding four (4) square feet.
    - 4) No more than twenty-five (25) percent of the area of the dwelling shall be devoted to the home occupation; provided, however, that rooms leased to roomers are not subject to this limitation.
    - 5) There shall be no outdoor storage of equipment or materials used in the home occupation.
    - 6) Goods or stock for sale on or off the premises may be stored in enclosed areas except articles which may constitute a hazard to the safety of adjacent property owners.
    - 7) No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors which would exceed that produced by normal household equipment.
    - 8) No more than one person, other than a member of the immediate family occupying such dwelling unit, shall be employed.
    - 9) The following activities are prohibited as home occupations:
      - a. Automobile sales and repair.
      - b. Wholesale or retail sales of merchandise not produced on the premises
      - c. Motorcycle sales and repair.
      - d. Farm machinery sales.
      - e. Sale of salvage.
      - f. Kennels.
      - g. Sale of liquor.
      - h. Sale of cereal malt beverages.
      - i. Sale of food for consumption on the premises.
      - j. Sale of clothing.

12. Number of Principal Structures Per Lot: Where a lot or tract is used for a nonresidential purpose, more than one principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.
13. Site Distance at Intersections: See Sight Triangle definition in Article V.
14. Permitted Obstruction in Required Yards: The following shall not be considered to be obstruction when located in a required yard:
  - a. In all yards: Open terraces not over four (4) feet above the average level of the adjoining ground, but not including a permanent roof over a terrace or porch; awnings or canopies; steps four (4) feet or less above grade which are necessary for access to a permanent structure or for access to a lot or to a lot from a street or alley; one story bay windows and overhanging eaves and gutters projecting thirty-six (36) inches or less into the yard; chimneys projecting thirty-six (36) inches or less into the yard; arbors and trellises; flagpoles; ornamental light and gas fixtures; and permitted signs.
  - b. In any yard except a side yard or a front yard adjoining a street: Permitted accessory uses; recreational and laundry drying equipment; and open and closed fences not exceeding eight (8) feet in height.
  - c. In a side yard or a front yard adjoining a street: Open and closed fences not exceeding eight (8) feet in height; provided that such fence shall not intrude within the required sight distance at intersections.
15. Lots to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
16. Yard Requirements for Open Land. If a lot is or will be occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for such a lot shall be provided and maintained unless some other provision of these Regulations requires or permits a different minimum setback, front, side or rear yard. The front, side, and rear yards shall not be required on lots used for open public recreation areas.
17. Lot Size Requirements and Bulk Regulations for Public Utility Facilities. Notwithstanding any other provision of these Regulations, none of the following public utility or public service uses shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located except as may be determined by the Board of Zoning Appeals where a special use permit is required in certain districts:
  - a. Electrical and telephone substations.
  - b. Gas regulator stations.
  - c. Pumping stations.
  - d. Support structures used for the attachment of signal transmission or signal receiving devices.
  - e. Water towers or standpipes.
18. Sewer and Water Facilities.
  - a. In all districts except agriculture, it is the intention of these Regulations to encourage the installation of public water supplies and sewage disposal systems or to connect to such systems, if available for use, and provide within an economically feasible distance.
  - b. In areas where such public facilities are not yet available and on-site wells, cisterns, and septic tank systems or lagoons are necessary, the suitability of the lot(s) and the standards for installation of such on-site water supply and sewage disposal systems shall be governed by the standards of the Russell County Environmental Sanitation Code.

19. Protection of Sewers and Utility Lines. No building or addition thereto shall be erected over or across any public sewer or utility line nor upon any platted or recorded easement unless permission is granted in writing by the County and the public utility whose lines are involved, if any.
20. Dedication of Rights-of-Way and Easements. The Governing Body, after receiving a recommendation from the Planning Commission, may require the dedication of additional street rights-of-way and/or easements for utilities as a condition related to a change in zoning on a lot due to the increased intensity of use by either requiring that the lot be platted or re-platted according to the Subdivision Regulations of the County or, in lieu of platting by a legal document, making such required dedications to the County.
21. Vacated Rights-of-Way. Whenever any road, street, alley, railroad, or other right-of-way is vacated by official action of the Governing Body, the current zoning district(s) for such right-of-way shall remain in effect after such vacation, unless procedures are initiated to amend the district classification.
22. Moving Structures. No structure shall be moved into the zoning jurisdiction, nor from one location to another location within the zoning jurisdiction, unless such structure shall, when relocated, be made to conform fully with these Regulations and other codes of the zoning jurisdiction. No zoning permit shall be issued unless the general height and outward appearance of such structure conforms to other structures in the immediate area to which it is to be moved and in the area opposite to such an extent that its relocation shall not be detrimental to the appearance or have no substantial adverse effect on property values to the adjacent properties.
23. Location or Replacement of Manufactured Housing. Notwithstanding other provisions of these Regulations, the Zoning Administrator is authorized to issue a zoning permit for a manufactured housing unit under the following provisions:
  - a. Wherever a manufactured housing unit is moved from a lot within a district in which it is a permitted use, another manufactured housing unit may be moved onto the lot. In the case of a nonconforming manufactured housing unit use, such a move must take place within six (6) months from the date that the previous manufactured housing unit was moved off the lot, otherwise such use shall not thereafter be resumed; provided, however, that any nonconforming manufactured housing unit in a floodway overlay boundary of the "F - P" Flood Plain District may not be replaced. In reestablishing such manufactured housing units after such moves, any existing nonconforming lot size requirements or bulk regulations shall not be increased in their nonconformity, and all such manufactured housing shall be skirted or placed on a foundation within sixty (60) days after being moved onto a lot.
  - b. As an accessory use for a watchman (including a family) in all business and industrial districts and on land used for nonagricultural and nonresidential purposes in agricultural districts.
  - c. As an accessory use to a farm dwelling on agricultural land when used by persons employed thereon, including their families. While a zoning permit is required, such permits are exempted from the fee schedule.
  - d. In the event of disasters, such as fires, tornadoes, or floods, whereby expediency is an important factor, a manufactured home may be located in any district at the discretion of the Zoning Administrator with appropriate conditions attached and for a stated period of time.
  - e. As an accessory use to a principal residential building under construction or reconstruction for not more than eighteen (18) months. Such manufactured housing must be removed from the premises at the end of the permitted period or at the end of the construction period, whichever occurs first, unless a renewal of the permit is approved.
  - f. Where an unusual hardship is shown, the Board of Zoning Appeals may approve a special use for a manufactured home to be located on a lot or tract with an existing dwelling for a stated

period of time. A time period may be extended upon request to the Board of Zoning Appeals without further notice or fee.

- g. Temporary placement on land in any district of an unoccupied manufactured home which is in the process of being relocated. An accessory permit for such a purpose shall not be issued for more than a one hundred eighty (180) day period of time.
- h. In no event shall a manufactured home be used for the temporary or permanent storage of goods in any district.

24. Rock Concerts, Blue Grass Concerts and Public Entertainment Events of Similar Nature.

- a. All sponsors of rock concerts, blue grass concerts and public entertainment events of similar nature must obtain a Conditional Temporary Use Permit from the Governing Body. Said application for a Conditional Use Permit must be submitted to the Governing Body at least 60 days prior to the scheduled event. The Governing Body shall rule upon said application within 30 days after it is received at a regularly scheduled meeting or at any conditional meeting called by the Governing Body.
- b. All applications for a Conditional Temporary Use Permit for public entertainment events must be submitted with a \$500 fee which shall be retained by the county and be used to offset any damage or costs that the county may incur as a result of said event. Said fee shall be used to cover the cost of cleaning up the roadways and adjoining property of litter arising out of said event and to offset the cost of any law enforcement expense the county incurs because of said event.
- c. The applicant must further state that a bond in the amount of \$10,000 will be obtained from a surety authorized to conduct business in the State of Kansas, with the county a named beneficiary, to insure that the Governing Body and county will be held harmless for any and all damages or liability arising out of or as a result of said event. Said surety bond must be obtained and proof thereof filed with the County Clerk before the permit shall be issued.
- d. The event sponsors further agree to abide by any and all regulations and statutes pertaining to the sale, possession and consumption of alcohol and cereal malt beverages. Said concert sponsors further must provide adequate crowd and traffic control personnel. Any expense in providing the above must be borne by the sponsors of said event.
- e. Said permit may be issued by the Governing Body, if it determines said event is not harmful or detrimental to the public at large or surrounding property owners and may be issued subject to any and all conditional conditions which the Governing Body may see fit to impose.
- f. Said permit shall be temporary in nature, shall have a designated expiration date, and shall not run with the real estate concerned.
- g. A permit may be granted to a venue or location to cover multiple events for up to a calendar year. Subsequent annual permits are allowable subject to the governing body approval. The governing body reserves the right to terminate the permit subject to 30 days' notice.

25. Wind Energy Conversion Systems (WECS): Private non-commercial wind energy conversion systems (WECS) for individual use by the owner may be permitted subject to the following requirements:

- a. The minimum distance from any lot line to any tower, pole or other support structure of the wind energy conversion system shall be established by the following minimum standards:

<b>Diameter (Feet)</b>	<b>Distance (Feet)</b>
5	100
10	165
15	220
20	270

25	310
30	340
35	365
40	385

Intermediate rotor size distances shall be interpolated from the above values.

- b. The WECS shall not be located in any required yard.
  - c. The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed sixty (60) DBA in a residential zone.
  - d. To limit climbing access to WECS tower, or other support structure, a six (6) foot high fence with locking portal shall be placed around the WECS support or if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the WECS support may be mounted on a rooftop.
  - e. All blades of a WECS shall be constructed of non-metallic substances. If the applicant can prove, in writing form, that no electromagnetic interference will result, a metal content of up to twenty-five (25) percent will be acceptable.
  - f. The WECS shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR stations.
  - g. Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than twenty (20) feet. The height of the WECS shall be measured at the center of the blade diameter.
  - h. Data pertaining to the WECS' safety and structural integrity shall be certified by a licensed engineer and filed with the building permit application. The tower or support and top adapter shall meet the restrictions specified in the County's building code.
  - i. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.
  - j. A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior lot lines.
  - k. The owner shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
  - l. The owner shall certify that the WECS does not violate any covenants of record.
  - m. The applicant shall provide a certificate of liability insurance. Annually the owner/operator shall present evidence to the zoning administrator that the liability insurance is still in effect.
26. Support structures: Support structures or non-Wind Energy Conversion towers exceeding the district's height allowances may be permitted subject to the following requirements:
- a. The minimum distance from any lot or property line to any tower, pole or other support structure shall be the total maximum height of the tower, pole or other support structure plus attached antennas.
  - b. Anchors, guy wires, and other accessory structures may not be located in any required yard.
  - c. Unauthorized access to the support structure, including anchors and guy wires, shall be limited by provision of an immediately surrounding six (6) foot high fence with locking portal. Tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground.
  - d. Support structures shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR stations.
  - e. Information certifying safety and structural integrity of support structures shall be certified by a

- licensed engineer and filed with the permit application.
- f. When located within one thousand (1,000) feet of a residential district, the tract shall be appropriately landscaped to produce a visually pleasing appearance.
  - g. An application for a permit to site a support structure shall be accompanied by the following:
    - 1) A site development plan, including landscape provisions and topographic information.
    - 2) A structural integrity report certified by a licensed engineer Proof from the FAA that the site is ok or that the submitted plan meets their requirements
    - 3) Certificate or approval from the city of Russell indicating that the tower complies with the height and hazards agreement between Russell County and the city of Russell.
    - 4) Proof of ownership or authorization to use the proposed site.
    - 5) Copies of any necessary easements.
    - 6) A certificate of liability insurance.
  - h. The applicant shall also provide such other additional support information as may be determined by the County
27. Commercial Wind Farms. Commercial wind farms may be approved for installation in non-developed areas of the County in the “A - 1” General Agriculture District in accordance with established procedures and requirements. Also see the detailed wind farm regulations of Russell County, Kansas adopted by separate resolution.
28. Screening. Where screening is required, a screening plan for the area shall accompany the application for a zoning compliance certificate. Such plan shall be transmitted to the Zoning Administrator for zoning compliance certificate review and approval prior to the issuance of the certificate.
- a. The screening plan shall be in such detail as to provide enough information to determine if the plan meets applicable criteria. Required screening may consist of landscape plantings, grading and berming, or fencing, or any combination thereof. Unless otherwise specified, all required screening shall provide a minimum of six (6) feet of vertical sight obstruction
  - b. The required screening plan shall show proposed site grading and shall contain the location, type and height of any fence and the location, mature size and the type of any plant materials along with their common and botanical names. The sizing, grading and condition of the plan materials shall be specified according to the American Association of Nurserymen Standards.
  - c. All plant materials shall be healthy and/or fencing in-place prior to issuance of an occupancy permit. A temporary permit may be issued without the landscaping installation; provided, written assurances are given which are satisfactory to the Zoning Administrator that the planting will take place when the proper season arrives; or a guarantee in the form of a corporate security bond, cashier’s check, escrow account or other security be submitted to ensure that such requirements will be met when a determination is made.
29. Storage of Recreational Equipment. Major recreational equipment such as boats, boat trailers, pick-up campers or coaches, camping buses or converted trucks, and tent trailers shall not be stored on a residential lot except behind the front setback line and shall not overhang any sidewalk.
- a. On a corner lot such equipment shall be kept back of the front yard setback lines on both street sides.
  - b. No such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.

**ARTICLE XXXII NONCONFORMING LOTS, BUILDINGS, AND USES**

**SECTION 1. NONCONFORMING USES WHICH MAY BE CONTINUED:**

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

**SECTION 2. NONCONFORMING USES WHICH MAY NOT BE CONTINUED:**

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



**ARTICLE XXXIII ENFORCEMENT, VIOLATION, AND PENALTY**

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

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

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

**SECTION 3. APPLICATION REQUIREMENTS:**

1. Application. Every application for a Certificate of Zoning Compliance shall be accompanied by a drawing, drawn to scale, showing the actual dimensions of the zoning lot in reference to a recorded plat, if any exists, and showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking, loading spaces, signs, building lines in relation to lot lines, the use to be made of such structures, and such other information as may be required by the Zoning Administrator for the proper enforcement of regulations.
2. Issuance. Certificate of Zoning Compliance shall be either issued or refused by the Zoning Administrator within ten (10) days after the receipt of an application thereof or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a certificate of zoning compliance, he shall advise the applicant in writing of the reasons for the refusal.
3. Certificate Revoked. A Certificate of Zoning Compliance issued in accordance with the provisions of these regulations may be revoked by the Zoning Administrator if he finds that, prior to the completion of the structure for which the certificate was issued, there is a departure from the approved plans, specifications, and/or requirements or conditions required under the terms of the certificate, or the same was issued under false representation, or that any other provisions of these Regulations are being violated.
4. Period of Validity. Certificates of Zoning Compliance shall become null and void ninety (90) days after the date on which they are issued unless within said period construction, structural alteration, or moving of a structure is commenced or a use is commenced. If the construction or work is abandoned or suspended for any one hundred eighty (180) day period after such a certificate is issued, the certificate shall expire and a new application must be made. An expired Certificate of Zoning Compliance may be

- reissued without additional fee if the Zoning Administrator finds due cause.
5. Occupancy Permit. Upon proof of satisfactory completion of all construction and development in accordance with approved plans, specifications and special requirements or conditions an occupancy permit will be issued by the Zoning Administrator. No structure or development shall be occupied or placed in use prior to issuance of an occupancy permit.
  6. Fees. Any application for a Certificate of Zoning Compliance, Occupancy Permit, or an appeal, variance, special use permit, or amendment (change in zoning district), shall be accompanied by such fee as shall be officially specified by resolution from time to time by the Governing Body.

**SECTION 4. VIOLATION AND PENALTY:**

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

## ***ARTICLE XXXIV BOARD OF ZONING APPEALS***

**SECTION 1. BOARD OF ZONING APPEALS ESTABLISHED:** A Board of Zoning Appeals is hereby established. Such Board shall consist of not less than three (3) nor more than seven (7) members, all of whom shall be residents of the County, appointed by the Governing Body. None of the members shall hold any other public office of the County except that one member shall be a member of the Planning Commission. In accordance with K.S.A. 12-759(g), the Russell County Planning Commission is hereby appointed to serve as the Russell County Board of Zoning Appeals. The members first appointed shall serve respectively for terms of one (1), two (2), and three (3) years, divided as nearly equally as possible among the members. Thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. All members of said Board shall serve without compensation.

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

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

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

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

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

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

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

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

regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.

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

**SECTION 9. PROCEDURE:**

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

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

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

- e. Granting the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.
- 4. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination appealed from the Zoning Administrator. The Board may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the same powers as the Zoning Administrator from whom the appeal is taken. If the Board approves the variance, they shall notify the Zoning Administrator of their decision and shall instruct him to issue a permit. A time limit may be specified as a condition for granting the appeal.
- 5. Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance, a copy of which shall be filed in the office of the County or City Clerk as appropriate to be available for public inspection.

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

- 1. Exceptions to this Zoning Resolution, as authorized by the district regulations, shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.
- 2. Prior to review of the request of an exception by the Board of Zoning Appeals, the applicant shall:
  - a. File an application on forms provided.
  - b. File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.
  - c. File a form of declaration of restrictions indicating use, which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.
- 3. A site plan shall be filed with the application showing:
  - a. Legal dimension of the tract to be used.
  - b. Location of all proposed improvements including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.
  - c. Grade elevations.
  - d. Building setback from all property lines.
  - e. Perspective drawings of the proposed improvements in such detail as will clearly show the finished appearance of the improvements proposed.
  - f. Location and type of planting, screening, or walls.
  - g. Such other items, as the Board shall deem reasonably necessary to process the application properly.
- 4. In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan and the health, safety, morals, comfort, and general welfare of the public, including, but not limited to, the following factors:
  - a. The stability and integrity of the various zoning districts.
  - b. Conservation of property values.
  - c. Protection against fire and casualties.
  - d. Observation of general police regulations.

- e. Prevention of traffic congestion.
- f. Promotion of traffic safety and the orderly parking of motor vehicles.
- g. Promotion of the safety of individuals and property.
- h. Provision for adequate light and air.
- i. Prevention of overcrowding and excessive intensity of land uses.
- j. Provision for public utilities and schools.
- k. Invasion by inappropriate uses.
  - l. Value, type, and character of existing or authorized improvements and land uses.
  - m. Encouragement of improvements and land uses in keeping with overall planning.
  - n. Provision for orderly and proper urban renewal, development, and growth.
- 5. Exceptions may be granted by the Board of Zoning Appeals only where special use permits are specifically authorized by the district regulations.

**SECTION 12. PERFORMANCE:**

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

## **ARTICLE XXXV AMENDMENTS AND CHANGES**

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

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

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

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

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

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

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

Most Restrictive to Least Restrictive

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

Because of the specialized and unique purposes of the “F - P” Floodplain; G – 1 Recreation; W – P Water Quality Protection; R – C Rural Center; “PUD” Planned Unit Development; M – P Manufactured Housing Park; B – 2 Central Business and B – 5 Adult Entertainment Districts, they are not included in the table of lesser zoning changes and excluded from designation through the lesser change provisions.

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



***ARTICLE XXXVI VALIDITY AND EFFECTIVE DATE***

**SECTION 1. VALIDITY:** If any provisions of these Regulations are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these Regulations, said provisions to be completely severable from the remaining provisions of these regulations, and the remaining provisions of these Regulations shall remain in full force and effect.

**SECTION 2. EFFECTIVE DATE:** These Regulations shall take effect and be in force from and after their adoption by the Governing Body by resolution and publication of such resolution once in the official county newsp

