

A BASIC GUIDE TO ZONING IN RUSSELL COUNTY

WHAT IS ZONING?

Zoning is a set of uniform regulations which govern the height and bulk of buildings, the use of land, and the density of development in an area.

IT'S MY LAND. WHY DO I HAVE TO GET A PERMIT?

Since the 1800's, the courts have held that the state may have an interest in restricting what private property owners may do on/with their land under the Federal Police Powers Act. This act states that to protect the health, safety and welfare of the public at large, certain restrictions may be placed on a private property owner's ability to use his land as he sees fit.

WHAT AREAS ARE GOVERNED BY THE ZONING REGULATIONS?

The Zoning Regulations enforced by Russell County apply in the unincorporated area of Russell County outside the boundaries of any incorporated cities. Land and buildings used exclusively for agriculture are exempt from Russell County Zoning Regulations.

I USE MY PROPERTY ONLY FOR AGRICULTURAL PURPOSES. WHY DO I STILL NEED A PERMIT TO BUILD MY STORAGE BUILDING?

Although agricultural uses are exempt from zoning regulations, we need your permit to notify others (such as the County Appraiser) that you are making changes or additions to your property. If your project is for agricultural use only, the cost of your permit will be waived.

HOW DO I OBTAIN A ZONING PERMIT?

Come to the Zoning office at the Russell County Courthouse to pick up an application. After completing the application, return it to the Zoning office, along with the proper fee. Upon review of your application, you will be notified if your request has been denied or approved.

WHAT ARE SOME OF THE RULES THAT MY PROJECT MUST CONFORM TO IN ORDER TO BE IN COMPLIANCE WITH OUR ZONING REGULATIONS?

Each of the zoning districts has it's own specific set of regulations. In general, they control the height of buildings, depth of setbacks and the minimum amount of acreage required for non-agricultural purposes. At the end of the next page is a table that shows some of the **general** limitations. You should review the specific regulations for the zoning district in which your project will be located. These are available from the zoning office in the Russell County Courthouse.

I NOTICED THAT THE REGULATIONS LIST USES WHICH ARE ALLOWED BY SPECIAL USE PERMIT. WHAT IS A SPECIAL USE?

Russell County Zoning Regulations identify specific uses which may be desirable in the county but which require special consideration and review. These uses may be unique in nature, require larger or smaller land areas than zoning regulations allow, or require greater density than surrounding uses, but may be in the public interest to be permitted in a specific location. These are called "special uses", and require a Special Use Permit.

MY SITUATION IS NOT COVERED BY A SPECIAL USE. WHAT OTHER OPTIONS ARE THERE?

Another option that may apply to your situation could include a zoning variance. A zoning variance is a specific change of a specific rule for a specific piece of property (such as a setback requirement). Applications for Zoning Changes or Special Use Permits are available at the Zoning office in the Russell County Courthouse.

WHAT IF I WANT TO USE MY LAND FOR SOMETHING IT ISN'T ZONED FOR?

You will need to submit an application for a zoning change. If approved, it will change the allowable land use to from one zone to another which will allow the specific and desired use.

WHO WILL APPROVE THE ZONING CHANGE REQUEST?

The Russell County Planning Commission will review your application for a Zoning Change and make a recommendation to the Russell County Commissioners, who will decide if it is to be approved.

WHAT IF MY APPLICATION FOR A ZONING CHANGE IS NOT APPROVED?

You may protest the decision to the District Court within thirty (30) days of the decision, if you wish. If you have additional information which is pertinent to your request, you may also resubmit your application.

WHO APPROVES APPLICATIONS FOR SPECIAL USES AND ZONING VARIANCES?

The Board of Zoning Appeals is the approving authority for special uses and for zoning variances. Approvals are based upon a finding that the proposed use will not adversely affect the general welfare of the surrounding land owners as well as of the county.

WHAT HAPPENS AT THE BOARD OF ZONING APPEALS MEETING?

The Appeals Board will hold a public hearing to consider your request. You or your authorized representative must be present to explain your request. Adjacent property owners and other interested individuals will be allowed to speak at the public hearing. Following the public hearing, the Board will discuss your request and make a determination. If you are dissatisfied with the decision of the Board of Appeals, you will have 30 days to appeal the decision to the District Court, if you wish to do so.

MY NEIGHBOR IS REALLY DOING SOME BAD THINGS WITH HIS OR HER PROPERTY. WHAT CAN I DO?

First, talk to your neighbor. You would be surprised how nice some people can be if they are given a chance to explain their situation and why they are doing something. If that doesn't work you can report a problem to us. If it is something that is controlled by the zoning regulations we will start an investigation. Realize that our goal is not to punish people for unknowingly violating a regulation. Our goal is to assist a citizen to come into compliance. Prosecution is a last resort. We only refer a case to the County Attorney when there is no hope of resolving it at an administrative level. We need a signed letter to initiate a complaint.

IF I MAKE A COMPLAINT, AREN'T THEY GOING TO FIND OUT IT WAS ME THAT COMPLAINED?

We do not release the name of the complainant to anyone other than law enforcement officials that have a need to know. The Kansas Whistleblowers Act protects your name. However, there have been cases where the name of a complaining party was released during court proceedings.

General Limitations by District

District	Maximum Height of Building in Feet[#]		Minimum Yard Requirements in Feet			Minimum Lot Area[#]
	Non-Agricultural	Other	Front Yard ^{***}	Side Yard ^{****}	Rear Yard	
A-1 General Agriculture	35	80**	40	15	40	5 Acres
A-2 Commercial Agriculture	35	80**	40	15	40	3 Acres
G-1 Recreation	35	35	40	15	40	5 Acres
L-P Lake Protection	See regulations	See regulations	40	15	40	3 Acres
R-C Rural Center	35	35	25	8	25	3 Acres [#]
R-R Rural Residential	35	35	25	8	25	10 Acres [#]
R-1 Single Family Dwelling	35	35	25	6	25	10,000 sq. ft. [#]
R-2 Two- and Three-Family	45	45	25	8	25	See regulations
R-3 Multiple Family Dwelling	45	45	25	6	25	See regulations
PUD Planned Unit Development	45	45	25	15	25	See regulations
M-H Manufactured Home	See regulations	See regulations	See regulations	See regulations	See regulations	See regulations
M-P Manufactured Housing Park	See regulations	See regulations	See regulations	See regulations	See regulations	See regulations
B-1 Neighborhood Commercial	45	45	25	15	15	See regulations
B-2 Central Business	See regulations	See regulations	None	None	None	See regulations
B-3 General Commercial	45	45	25	20	20	See regulations
B-4 Highway Service	45	45	25	15	25	See regulations
I-1 Light Industrial	45*/75**	45*/75**	25	20	25	See regulations
I-2 Heavy Industrial	45*/75**	45*/75**	25	20	25	See regulations

* If the building or structure is less than one-hundred fifty feet (150') from a dwelling district zone.

** If the building or structure is more than one-hundred fifty feet (150') from a dwelling district zone.

*** Lots with double frontage must meet front yard requirements on both streets.

**** Side yard shall be provided on each side of lot.

Subject to additional restrictions in certain cases. See regulations for specific information.

HAVE MORE QUESTIONS? PLEASE CALL THE ZONING OFFICE AT (785) 483-6650. We'll be glad to help!