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Baughman Company, P.A.
Wichita, Kansas
# Pawnee County Zoning Regulations

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Cities of Burdett, Garfield and Rozel, Kansas

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These regulations, including the mapping and/or zoning designation records made a part hereof, shall be known and may be cited as the "Zoning Regulations of Pawnee County, Kansas", and shall hereinafter be referred to as "these Regulations." As noted within Article 1-103 herein, these Regulations shall also be applicable within the cities of Burdett, Garfield and Rozel. As such, these Regulations may also be cited as the “Zoning Regulations for Burdett, Garfield or Rozel, Kansas.”

1-102 Purpose

These Regulations are intended to serve the following purposes:

1. To promote the health, safety, morals, comfort and general welfare of the residents of Pawnee County, and the cities of Burdett, Garfield and Rozel, Kansas.

2. To create zoning districts sensitive to the needs of the residents of Pawnee County and the cities of Burdett, Garfield and Rozel, while protecting and enhancing the values of all the residents of Pawnee County, and encouraging as much non-agricultural development as possible to occur within the incorporated cities of the County.

3. To preserve, maintain, and conserve agricultural land within Pawnee County, Kansas.

4. To encourage and promote agricultural development and productivity, and to protect agricultural land from the intrusion of uses which are incompatible, inconsistent, or which otherwise detract from, limit, restrict, or diminish agricultural productivity within Pawnee County, Kansas.

5. To encourage and promote family farms.

6. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.

7. To provide adequate notice on proposed changes in the use of land from one land classification to another, and an opportunity for interested parties to be heard.
ARTICLE 1  TITLE, PURPOSE, DEFINITIONS, DISTRICT AND GENERAL REGULATIONS

8. To facilitate the adequate provisions of transportation, water, sewage, schools, utilities, and other public improvements and services for the benefits of the residents of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas.

9. To inform the public regarding future development in Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, thereby providing a basis for wise decisions with respect to such development.

1-103 Jurisdiction

These Regulations shall apply to all lands within the unincorporated portion of Pawnee County, Kansas, except the area described below, and to all lands within the corporate limits of the cities of Burdett, Garfield and Rozel. These Regulations shall not apply to that portion of the unincorporated territory in Pawnee County surrounding the City of Larned and described as follows:

In Township 21 South, Range 16 West, all of the unincorporated portion of the following sections:

   The SW ¼ of section 14; the NW ¼, SW ¼, and SE ¼ of section 15; all of sections 16, 17, 18, 19, 20, 21 and 22; the NW ¼, SW ¼, and SE ¼ of section 23; all of sections 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35; and the W ½ of section 36.

In Township 21 South, Range 17 West, all of the unincorporated portion of the following sections:

   The SE ¼ of section 13; the SE ¼ of section 23, all of sections 24 and 25; the NE ¼, SW ¼ and SE ¼ of section 26; and all of sections 35 and 36.

In Township 22 South, Range 16 West, all of the unincorporated portion of the following sections:

   All of sections 2, 3, 4, 5, 6, 7, 8, 9 and 10; the NE ¼, NW ¼ and SW ¼ of section 11; the N ½ of section 15; all of sections 16 and 17; and the NE ¼, NW ¼ and SE ¼ of section 18.

In Township 22 South, Range 17 West, all of the unincorporated portion of the following sections:

   All of sections 1 and 2; the NE ¼ of section 11; all of section 12; and the NE ¼ of section 13.

1-104 Definitions

For the purpose of these Regulations, certain terms and words are hereby defined. Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "building" shall include the word "structure"; the word "dwelling" shall include the word "residence"; the word "lot" shall include the word "plot"; the word "person" shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities; the word "shall" is mandatory and not directory while the word "may" is permissive; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for". Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.
1. **ABANDONED VEHICLE**: Any inoperable motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control.

2. **ACCESS**: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

3. **ACCESSORY BUILDING**: A subordinate building or portion of the main building, located on the same lot, the use of which is clearly incidental to that of the main building or to the use of the land on which it is located. Customary accessory buildings include, but are not limited to, garages, carports, garden houses, small storage sheds and children's playhouses. As such, an accessory building may be attached or detached from the main building.

4. **ACCESSORY USE**: A subordinate use which serves an incidental function to that of the principal use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, air conditioners, barbecue grills, fireplaces, and satellite dish antennas.

5. **ADMINISTRATIVE OFFICER**: See Zoning Administrator.

6. **AGRICULTURAL PURPOSES, LAND USED FOR**: The use of a tract of land for the production of plants, animals and/or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; cattle, sheep, poultry, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Land used for agricultural purposes shall not include the following:

   a. Lands which are used for recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.

   b. Lands which are used for suburban residential home sites and yard plots whose primary function is for residential purposes even though such properties may produce or maintain some of the plants or animals listed herein.

   c. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.

   d. The operation of an auction sales yard.

   e. The operation of a junkyard.

   f. The operation or maintenance of a commercial stockyard, feedlot or other confined animal feeding operation.

   g. The operation of a boarding or breeder kennel.

   h. The keeping of exotic birds and/or animals.
ARTICLE 1  TITLE, PURPOSE, DEFINITIONS, DISTRICT AND GENERAL REGULATIONS

i. The operation of a bed and breakfast.

j. The operation of an airport or landing strip.

k. Quarrying or mining activities, even though the reclamation of same may be for water impoundments that support agricultural activities.

7. AIRCRAFT: A weight-carrying structure for navigation of the air that is supported either by its own buoyancy or by the dynamic action of the air against its surfaces. Aircraft includes, but is not limited to, airplanes, helicopters, gliders, ultra-light airplanes, hot-air balloons, and the like.

8. AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tiedown areas, hangars, and other necessary buildings and open spaces.

9. ALLEY: A public or private thoroughfare which provides only a secondary means of access to abutting property.

10. ALTERATION: A change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered as an alteration.

11. AMENDMENT: The process of change or alteration to the Zoning Regulations in one of the following forms:

   a. A comprehensive revision or modification of the zoning text and/or maps.

   b. A text change in the zone requirements.

   c. A change in the maps, i.e., the zoning designation of a particular parcel or parcels. This form is also known as "rezoning."

   d. The approval of a Conditional Use Permit as provided within these Regulations.

12. APARTMENT HOUSE: A building or buildings containing apartments used as a place of residence for five (5) or more families.

13. APPLICANT: The owner of a tract of land, or his duly designated representative, for which an amendment has been requested.

14. AUCTION SALES YARD: A tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise offered on consignment.
15. **BOARD OF ZONING APPEALS:** That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to these Regulations.

16. **BUFFER AREA:** Open and unobstructed ground area of a plot in addition to any required yards or road widenings around the perimeter of any plot.

17. **BUILDABLE WIDTH:** The width of that part of a lot not included within any required open space.

18. **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land, exclusive of fences.

19. **BUILDING HEIGHT:** The vertical distance from the established grade to the highest point on the roof or parapet wall.

20. **BUILDING LINE:** A line, usually fixed parallel to the lot line, beyond which a building cannot extend under the terms of these Regulations. The building line is equivalent to the setback or yard line.

21. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the plot on which said building is situated. In any residential district, any dwelling shall be deemed to be a principal building on the plot on which it is located.

22. **CEMETERY:** Land used for burial and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

23. **CHILD CARE CENTER:** A facility licensed by the State of Kansas to provide for the care of thirteen (13) or more children from two (2) weeks to sixteen (16) years of age, and which is maintained for less than twenty-four (24) hours per day.

24. **CHURCH:** An establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, private schools, child care, assembly rooms, kitchen, recreational facilities and/or library.

25. **CITY:** The governing body of the City of Burdett, Garfield or Rozel, Kansas, or the delegated staff, boards or agencies thereof. City also means the lands within the corporate limits of the City of Burdett, Garfield or Rozel, Kansas.

26. **CITY ENGINEER:** The City Engineer, or such person designated by the Governing Body to provide engineering assistance in administering the provisions of these Regulations governing areas of normal responsibilities assigned to the City Engineer.
27. **CLEAN RUBBLE:** Inert uncontaminated construction and demolition waste which includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock.

28. **CLINIC:** A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.

29. **CLUB:** Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

30. **CLUB, MEMBERSHIP:** Membership clubs, including private clubs, as defined by K.S.A. 41-2601 et seq and succeeding amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.

31. **CLUSTER HOUSING:** The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

32. **COMMON OPEN SPACE:** An area of land, water or combination thereof, planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

33. **COMPREHENSIVE PLAN:** The adopted Comprehensive Plan for Pawnee County or the City of Burdett, Garfield or Rozel, Kansas, and amendments thereto.

34. **CONDITIONAL USE:** A use of any building, structure or parcel of land that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses are allowed only after public notice, hearing, and approval as prescribed in these Regulations and may have special conditions and safeguards attached to assure that the public interest is served.

35. **CONDITIONAL USE PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or establishment of a Conditional Use.

36. **CONDOMINIUM:** A building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. 58-3710 et seq) of the State of Kansas.

37. **CONFINED ANIMAL FEEDING OPERATION:** Any lot, pen, pool and/or pond which is used for the confined feeding of animals or fowl for food, fur or pleasure which is not normally used for raising crops and in which no vegetation intended for animal food is
For purposes of these regulations, a confined animal feeding operation shall be only those operations licensed for a minimum of 1,000 animal units with the Kansas Department of Health and Environment. An animal unit shall be as defined by state statute.

38. **CONSTRUCTION/DEMOLITION LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.

39. **CONSTRUCTION/DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations; but not clean rubble or asbestos.

40. **COUNTY:** The Board of County Commissioners of Pawnee County, Kansas, or its delegated staff, boards or agencies.

41. **COUNTY ATTORNEY:** The County Attorney, or such licensed attorney designated by the County Attorney, responsible for the prosecution of all violations of these Regulations in accordance with the provisions contained herein, and as established by law.

42. **COUNTY COUNSELOR:** The County Counselor, or such licensed attorney designated by the County Counselor or Governing Body, to furnish legal assistance for the administration of these Regulations.

43. **COUNTY ENGINEER:** The County Engineer, or such licensed engineer designated by the County Engineer or Governing Body, to provide engineering assistance in administering these and other Regulations governing areas of normal responsibilities assigned to the County Engineer.

44. **COUNTY HEALTH OFFICER:** The Director of the Pawnee County Health Department, or such person designated to administer the Health Regulations of Pawnee County.

45. **DAY CARE HOME:** A facility licensed by the State of Kansas to provide for the care of not more than ten (10) children under fourteen (14) years of ages, not more than six (6) of whom are under kindergarten age, between the hours of 6:00 a.m. and 9:00 p.m. This term is further construed to include similar units operated under other names.

46. **DENSITY:** The average number of dwelling units per acre of land, expressed in terms of "units per acre." The area is exclusive of public streets or other public dedications. (Example: 30 dwelling units occupying 4 acres of land is 7.5 units per acre.)

47. **DISTANCE:** Horizontal distances unless otherwise designated.

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

49. **DOG:** Any canine specie over six (6) months of age.
ARTICLE 1  TITLE, PURPOSE, DEFINITIONS, DISTRICT AND GENERAL REGULATIONS

50. **DWELLING:** Any building, or portion thereof, designed or used primarily for residential purposes, including residential-design manufactured homes and modular homes.

51. **DWELLING, MULTI-FAMILY:** A building, or portion thereof, arranged, intended or designed for occupancy by two (2), three (3) or four (4) families. As used herein, this may also be referred to as duplex, triplex or quadplex.

52. **DWELLING, SEASONAL:** A residence intended for occasional, but not permanent, occupancy.

53. **DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one family. A residential-design manufactured home shall be considered a single-family dwelling.

54. **DWELLING, TWO-FAMILY:** A building, or portion thereof, arranged, intended or designed for occupancy by two families.

55. **DWELLING UNIT:** A building, or part thereof, containing complete housekeeping facilities for one family.

56. **EASEMENT:** A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.

57. **ESTABLISHED SETBACK:** The average setback on each street on which a lot fronts established by three (3) or more buildings; provided, only those properties that are within the same district and within 300 feet on each side of said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.

58. **EXOTIC BIRDS OR ANIMALS:** Birds or animals not commonly kept domestically or that are not native to Pawnee County and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and bison or North American buffalo shall not be considered as exotic birds or animals.

59. **FAMILY:** One (1) or more persons related by blood or marriage or adoption, living together as a single housekeeping unit plus usual domestic servants; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit.

60. **FAMILY DAY CARE HOME:** A facility licensed by the State of Kansas to provide children under eighteen (18) years of age with food and lodging for less than twenty-four (24) hours per day. This term is further construed to include similar units with different names.

61. **FARMERS MARKET:** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce, or have taken the same on consignment for retail sale.
ARTICLE 1  TITLE, PURPOSE, DEFINITIONS, DISTRICT AND GENERAL REGULATIONS

62. FEED LOT, COMMERCIAL: A livestock feedlot or feedyard as defined by K.S.A. 47-1501 et seq, licensed by and operated under standards set forth by the State of Kansas.

63. FLOOD PLAIN: That area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.

64. FLOOR AREA: The square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

65. FOSTER HOME: A facility licensed by the State of Kansas for the care of four (4) or less persons unrelated to the operator(s).

66. FRONT: The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

67. FRONTAGE:
   a. Street Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
   b. Lot Frontage: The distance for which the front boundary line of the lot and the right-of-way are coincident.

68. GOVERNING BODY: The Board of County Commissioners of Pawnee County, Kansas, or the City Council of the City of Burdett, Garfield or Rozel, Kansas.

69. GROUP HOME: Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas. For purposes of this definition, disability shall mean:
   a. DISABILITY: A condition, with respect to a person, which means:
      1. A physical or mental impairment which substantially limits one or more of such persons major life activities;
      2. A record of having such an impairment; or,
      3. Being regarded as having such an impairment.

Such terms do not include current, illegal use or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).
70. **GROUP DAY CARE HOME:** A facility licensed by the State of Kansas for the care of seven (7) to twelve (12) children under fourteen (14) years of age, and which is maintained for less than twenty-four (24) hours per day.

71. **HAZARDOUS WASTE:** Any waste meeting the definition of K.S.A. 65-3430 and amendments thereto.

72. **HAZARDOUS WASTE DISPOSAL FACILITY:** Any facility which meets the requirements as defined in K.S.A. 65-3430, as amended.

73. **HOME OCCUPATION:** An occupation or business activity which is clearly incidental and secondary to the use of the premises for dwelling.

74. **INDUSTRIAL LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.

75. **INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

76. **INDUSTRIAL SOLID WASTE:** Non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.

77. **INTENSITY:** The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.

78. **JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

79. **JUNKYARD:** An establishment which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a motor vehicle graveyard. This term shall include salvage yards.

80. **KENNEL, BOARDING:** Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.

81. **KENNEL, BREEDER:** Any place, area, lot, building or structure where more than four dogs are kept for any purposes.
ARTICLE 1  TITLE, PURPOSE, DEFINITIONS, DISTRICT AND GENERAL REGULATIONS

82. **LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

83. **LIVESTOCK SALES YARD:** An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

84. **LOT:** A parcel of land occupied or intended for occupancy by a use permitted in these Regulations, including one (1) main building or unit group of buildings together with permitted accessory buildings and required yard areas and parking spaces, having its principal frontage upon a public street. A lot may include one (1) or more platted lots or metes and bounds described tracts, but must be under single ownership and, when more than one (1) parcel, be contiguous.

85. **LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any road right-of-way or road easements.

86. **LOT, CORNER:** A lot abutting upon two or more streets at their intersection.

87. **LOT COVERAGE:** The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof, excluding projecting roof eaves.

88. **LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

89. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

90. **LOT INTERIOR:** A lot whose side line or lines do not abut upon any street.

91. **LOT LINES:** The lines bounding a lot as defined herein.

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

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

94. **LOT, ZONING:** A parcel or tract of land used, developed, or built as a unit under single ownership or control. Said zoning lot may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

95. **MANUFACTURE:** Any method of processing, developing, fabricating or assembling either raw material, semi-finished materials or parts into semi-finished or finished products.
96. **MANUFACTURED HOME:** A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq) promulgated by the U.S. Department of Housing and Urban Development.

97. **MANUFACTURED HOME PARK:** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.

98. **MANUFACTURED HOME, RESIDENTIAL-DESIGN:** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials which are customarily used on site-built homes.

99. **MOBILE HOME:** A transportable, factory-built structure designed to be used as a year-round residential dwelling, built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976, or which fails to meet this standard.

100. **MODULAR HOME:** A dwelling structure located on a permanent foundation and connected to public utilities consisting of preselected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom-built on the site of its permanent location, and also in contradistinction to a manufactured home or a residential-design manufactured home.

101. **MOTOR VEHICLE:** A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.

102. **MOTOR VEHICLE GRAVEYARD:** Any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles within an incorporated city or ten (10) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles in the unincorporated portion of the County. A motor vehicle graveyard shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.

103. **NONCONFORMING BUILDINGS, LAND AND/OR USE:** The use of a building or land which was lawful at the time these Regulations became effective but which, because of
the passage of these Regulations, does not conform to the regulations of the district in which it exists.

104. **NONCONFORMING LOT**: An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.

105. **NURSING OR CONVALESCENT HOME**: An institution or agency licensed by the State for the reception, board, care or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.

106. **OPEN SPACE**: Useable open space designed and intended for use by all residents of a residential area, including publicly dedicated space.

107. **OVERLAY DISTRICT**: A district which acts in conjunction with the underlying zoning district or districts.

108. **OWNER**: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to a tract of land.

109. **PARKING LOT**: An area, other than a private parking area, street or alley, used for parking of motor vehicles and available for public or semi-public use.

110. **PARKING SPACE**: Any area surfaced for all-weather use, including gravel, sand, or comparable materials, used for the purpose of storing one parked motor vehicle.

111. **PERSON**: Any individual, partnership, joint venture, corporation, or other business or legal entity.

112. **PLANNING COMMISSION**: The Joint Planning Commission of Pawnee County, Kansas.

113. **PRESCHOOL**: A facility licensed by the State of Kansas to provide daytime care and instruction for children between the age of thirty (30) months and the age at which the children are eligible to attend kindergarten. This term is further construed to include "Day Nursery School" and other similar uses.

114. **RECREATIONAL EQUIPMENT**: An item which is not used in connection with customary accessory residential uses on a lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hang gliders, ski jets, houseboats, pontoons, and boats over fourteen (14) feet in length which require a trailer for transportation.
ARTICLE 1 TITLE, PURPOSE, DEFINITIONS, DISTRICT AND GENERAL REGULATIONS

115. RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES: Any lot, plot, parcel or tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses, golf driving ranges, miniature golf courses, swimming pools, natatoriums, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, gun clubs, hunting reserves, sporting clay ranges, private shooting ranges, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.

116. RECREATIONAL VEHICLE: A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.

117. RECREATIONAL VEHICLE CAMPGROUND: A lot or tract of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

118. RESIDENTIAL CENTER: A non-secure facility licensed by the State of Kansas providing residential care for more than ten (10) persons unrelated to the operator(s).

119. RESTAURANT: A building wherein food is prepared and sold to the public for human consumption. Restaurant includes, but is not limited to, cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.

120. RIGHT-OF-WAY: A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, or other public utility or service area.

121. SALE, RETAIL: The sale of goods, merchandise and/or commodities to the ultimate consumer.

122. SALE, WHOLESALE: The sale of goods for resale, or the sale of goods produced or processed from raw materials which require bulk delivery of the product.

123. SANITARY LANDFILL: A disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump or pit and which has a solid waste disposal permit issued under K.S.A. 65-3401 et seq., and amendments thereto.

124. SCHOOL: Any building or buildings housing public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

125. SCREENING: Fencing or vegetation maintained for the purpose of concealing from view.
126. **SETBACK:** The distance between a building and the lot line, or road easement line, whichever provides the desired minimum distance.

127. **SIGN:** See Article 25.

128. **SOLID WASTE:** Garbage, refuse and other discarded materials including, but not limited to solid, semisolid, sludge, liquid and contained gaseous waste materials resulting from commercial, agricultural and domestic activities. Such term shall not include hazardous wastes.

129. **STOCKYARD, COMMERCIAL:** A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.

130. **STORY:** That portion of a building, other than a basement, 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.

131. **STORY, HALF:** A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.

132. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.

133. **STRUCTURE:** Anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

134. **TOWNHOUSE:** A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

135. **TRANSFER STATION:** A facility, including land and buildings, used for the handling and processing of solid waste to be bundled, bailed or otherwise packaged for transport to another site for disposal in a solid waste landfill. Transfer station can include material recovery operations, recycling facilities and any other ancillary and/or accessory operation associated with the management of solid waste.

136. **USE:** The specific purpose for which land or a building is used.

137. **USEABLE OPEN SPACE:** Land or water which is free of buildings, structures and/or substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.

138. **VISIBILITY TRIANGLE:** The triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines at points which are thirty (30) feet distant from the point of intersection, measured along said right-of-way lines.
139. **YARD:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

140. **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.

141. **YARD, REAR:** A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line.

142. **YARD, SIDE:** A yard between the side building line and the side line of the lot and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.

143. **ZONE OR DISTRICT:** A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space about buildings are herein established.

144. **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.

**1-105 Districts**

In order to regulate and restrict the use of land and the location of buildings erected or altered for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the unincorporated portion of Pawnee County is hereby divided into districts of which they shall be in number known as:

- "AG" Agricultural District
- "RR" Rural Residential District
- “SR” Suburban Residential District
- "R-1" Single-Family Residential District
- "V-1" Village District
- "FRD" Floodwater Retarding Dam Breach Impact Overlay District

In order to regulate and restrict the use of land and the location of buildings erected or altered for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings,
the cities of Burdett, Garfield and Rozel, Kansas, are hereby divided into districts of which they shall be in number known as:

"R-1A"  Single-Family Residential District  
"R-1B"  Single-Family Residential District  
"R-1C"  Single-Family Residential District  
"RP-2"  Planned Medium Density Residential District  
"CP-O"  Planned Commercial Office District  
"CP-1"  Planned General Commercial District  
"CP-2"  Planned Highway Service Commercial District  
"CP-3"  Planned Central Business District  
"IP-1"  Planned Light Industrial District  
"IP-2"  Planned Medium Industrial District  
"PUD"  Planned Unit Development

The following zoning districts are created to be applied as appropriate within the total jurisdiction of these regulations:

“FP”  Floodplain Overlay District  
“AO”  Airport Overlay District

At the time of initial adoption, all lands within the unincorporated portion of Pawnee County, Kansas, shall be granted zoning consistent with the size of the property as specified within the zoned districts established herein. (i.e. All properties over 40 acres shall be zoned “AG” Agricultural; properties between 10 acres and 40 acres shall be zoned “RR” Rural Residential, etc.) However, certain properties are hereby granted a "Conditional Use" without the benefit of an approved development plan as specified within these Regulations. Those properties granted Conditional Uses shall be those properties which have a legally established land use activity at the time of the adoption of these Regulations and which would require a Conditional Use in order to be established new under the terms of these Regulations. However, said uses granted a Conditional Use upon the initial adoption of these Regulations shall be limited to the intensity of said use consistent with the permitted or authorized limits of any other regulatory permitting authority in existence at the time of the establishment of this rule. (Example: A landowner is operating a cattle feeding operation that would require a Conditional Use under these Regulations if it were proposed new shall be granted a Conditional Use at the time of the adoption of these Regulations, but only to the limits of the operating permits from the Kansas Department of Health and Environment in effect at the time these Regulations were first adopted.) Any subsequent expansion or intensification of operations will require new approval of a Conditional Use Permit approving the expansion or enlargement of operations.

1. Such land, and the district classification thereof, shall be shown on maps, aerial photos, computer records or other documents deemed appropriate by Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, and such maps, aerial photos, computer records or other documents shall be designated as the "Official Zoning Maps of Pawnee County, Kansas." Said Zoning Maps, and all symbols, notations, dimensions, and references shown thereon or contained therein pertaining to the established zoning districts shall be as much a
part of these Regulations as if they were fully described herein, and shall be filed as part of these Regulations with the Zoning Administrator of Pawnee County. Said maps or other documents shall be available for inspection in the office of the Zoning Administrator and any later alterations of these maps or other documents, adopted by amendment as provided by these Regulations, shall be filed and made available for public reference. The above stated maps or other documents shall hereinafter be referred to as the "maps" in these Regulations.

2. When uncertainty exists with respect to the boundaries of the various districts as shown on the maps accompanying and made a part of these Regulations, the following rules shall apply:

   A. In cases where a boundary line is given a position within a street or alley, or navigable or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream; and if the actual location of such street, alley, or stream varies slightly from the location as shown on the maps, then the actual location shall control.

   B. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

   C. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of such right-of-way.

   D. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the maps accompanying and made a part of these Regulations are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the maps or by Resolution of the Governing Body.

   E. In unsubdivided property, unless otherwise indicated, the district boundary line on the maps or other documents and/or records accompanying and made a part of these Regulations shall be determined by the use of the scale contained on such maps.

   F. When a lot held in one ownership on the effective date of these Regulations is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district; unless otherwise indicated on the maps or by Resolution of the Governing Body.

3. Where a district boundary follows a street, alley, watercourse or other right-of-way, in case of the vacation of said street, alley, watercourse or other right-of-way, the abutting zoning classification of each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way. Two districts shall be deemed to adjoin even though separated by a public way or portion thereof.
1-106 General Regulations Governing All Zoning Districts

1. Except as hereinafter provided:
   
   A. Land may be used only for those purposes permitted in the district in which it is located.
   
   B. Building(s) shall be erected, converted, enlarged, reconstructed, moved, structurally altered, or used only for those uses permitted in the district in which the building(s) is located.
   
   C. Building(s) shall be erected, converted, enlarged, reconstructed, moved or structurally altered in conformance with the height, area and bulk regulations herein established for the district in which the building(s) is located.
   
   D. If a use in any structure is hereafter changed to another, then the new use must comply with the use regulations of these Regulations.
   
   E. The minimum yards, parking spaces, open spaces, including lot area per family, required by these Regulations for building(s) existing at the time of the passage of these Regulations, or of any building(s) hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of these Regulations.
   
   F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.
   
   G. Nothing contained in these Regulations shall be deemed to be consent, license or permit to use any property; to locate, construct or maintain any structure or facility; or to carry on any trade, industry, occupation or activity.

2. All lands used for agricultural purposes as defined within these Regulations, including those agricultural activities that are designated as accessory uses to rural residential uses, are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring properties may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants, and users of this property and neighboring properties should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that K.S.A. 2-3201 et seq, the "right-to-farm law", may bar them from obtaining a legal judgment against such normal agricultural operations.
1-107 Vesting of Development Rights

In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for rural residential or suburban residential development in conformance with the definition of said terms in these Regulations shall be protected for use of said land for the intended rural residential or suburban residential purposes for a period of five (5) years from the time in which such property was first platted or subdivided, provided:

   A. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.

   B. Within said five (5) year period actual sales occur resulting in separate owners on the tracts of land.

   C. The division of land was legally done in conformance with the applicable laws of the State of Kansas.

2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot, as defined in these Regulations, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations then in effect.

3. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with these Regulations and the Pawnee County Subdivision Regulations.
Sections:
2-101 Application
2-102 Use Regulations
2-103 Performance Standards
2-104 Parking Regulations
2-105 Off-Street Loading Regulations
2-106 Sign Regulations
2-107 Height, Area and Bulk Regulations
2-108 Supplementary Height, Area and Bulk Regulations
2-109 Supplementary Use Regulations

2-101 Application

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "AG" Agricultural District. This article shall apply to that portion of the lands within the unincorporated portion of Pawnee County, Kansas, as specified within these Regulations.

The purpose of this District is to provide for a full range of agricultural activities by family farms on land used for agricultural purposes, including processing and sale of agricultural products raised on the premises; and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectionable, hazardous, incompatible and unsightly uses. The District is also intended to protect watersheds and water supplies; to protect the use of natural resources in the production of agricultural products and prevent and/or discourage their conversion to other uses not in the interests of the citizens of Pawnee County; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of residential, and/or more dense urban development.

All lands used for agricultural purposes, as defined in these Regulations, are and shall be exempt from any and all restrictions or limitations. No administrative interpretation shall be made that results in any restriction or stipulation on land used for agricultural purposes by family farms as herein defined; provided, however that consistent with state law, new agricultural buildings shall be subject to floodplain regulations and to setback requirements on that part of agricultural lands fronting on designated major roads and highways. Any proposal for change of land used for agricultural purposes by family farms to nonagricultural uses shall be subject to the requirements of these Regulations.

2-102 Use Regulations

In District "AG", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Agricultural uses.

2. Grain storage structures.
3. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.

4. Oil and/or gas well drilling operations, and temporary on-site storage of oil and gas field-related equipment and supplies, but not a junk yard.

5. Single-family dwellings.

6. Group Homes as defined in these Regulations.

7. Manufactured homes, both single-wide and double-wide units, not meeting the requirements of the residential-designed manufactured homes, as defined within these Regulations.

8. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

2-103 Performance Standards

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

2-104 Parking Regulations

The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

2-105 Off-Street Loading Regulations

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

2-106 Sign Regulations

The Sign Regulations are contained in Article 25 of these Regulations.

2-107 Height, Area and Bulk Regulations

In the "AG" Agricultural District, the minimum dimensions of yards required along designated major roads and highways in Pawnee County shall be as follows:

1. **Front Yard:** The depth of the front yard for properties on major roads or highways shall be at least 75 feet.

2. **Side Yard:** For properties on major roads or highways, there shall be a side yard on each side of a dwelling. No side yard shall be less than 50 feet.

3. **Rear Yard:** The depth of the rear yard for properties on major roads or highways shall be at least 50 feet.
4. **Lot Area:** Every lot shall be a minimum of 40 acres. A lot described as a quarter/quarter (i.e. 1/4 of 1/4 of a section) or as a Government Lot from the original government survey shall be deemed to meet the lot size requirements for the "AG" Agricultural District even though said lot may net less than a full 40 acres.

5. **Intensity of Use:** A maximum of two (2) dwellings may be established on each forty (40) acres (i.e. 1/4 of 1/4 of a section or a Government Lot). A minimum of two (2) acres of land with a minimum of 165 feet of lot width must be provided for each dwelling. The dwellings may be located next to one another in the same general location on the twenty acres.

6. **Lot Dimensions:** The minimum width of a lot shall be 660 feet. The minimum depth of a lot shall be 660 feet. There shall not be a lot width to lot depth ratio greater than 1:4 (i.e. the depth of the lot cannot be greater than 4 times the width of the lot). In the event of unusual lot configurations, the Zoning Administrator shall determine whether the lot dimensions meet the spirit and intent of this requirement.

The Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**2-108 Supplementary Height, Area and Bulk Regulations**

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

**2-109 Supplementary Use Regulations**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 3  “RR” RURAL RESIDENTIAL DISTRICT REGULATIONS

Sections:
3-101 Application
3-102 Use Regulations
3-103 Performance Standards
3-104 Parking Regulations
3-105 Off-Street Loading Regulations
3-106 Sign Regulations
3-107 Height, Area and Bulk Regulations
3-108 Supplementary Height, Area and Bulk Regulations
3-109 Supplementary Use Regulations

3-101 Application

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "RR" Rural Residential District. The provisions of this district shall apply to that portion of the unincorporated part of Pawnee County, Kansas, as specified within these Regulations.

The purpose of this District is to provide for the platted rural, low-density residential developments that retain the character of a rural area with very limited residential development. This district is intended to serve as a transition area between agricultural lands and more dense suburban residential development. Hence, it is suitable in rural locations where adequate public roads and public services are available, but it is not suitable in areas predominately agricultural in character where public and/or private services are adequate only to meet the needs of farm residences and farm operations.

The density of any individual proposed development shall be determined by the adequacy of the site to meet the development standards and policies of these and all other Pawnee County rules and regulations; including but not limited to the Subdivision Regulations, Environmental/Sanitary Code, soil suitability classification, and other such factors that will justify and support such proposed density. The burden of proof for a proposed development in the “RR” Rural Residential District shall be on the person proposing the development and the county may require of said person any and all such proof deemed necessary pertaining to the property in question before any approval of the project may be granted.

3-102 Use Regulations

In District "RR," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:


2. Group Homes as defined in these Regulations.

3. Manufactured homes, both single-wide and double-wide units, not meeting the requirements of the residential-designed manufactured homes, as defined within these Regulations.
4. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.

5. Oil and/or gas well drilling operations, and temporary on-site storage of oil and gas field-related equipment and supplies, but not a junk yard.

6. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

3-103 Performance Standards

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

3-104 Parking Regulations

The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

3-105 Off-Street Loading Regulations

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

3-106 Sign Regulations

The Sign Regulations are contained in Article 25 of these Regulations.

3-107 Height, Area and Bulk Regulations

In the "RR" Rural Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per dwelling unit permitted on any lot shall be as follows:

1. **Height**: Nonagricultural buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard**: The depth of the front yard shall be at least 75 feet.

3. **Side Yard**: There shall be a side yard on each side of a dwelling. No side yard shall be less than 50 feet.

4. **Rear Yard**: The depth of the rear yard shall be at least 50 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 330 feet. The minimum depth of a lot shall be 330 feet. There shall not be a lot depth to lot width ratio greater than 3:1 (i.e. the depth of the lot cannot be greater than 3 times the width of the lot). In the event of unusual lot configurations, the Zoning Administrator shall determine whether the lot dimensions meet the spirit and intent of this requirement.

6. **Lot Area Per Dwelling Unit:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 435,600 square feet or ten (10) acres per dwelling unit.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**3-108 Supplementary Height, Area and Bulk Regulations**

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

**3-109 Supplementary Use Regulations**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
Sections:
4-101 Application
4-102 Use Regulations
4-103 Performance Standards
4-104 Parking Regulations
4-105 Off-Street Loading Regulations
4-106 Sign Regulations
4-107 Height, Area and Bulk Regulations
4-108 Supplementary Height, Area and Bulk Regulations
4-109 Supplementary Use Regulations

4-101 Application

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "SR" Suburban Residential District. The provisions of this district shall apply to that portion of the unincorporated part of Pawnee County, Kansas, as specified within these Regulations.

The purpose of this District is to provide for the platted development of residential neighborhoods that promote the characteristics of a rural area at a low-density level of development. This district is designed to be used in those areas where the adequate provision of water and sewage disposal exists or can be provided; and where other infrastructure presently exists or can be demonstrated and proved to the satisfaction of the county. The density of any individual proposed development shall be determined by the adequacy of the site to meet the development standards and policies of these and all other Pawnee County rules and regulations, including but not limited to the Subdivision Regulations, Environmental/Sanitary Code, soil suitability classification, and other such factors that will justify and support such proposed density. The use of contemporary rural subdivision design practices and alternative support services are encouraged for development proposed in this district.

The burden of proof for a proposed development in the “SR” Suburban Residential District shall be on the person proposing the development and the county may require of said person any and all such proof deemed necessary pertaining to the property in question before any approval of the project may be granted.

4-102 Use Regulations

In District "SR," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

2. Group Homes as defined in these Regulations.
3. Manufactured homes, both single-wide and double-wide units, not meeting the requirements of the residential-designed manufactured homes, as defined within these Regulations.
4. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.

5. Oil and/or gas well drilling operations, and temporary on-site storage of oil and gas field-related equipment and supplies, but not a junk yard.

6. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

4-103 Performance Standards

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

4-104 Parking Regulations

The Parking Regulations for permitted uses are contained in Article 23 of this code.

4-105 Off-Street Loading Regulations

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of this code.

4-106 Sign Regulations

The Sign Regulations are contained in Article 25 of this code.

4-107 Height, Area and Bulk Regulations

In the "SR" Suburban Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per dwelling unit permitted on any lot shall be as follows:

1. **Height**: Nonagricultural buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard**: The depth of the front yard shall be at least 50 feet.

3. **Side Yard**: There shall be a side yard on each side of a dwelling. No side yard shall be less than 30 feet.

4. **Rear Yard**: The depth of the rear yard shall be at least 50 feet.

5. **Lot Dimensions**: The minimum width of a lot shall be 165 feet. The minimum depth of a lot shall be 250 feet. There shall not be a lot width to lot depth ratio greater than 3:1 (i.e. the depth of the lot cannot be greater than 3 times the width of the lot). In the event of unusual lot configurations, the Zoning Administrator shall determine whether the lot dimensions meet the spirit and intent of this requirement.
ARTICLE 4   “SR” SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

6. **Lot Area Per Dwelling Unit:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 87,120 square feet or two (2) acres per dwelling unit.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**4-108 Supplementary Height, Area and Bulk Regulations**

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

**4-109 Supplementary Use Regulations**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 5 “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

SECTIONS:
5-101 APPLICATION
5-102 USE REGULATIONS
5-103 PERFORMANCE STANDARDS
5-104 PARKING REGULATIONS
5-105 OFF-STREET LOADING REGULATIONS
5-106 SIGN REGULATIONS
5-107 HEIGHT, AREA AND BULK REGULATIONS
5-108 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
5-109 SUPPLEMENTARY USE REGULATIONS

5-101 APPLICATION
The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "R-1" Single-Family Residential District. The provisions of this district shall apply to that portion of the unincorporated portion of Pawnee County, Kansas, as specified within these Regulations.

The purpose of this District is to provide for platted single-family residential development of a more urban character where public sanitary sewers and water, and other necessary public utilities and services are present to support the development. As such, it is intended to be used only where such public utilities and services are present to serve such development or where such utilities and services are to be provided by the developer as a part of the project, as approved by the Governing Body having jurisdiction. The District is also designed to protect and preserve existing development of a similar character.

5-102 USE REGULATIONS
In District "R-1," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:


2. Group Homes as defined in these Regulations.

3. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.

4. Oil and/or gas well drilling operations, and temporary on-site storage of oil and gas field-related equipment and supplies, but not a junk yard.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.
5-103 PERFORMANCE STANDARDS
The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

5-104 PARKING REGULATIONS
The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

5-105 OFF-STREET LOADING REGULATIONS
The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

5-106 SIGN REGULATIONS
The Sign Regulations are contained in Article 25 of these Regulations.

5-107 HEIGHT, AREA AND BULK REGULATIONS
In the "R-1" Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per dwelling unit permitted on any lot shall be as follows:

1. **Height:** Nonagricultural buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard:** The depth of the front yard shall be at least 30 feet.

3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 15 feet.

4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions:** The minimum width of a lot shall be 100 feet. The minimum depth of a lot shall be 150 feet.

6. **Lot Area Per Dwelling Unit:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 20,000 square feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

5-108 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

5-109 SUPPLEMENTARY USE REGULATIONS
The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
6-101 Application

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "V-1" Village District. This District is designed to encourage the continued existence of small unincorporated "villages" (i.e. townsites platted many years ago and intended to become cities, but which never incorporated or became cities) by placing few restrictions on their use and further residential development. No development of new "villages" is contemplated under these provisions and only fill-in type development of existing "villages" with low intensity uses is intended.

6-102 Use Regulations

In District "V-1," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "R-1" Single-Family Residential District.

2. All other uses, including any proposed commercial and industrial uses, shall require a Conditional Use Permit.

6-103 Performance Standards

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

6-104 Parking Regulations

The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

6-105 Off-Street Loading Regulations

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.
6-106 Sign Regulations

The Sign Regulations are contained in Article 25 of these Regulations.

6-107 Height, Area and Bulk Regulations

In the "V-1" Village District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot shall be as follows:

1. **Height:** Buildings and structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard:** The depth of the front yard shall be at least 25 feet.

3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 5 feet.

4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions:** No minimum lot dimensions are established, however, it is anticipated that every lot shall provide sufficient setbacks as specified herein and still provide adequate building area.

6. **Lot Area:** No minimum lot area is established, however, it is expected that sufficient area will be provided to meet the requirements established herein and provide for the proper provision for safe water and the sanitary disposal of sewage in accordance with the Pawnee County Environmental/Sanitary Code.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

6-108 Supplementary Height, Area and Bulk Regulations

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

6-109 Supplementary Use Regulations

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 7  “R-1A” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

SECTIONS:
7-101 APPLICATION
7-102 USE REGULATIONS
7-103 PERFORMANCE STANDARDS
7-104 PARKING REGULATIONS
7-105 OFF-STREET LOADING REGULATIONS
7-106 SIGN REGULATIONS
7-107 HEIGHT, AREA, AND BULK REGULATIONS
7-108 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
7-109 SUPPLEMENTARY USE REGULATIONS

7-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "R-1A" Single-Family Residential District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

The purpose of this District is to provide for single-family residential development of a moderately spacious character where public utilities are present to support the development. The District is also designed to protect and preserve existing development of a similar character.

7-102 USE REGULATIONS

In District "R-1A" no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:


2. Group Homes, as defined herein.

3. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

4. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, but not for use as a residence; and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period or one year from the time of erection of such temporary buildings, whichever is sooner.

7-103 PERFORMANCE STANDARDS

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.
7-104  PARKING REGULATIONS

The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

7-105  OFF-STREET LOADING REGULATIONS

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

7-106  SIGN REGULATIONS

The Sign Regulations are contained in Article 25 of these Regulations.

7-107  HEIGHT, AREA, AND BULK REGULATIONS

In the "R-1A" Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height**: Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard**: The depth of the front yard shall be at least 25 feet.

3. **Side Yard**: There shall be a side yard on each side of a dwelling. No side yard shall be less than 5 feet.

4. **Rear Yard**: The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions**: The minimum width of a lot shall be 80 feet. The minimum depth of a lot shall be 100 feet.

6. **Lot Area Per Family**: Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 10,000 square feet per family.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

7-108  SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

7-109  SUPPLEMENTARY USE REGULATIONS

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 8 “R-1B” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

SECTIONS:
8-101 APPLICATION
8-102 USE REGULATIONS
8-103 PERFORMANCE STANDARDS
8-104 PARKING REGULATIONS
8-105 OFF-STREET LOADING REGULATIONS
8-106 SIGN REGULATIONS
8-107 HEIGHT, AREA, AND BULK REGULATIONS
8-108 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
8-109 SUPPLEMENTARY USE REGULATIONS

8-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "R-1B" Single-Family Residential District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

The purpose of this District is to provide for single-family residential development of a higher density, serviced by public utilities, and accessible to public infrastructure capable of supporting the development. The District is also designed to protect and preserve existing development of a similar character.

8-102 USE REGULATIONS

In District "R-1B" no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

2. Group Homes, as defined herein.
3. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
4. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, but not for use as a residence; and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period or one year from the time of erection of such temporary buildings, whichever is sooner.

8-103 PERFORMANCE STANDARDS

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.
8-104  **Parking Regulations**

The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

8-105  **Off-Street Loading Regulations**

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

8-106  **Sign Regulations**

The Sign Regulations are contained in Article 25 of these Regulations.

8-107  **Height, Area, and Bulk Regulations**

In the "R-1B" Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard:** The depth of the front yard shall be at least 25 feet.

3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 5 feet.

4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions:** The minimum width of a lot shall be 65 feet. The minimum depth of a lot shall be 100 feet.

6. **Lot Area Per Family:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 7,000 square feet per family.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

8-108  **Supplementary Height, Area and Bulk Regulations**

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

8-109  **Supplementary Use Regulations**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 9  “R-1C” SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

SECTIONS:

9-101 APPLICATION
9-102 USE REGULATIONS
9-103 PERFORMANCE STANDARDS
9-104 PARKING REGULATIONS
9-105 OFF-STREET LOADING REGULATIONS
9-106 SIGN REGULATIONS
9-107 HEIGHT, AREA, AND BULK REGULATIONS
9-108 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
9-109 SUPPLEMENTARY USE REGULATIONS

9-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "R-1C" Single-Family Residential District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

The purpose of this District is to protect and preserve existing single-family development on small lots inside the city. Creation of new developments of densities allowed within this district are prohibited. This district is not to be used except to accommodate existing development.

9-102 USE REGULATIONS

In District "R-1C" no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:


2. Group Homes, as defined herein.

3. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

9-103 PERFORMANCE STANDARDS

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

9-104 PARKING REGULATIONS

The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

9-105 OFF-STREET LOADING REGULATIONS

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.
9-106 **SIGN REGULATIONS**

The Sign Regulations are contained in Article 25 of these Regulations.

9-107 **HEIGHT, AREA, AND BULK REGULATIONS**

In the "R-1C" Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height**: Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard**: The depth of the front yard shall be at least 25 feet.

3. **Side Yard**: There shall be a side yard on each side of a dwelling. No side yard shall be less than 5 feet.

4. **Rear Yard**: The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions**: The minimum width of a lot shall be 40 feet. The minimum depth of a lot shall be 100 feet.

6. **Lot Area Per Family**: Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 5,600 square feet per family.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

9-108 **SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS**

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

9-109 **SUPPLEMENTARY USE REGULATIONS**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 within the cities of Burdett, Garfield and Rozel as specified within these Regulations of these Regulations.
ARTICLE 10 “RP-2” PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT REGULATIONS

SECTIONS:
10-101 APPLICATION
10-102 USE REGULATIONS
10-103 PLAN APPROVAL GUIDELINES
10-104 PERFORMANCE STANDARDS
10-105 PARKING REGULATIONS
10-106 OFF-STREET LOADING REGULATIONS
10-107 SIGN REGULATIONS
10-108 HEIGHT, AREA, AND BULK REGULATIONS
10-109 SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS
10-110 SUPPLEMENTARY USE REGULATIONS

10-101 APPLICATION
The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "RP-2" Planned Medium Density Residential District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

The purpose of this District is to maintain a generally spacious residential environment of existing single-family neighborhoods, and at the same time permit multi-family dwellings within those neighborhoods as in-fill development. Also, it is intended to accommodate new developments of multi-family dwellings adjacent to, or near areas planned for higher density development.

10-102 USE REGULATIONS
In District "R-2," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "R-1A" Single-Family Residential District.
2. Multi-family dwellings.

10-103 PLAN APPROVAL GUIDELINES
The Plan Approval Guidelines for permitted uses are contained in Article 21 of these Regulations.

10-104 PERFORMANCE STANDARDS
The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

10-105 PARKING REGULATIONS
The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

10-106 OFF-STREET LOADING REGULATIONS
The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.
10-107 SIGN REGULATIONS

The Sign Regulations are contained in Article 25 of these Regulations.

10-108 HEIGHT, AREA, AND BULK REGULATIONS

In the "RP-2" Planned Medium Density Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.

2. **Front Yard:** The depth of the front yard shall be at least 25 feet.

3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 5 feet.

4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions:** The minimum width of a lot shall be 65 feet. The minimum depth of a lot shall be 100 feet.

6. **Lot Area Per Family:** Every single-family dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 7,000 square feet per family. Every two-family dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 3,500 square feet per family or 7,000 square feet per building.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

10-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

10-110 SUPPLEMENTARY USE REGULATIONS

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 11 “CP-O” PLANNED COMMERCIAL OFFICE DISTRICT REGULATIONS

SECTIONS:
11-101 APPLICATION
11-102 USE REGULATIONS
11-103 PLAN APPROVAL GUIDELINES
11-104 PERFORMANCE STANDARDS
11-105 PARKING REGULATIONS
11-106 OFF-STREET LOADING REGULATIONS
11-107 SIGN REGULATIONS
11-108 HEIGHT, AREA AND BULK REGULATIONS
11-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
11-110 SUPPLEMENTARY USE REGULATIONS

11-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "CP-O" Planned Commercial Office District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

The purpose of this District is to provide for office and non-retail business developments that provide a service or support a neighborhood or the community. This District is intended to be used to transition, where deemed appropriate, from residential developments to more intensive types of commercial and/or retail business activity.

11-102 USE REGULATIONS

In District "CP-O," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Medical clinics, including supporting laboratories and accessory drug stores, pharmacies and optical shops.

2. Offices and office buildings for the administrative functions of companies, corporations, social or philanthropic organizations or societies, or for professional activities including, but not limited to:
   • Accountants
   • Architects
   • Consultants
   • Doctors
   • Engineers
   • Insurance
   • Lawyers
   • Photographic studios.

4. Radio and television studios, provided no broadcast towers are located on the premises.
5. Savings and loan institutions, credit union offices, and banks, including drive-through facilities.

6. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

**11-103 PLAN APPROVAL GUIDELINES**

The Plan Approval Guidelines for permitted uses are contained in Article 21 of these Regulations.

**11-104 PERFORMANCE STANDARDS**

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

**11-105 PARKING REGULATIONS**

The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

**11-106 OFF-STREET LOADING REGULATIONS**

The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

**11-107 SIGN REGULATIONS**

The Sign Regulations are contained in Article 25 of these Regulations.

**11-108 HEIGHT, AREA AND BULK REGULATIONS**

In the "CP-O" Planned Commercial Office District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height**: Buildings or structures shall not exceed 30 feet and/or 2 stories in height.

2. **Front Yard**: The depth of the front yard shall be at least 25 feet.

3. **Side Yard**: There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.

4. **Rear Yard**: The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions**: The minimum width of a lot shall be at least 65 feet. The minimum depth of a lot shall be at least 100 feet.

6. **Lot Area**: Every building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 7,000 square feet.
The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

11-109  **SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS**

The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

11-110  **SUPPLEMENTARY USE REGULATIONS**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
SECTIONS:
12-101 APPLICATION
12-102 USE REGULATIONS
12-103 PLAN APPROVAL GUIDELINES
12-104 PERFORMANCE STANDARDS
12-105 PARKING REGULATIONS
12-106 OFF-STREET LOADING REGULATIONS
12-107 SIGN REGULATIONS
12-108 HEIGHT, AREA AND BULK REGULATIONS
12-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
12-110 SUPPLEMENTARY USE REGULATIONS

12-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "CP-1" Planned General Commercial District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

The purpose of this District is to provide sufficient space in appropriate locations for most commercial and service activities.

12-102 USE REGULATIONS

In District "CP-1", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "CP-0" Planned Commercial Office District.
2. Auditorium or theater, but no open-air drive-in theaters.
4. Drive-in and drive-through establishments, except as otherwise prohibited herein.
5. Food storage lockers.
6. Hotels, motels, and motor hotels.
7. Lawn and garden supply sales and service, including storage yards.
8. Membership clubs, including private clubs as defined by K.S.A. 41-2601 et seq, and subsequent amendments.
9. Printing, publishing, and engraving firms, including newspaper publishing; provided said operations are principally retail businesses.
10. Reupholstering.

11. Warehousing, not exceeding 20,000 square feet in any single building.

12. All other commercial or retail stores and activities not otherwise prohibited or restricted by these Regulations, including but not limited to, the following:

- Antique shop
- Appliance store and/or repair shops
- Art school, gallery or museum
- Auto supply store
- Building materials sales
- Car wash
- Catering establishment
- Clothing and apparel store
- Curio or gift shop
- Department store
- Drinking establishment
- Dry goods store
- Dyeing and cleaning works
- Furniture store
- General service and repair establishment
- Grocery store or supermarket
- Hardware store
- Lumber yard
- Meat market, including processing facilities
- Motor vehicle sales, service and/or repair
- Painting and/or decorating shop
- Parking lots operated as a business
- Plumbing and heating shop
- Radio and television sales and/or service
- Restaurant
- Sewing machines sales, service and/or instruction
- Sporting goods sales
- Taverns
- Tire sales and service including vulcanizing, but not manufacture
- Toy store
- Used car sales
- Variety store

12-103 PLAN APPROVAL GUIDELINES

The Plan Approval Guidelines for permitted uses are contained in Article 21 of these Regulations.
12-104 PERFORMANCE STANDARDS
The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

12-105 PARKING REGULATIONS
The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

12-106 OFF-STREET LOADING REGULATIONS
The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

12-107 SIGN REGULATIONS
The Sign Regulations are contained in Article 25 of these Regulations.

12-108 HEIGHT, AREA AND BULK REGULATIONS
In the "CP-1" Planned General Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height**: Buildings or structures shall not exceed 35 feet and/or 3 stories in height.

2. **Front Yard**: The depth of the front yard shall be at least 25 feet.

3. **Side Yard**: There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.

4. **Rear Yard**: The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions**: The minimum width of a lot shall be 65 feet. The minimum depth of a lot shall be 100 feet.

6. **Lot Area**: Every building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 7,000 square feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

12-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

12-110 SUPPLEMENTARY USE REGULATIONS
The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 13  “CP-2” PLANNED HIGHWAY SERVICE COMMERCIAL DISTRICT REGULATIONS

SECCTIONS:
13-101 APPLICATION
13-102 USE REGULATIONS
13-103 PLAN APPROVAL GUIDELINES
13-104 PERFORMANCE STANDARDS
13-105 PARKING REGULATIONS
13-106 OFF-STREET LOADING REGULATIONS
13-107 SIGN REGULATIONS
13-108 HEIGHT, AREA AND BULK REGULATIONS
13-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
13-110 SUPPLEMENTARY USE REGULATIONS

13-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "CP-2" Planned Highway Service Commercial District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

The purpose of this District is to provide space in appropriate locations, particularly along the existing major highways, for those uses of a more intensive nature that are clearly commercial in nature, which do not necessarily demand public utility services such as water and sewers, and which often require more land area to function efficiently.

13-102 USE REGULATIONS

In District "CP-2", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, moved or altered, except for one or more of the following uses or similar uses requiring supporting services:

1. Any used permitted in the “CP-1” Planned General Commercial District.

2. New and/or used motor vehicle sales and service, including associated repair services; but not motor vehicle repair services exclusively.

3. Boat sales and service, including storage yard.

4. Farm machinery sales and service, including storage yard.

5. Manufactured home and trailer sales and service, including display yard.

13-103 PLAN APPROVAL GUIDELINES

The Plan Approval Guidelines for permitted uses are contained in Article 21 of these Regulations.

13-104 PERFORMANCE STANDARDS

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.
ARTICLE 13  “CP-2” PLANNED HIGHWAY SERVICE COMMERCIAL DISTRICT REGULATIONS

13-105 PARKING REGULATIONS
The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

13-106 OFF-STREET LOADING REGULATIONS
The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

13-107 SIGN REGULATIONS
The Sign Regulations are contained in Article 25 of these Regulations.

13-108 HEIGHT, AREA AND BULK REGULATIONS
In the "C-2" Highway Service Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 3 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 15 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 150 feet. The minimum depth of a lot shall be 150 feet.
6. **Lot Area:** Every building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 25,000 square feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

13-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

13-110 SUPPLEMENTARY USE REGULATIONS
The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 14  “CP-3” PLANNED CENTRAL BUSINESS DISTRICT REGULATIONS

SECTIONS:
14-101 APPLICATION
14-102 USE REGULATIONS
14-103 PLAN APPROVAL GUIDELINES
14-104 PERFORMANCE STANDARDS
14-105 PARKING REGULATIONS
14-106 OFF-STREET LOADING REGULATIONS
14-107 SIGN REGULATIONS
14-108 HEIGHT, AREA AND BULK REGULATIONS
14-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
14-110 SUPPLEMENTARY USE REGULATIONS

14-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "CP-3" Planned Central Business District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

This District encompasses the shopping and office core of the central business district of the city only. Appropriate uses are the same as for the "CP-1" Planned General Commercial District, but with altered off-street parking and off-street loading requirements in recognition of the practical difficulty of providing off-street parking and loading spaces in the core district, and in recognition of the collective responsibility to provide other parking and loading for the district.

14-102 USE REGULATIONS

In District "CP-3", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "CP-1" Planned General Commercial District.
2. Residential uses.

14-103 PLAN APPROVAL GUIDELINES

The Plan Approval Guidelines for permitted uses are contained in Article 21 of these Regulations.

14-104 PERFORMANCE STANDARDS

The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

14-105 PARKING REGULATIONS

None required.

14-106 OFF-STREET LOADING REGULATIONS

None required.
14-107 SIGN REGULATIONS
The Sign Regulations are contained in Article 25 of these Regulations.

14-108 HEIGHT, AREA AND BULK REGULATIONS
None required.

14-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

14-110 SUPPLEMENTARY USE REGULATIONS
The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 15  “IP-1” PLANNED LIGHT INDUSTRIAL DISTRICT REGULATIONS

SECTIONS:
15-101  APPLICATION
15-102  USE REGULATIONS
15-103  PLAN APPROVAL GUIDELINES
15-104  PERFORMANCE STANDARDS
15-105  PARKING REGULATIONS
15-106  OFF-STREET LOADING REGULATIONS
15-107  SIGN REGULATIONS
15-108  HEIGHT, AREA AND BULK REGULATIONS
15-109  SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
15-110  SUPPLEMENTARY USE REGULATIONS

15-101  APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "IP-1" Planned Light Industrial District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

This District is for locations intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees, and with access by major streets and/or railroads. This district is intended to be established mainly as an Industrial Park and not for use on individual lots or tracts.

15-102  USE REGULATIONS

In District "IP-1," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Manufacturing, processing, fabrication and assembling of any commodity except junk or salvage and except the uses enumerated as permitted in District "I-2".

2. Warehousing, wholesaling and storage of any commodity except junk or salvage and except the uses enumerated as permitted in District "I-2".

3. Dwellings for resident night watchmen and caretakers employed on the premises.

4. Laboratories, research, experimental, or testing.

5. Offices and office buildings.

6. Restaurants and automatic food and beverage vending machines.

7. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
15-103 PLAN APPROVAL GUIDELINES
The Plan Approval Guidelines for permitted uses are contained in Article 21 of these Regulations.

15-104 PERFORMANCE STANDARDS
The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

15-105 PARKING REGULATIONS
The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

15-106 OFF-STREET LOADING REGULATIONS
The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

15-107 SIGN REGULATIONS
The Sign Regulations are contained in Article 25 of these Regulations.

15-108 HEIGHT, AREA AND BULK REGULATIONS
In the "IP-1" Planned Light Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area of any lot shall be as follows:

1. **Height**: Buildings and structures shall not exceed 30 feet and/or 2 stories in height.
2. **Front Yard**: The depth of the front yard shall be at least 30 feet.
3. **Side Yard**: There shall be a side yard on each side of a building. No side yard shall be less than 15 feet.
4. **Rear Yard**: The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions**: None.
6. **Lot Area**: None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

15-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.

15-110 SUPPLEMENTARY USE REGULATIONS
The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 16  "IP-2" PLANNED MEDIUM INDUSTRIAL DISTRICT REGULATIONS

SECTIONS:
16-101 APPLICATION
16-102 USE REGULATIONS
16-103 PLAN APPROVAL GUIDELINES
16-104 PERFORMANCE STANDARDS
16-105 PARKING REGULATIONS
16-106 OFF-STREET LOADING REGULATIONS
16-107 SIGN REGULATIONS
16-108 HEIGHT, AREA AND BULK REGULATIONS
16-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS
16-110 SUPPLEMENTARY USE REGULATIONS

16-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "IP-2" Planned Medium Industrial District. The provisions of this district shall apply only within the cities of Burdett, Garfield and Rozel as specified within these Regulations.

This District provides for industrial operations that are more intensive in nature and, as a result, require more consideration in siting, and greater access to major facilities and services such as highways, railroads, utilities, etc.

16-102 USE REGULATIONS

In District "IP-2," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in "IP-1" Light Industrial District.

2. Book or publishing plants.

3. Bus barns or lots.

4. Cold storage and ice plants.


6. Food and beverage products, canning and preserving, processing and packaging of products.

7. Furniture refinishing.

8. Industrial machinery sales and service.


10. Metal fabrication.
11. Physical processing of chemicals, (i.e., mixing), but not including processing involving chemical reactions.


**16-103 PLAN APPROVAL GUIDELINES**
The Plan Approval Guidelines for permitted uses are contained in Article 21 of these Regulations.

**16-104 PERFORMANCE STANDARDS**
The Performance Standards for permitted uses are contained in Article 22 of these Regulations.

**16-105 PARKING REGULATIONS**
The Parking Regulations for permitted uses are contained in Article 23 of these Regulations.

**16-106 OFF-STREET LOADING REGULATIONS**
The Off-Street Loading Regulations for permitted uses are contained in Article 24 of these Regulations.

**16-107 SIGN REGULATIONS**
The Sign Regulations are contained in Article 25 of these Regulations.

**16-108 HEIGHT, AREA AND BULK REGULATIONS**
In the "IP-2" Planned Medium Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area of any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 30 feet and/or 2 stories in height.

2. **Front Yard:** The depth of the front yard shall be at least 30 feet.

3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 15 feet.

4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

5. **Lot Dimensions:** None.

6. **Lot Area:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 26. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**16-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS**
The Supplementary Height, Area and Bulk Regulations are contained in Article 27 of these Regulations.
16-110 SUPPLEMENTARY USE REGULATIONS

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 28 of these Regulations.
ARTICLE 17  "PUD" PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

SECTIONS:
17-101 APPLICATION
17-102 USE REGULATIONS
17-103 PLAN APPROVAL GUIDELINES
17-104 PERFORMANCE STANDARDS
17-105 PARKING REGULATIONS
17-106 OFF-STREET LOADING REGULATIONS
17-107 SIGN REGULATIONS
17-108 HEIGHT, AREA AND BULK REGULATIONS

17-101 APPLICATION

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "PUD" Planned Unit Development District. The "PUD" Planned Unit Development District is a special purpose zoning district that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots.

2. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities.

3. Promoting quality urban design and environmental sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.

4. Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of these Regulations.

17-102 USE REGULATIONS

Any use may be permitted within the "PUD" Planned Unit Development District, provided that it is consistent with the purposes of these Regulations and consistent with the approved Development Plan of the "PUD".

17-103 PLAN APPROVAL GUIDELINES

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 21 of these Regulations.

17-104 PERFORMANCE STANDARDS

The Performance Standards are contained in Article 22 of these Regulations.

17-105 PARKING REGULATIONS

The parking requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.
**17-106 OFF-STREET LOADING REGULATIONS**

The off-street loading requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.

**17-107 SIGN REGULATIONS**

The sign requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.

**17-108 HEIGHT, AREA AND BULK REGULATIONS**

In the "PUD" Planned Unit Development District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.
ARTICLE 18  "FP" FLOODPLAIN DISTRICT REGULATIONS

SECTION:
18-101 PURPOSE
18-102 FINDINGS OF FACT
18-103 GENERAL PROVISIONS
18-104 BUILDING OR LAND USE PERMIT
18-105 ESTABLISHMENT OF ZONING DISTRICTS
18-106 STANDARDS FOR THE FLOODPLAIN OVERLAY DISTRICTS
18-107 FLOODWAY OVERLAY DISTRICT
18-108 FLOODWAY FRINGE OVERLAY DISTRICT
18-109 CERTIFICATION OF FLOODPROOFING
18-110 NONCONFORMING USE AND RESTORATION
18-111 VARIANCES AND VARIANCE PROCEDURES
18-112 PENALTIES FOR VIOLATION
18-113 DEFINITIONS

18-101 PURPOSE

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize those losses described in Section 18-102 by applying provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause increased flood height beyond 1 foot rise in the 100-year surface elevation or cause increases in water velocities.

2. Require that uses vulnerable to floods, including public facilities which service such uses, be provided with flood protection at the time of initial construction.

3. Provide public information for evaluating land purchases of flood prone ground within the Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, and its extraterritorial jurisdiction.

4. Assure that eligibility is maintained for property owners in Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, and its extraterritorial jurisdiction to purchase flood insurance in the Federal Flood Insurance Program.

18-102 FINDINGS OF FACT

The flood hazard areas of the within the unincorporated portion of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, are subject to inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1. These flood losses are caused by:

   A. The cumulative effect of obstruction in floodways, causing increases in flood heights and velocities.
ARTICLE 18  “FP” FLOODPLAIN DISTRICT REGULATIONS

B. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others and which are inadequately elevated or otherwise protected from flood damages.

2. This Article uses a reasonable method of analyzing flood hazards which consists of a series of inter-related steps, as follows:

A. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for these Regulations is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to these Regulations. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials, as officially published and amended by the Federal Emergency Management Agency.

B. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

C. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

D. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.

E. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

18-103 GENERAL PROVISIONS

1. LAND TO WHICH REGULATIONS APPLY: This Article shall apply to all lands within the unincorporated portion of Pawnee County and within the corporate limits of Burdett, Garfield and Rozel, Kansas, that are identified on the Flood Insurance Rate Maps (FIRM) as numbered and unnumbered A Zones, and within the Zoning Overlay Districts "FW" and "FF" established in Section 18-105 herein. In all areas covered by this Article, no development shall be permitted except upon a permit granted by the Zoning Administrator under the provisions established in Section 18-106 of this Article.

2. THE ENFORCEMENT OFFICER: The Zoning Administrator of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, is designated as the enforcement officer.

3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES: The boundaries of the Floodway and Floodway Fringe Overlay Districts shall be determined by scaling distances on the floodplain maps. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the floodplain maps, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. In such cases where the interpretation
is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood
elevation for the point in question shall be the governing factor in locating the district
boundary on the land. The person contesting the location of the district boundary shall be
given a reasonable opportunity to present his case to the Zoning Administrator and/or Board
of Zoning Appeals and to submit his own technical evidence, if he so desires.

4. **COMPLIANCE:** No structure or land shall hereafter be used and no structure shall be
located, extended, converted or structurally altered without full compliance with the terms of
this Article and other applicable regulations, except as established under Section 18-109.

5. **ABROGATION AND GREATER RESTRICTIONS:** It is not intended by this Article
to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However,
where this Article imposes greater restrictions, the provisions of this Article shall prevail. All
other regulations inconsistent with this Article are hereby repealed to the extent of the
inconsistency only, except as established under Section 18-109.

6. **INTERPRETATION:** The provisions of this Article shall be held to be minimum
requirements and shall not be deemed a limitation or repeal of any other powers granted by
state statute.

7. **WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection
required by this Article is considered reasonable for regulatory purposes and is based on
engineering and scientific methods of study. Larger floods may occur on rare occasions or the
flood height may be increased by man-made or natural causes, such as ice jams and bridge
openings restricted by debris. This Article does not imply that areas outside boundaries or
land uses permitted within such districts will be free from flooding or flood damages. This
Article shall not create liability on the part of Pawnee County or the cities of within the cities
of Burdett, Garfield and Rozel, or any officer or employee thereof for any flood damages that
may result from reliance on this Article or any administrative decision lawfully made
thereunder.

8. **ADOPTION OF STUDIES:** Any Flood Insurance Study and the accompanying Flood
Boundary and Floodway Maps, and the Flood Insurance Rate Maps applicable to Pawnee
County or the cities of within the cities of Burdett, Garfield and Rozel are hereby adopted and
are incorporated by reference in this Article.

**18-104 BUILDING OR LAND USE PERMIT**

1. **PERMIT REQUIRED:** No person, firm or corporation shall initiate any development or
cause the same to be done without first obtaining a separate permit as required in this Article.

2. **APPLICATION FOR A PERMIT:** To obtain a permit, the applicant shall first file an
application in writing on a form furnished for that purpose. Every application shall:

   A. Identify and describe the work to be covered by the permit for which application is
made.
ARTICLE 18 “FP" FLOODPLAIN DISTRICT REGULATIONS

B. Describe the land on which the proposed work is to be done by legal description and house address, or similar description that will readily identify and definitely locate the proposed building or work.

C. Indicate the use or occupancy for which the proposed work is intended.

D. Be accompanied by plans and specifications for the proposed construction.

E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

F. Within designated flood prone areas, be accompanied by elevations of the lowest floor including basement or, in the case of floodproofed nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.

G. Give such additional information as may be required by the Zoning Administrator, such as:

1) Typical valley cross-sections and profile showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be affected by the proposed development, and the elevation of the 100-year flood.

2) Plans depicting:
   - surface view, showing elevations or contours of the ground;
   - pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site;
   - location and elevations of streets, water supply, sanitary facilities, and other data that will assist the Zoning Administrator to make a determination of flooding.

The Zoning Administrator shall review all permit applications to determine if the site of the proposed development meets the provisions of this Article and that all necessary permits have been received as required by federal or state law.

18-105 ESTABLISHMENT OF ZONING DISTRICTS

The mapped floodplain areas within the jurisdiction of this Article are hereby divided into the two following districts: a Floodway Overlay District "FW", and a Floodway Fringe Overlay District "FF" identified in the Flood Insurance Study (Flood Boundary and Floodway Maps). Within these districts all uses not meeting the standards of this Article and those standards of underlying zoning districts shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

18-106 STANDARDS FOR THE FLOODPLAIN OVERLAY DISTRICTS
1. **COMPLIANCE REQUIRED:** No permit shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within all numbered and unnumbered A Zones unless the conditions of this Article are satisfied.

2. **UNDESIGNATED AREAS COMPLY:** All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Article. If Flood Insurance Study data is not available, the City shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

3. **STANDARDS:** New construction, substantial improvements, subdivision proposals, prefabricated buildings, placement of manufactured homes and other developments shall require:
   
   A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
   
   B. New or replacement water supply systems and/or sanitary sewage systems be designed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
   
   C. Construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage, consistent with economic practicability.
   
   D. All utility and sanitary facilities shall be floodproofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight, with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
   
   E. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than 1 foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference in Section 18-103.
   
   F. Any grading changes within the area estimated to be inundated by the 100-year frequency flood, or alterations, modifications or relocations of a watercourse within the jurisdiction of the Division of Water Resources, State Board of Agriculture rules and regulations, as authorized by K.S.A. 74-2611, and any subsequent revisions...
thereof, shall ensure that the water carrying capacity is maintained. The plans for such changes, modifications, alterations or relocations shall be submitted to and approved by the Division of Water Resources, State Board of Agriculture, concurrent with County or City approval. In addition, the County or City shall notify, in riverine situations, adjacent communities prior to the performance of the work and submit copies of such notification to the local office of the Administrator of the Federal Insurance Administration.

G. Storage of Material and Equipment:

H. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

I. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

J. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:

1) All such proposals are consistent with the need to minimize flood damage.

2) All public utilities and facilities, such as sewer, gas, electrical, telephone and water systems are located, elevated and constructed to minimize or eliminate flood damage.

3) Adequate drainage is provided so as to reduce exposure to flood hazards.

4) All proposals for development, including new subdivisions, manufactured home parks and subdivisions, include within such proposals the regulatory flood elevation.

18-107 FLOODWAY OVERLAY DISTRICT “FW”

PERMITTED USES: Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway Overlay District to the extent they are not prohibited by any other provision of these Regulations, and provided they do not require structures or storage of materials or equipment. No use shall increase the flood level of the regulatory flood protection elevation. Permitted uses shall meet the standards established in Section 18-106. Subject to the requirements of these Regulations, the following uses are permitted:

1. Agricultural uses.

2. Nonbuilding residential accessory uses such as lawns, gardens, parking, play and yard areas.

3. Nonresidential uses such as loading areas, parking, landing strips.

4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
5. Placement of manufactured homes is prohibited in the floodway, except in existing manufactured home parks and existing manufactured home subdivisions. Placement of mobile homes is prohibited by these Regulations.

**18-108 FLOODWAY FRINGE OVERLAY DISTRICT “FF”**

1. **PERMITTED USES:** Any use permitted in Section 18-107 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 18-106 are met.

2. **Standards for the Floodway Fringe Overlay District:**

   A. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.

   B. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator.

   C. Require for all new construction or substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

      1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area.

      2) The bottom of all openings shall be no higher than one (1) foot above grade.

      3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

      4) Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

3. **Manufactured Homes:**

   A. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with
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manufacturers recommended anchoring requirements, local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.

2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.

3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

4) Any additions to the manufactured home be similarly anchored.

18-109 CERTIFICATION OF FLOODPROOFING

For the floodproofing of nonresidential structures, applicants shall provide certification by a licensed professional engineer or architect that the floodproofing plans are adequate to be watertight, with walls impermeable to the passage of water and can withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood. In addition, the applicant shall provide information identifying the specific elevation in relation to mean sea level to which such structures are floodproofed. This information shall be submitted to the Zoning Administrator at the time a permit is requested and shall be maintained by that official.

18-110 NONCONFORMING USE AND RESTORATION

In addition to the requirements established in Article 28, the following requirements shall apply:

1. A structure or use of a structure or premises which was lawful before the passage of these Regulations, but which is not in conformity with the provisions of these Regulations, may be continued subject to the following conditions:

   A. No such use or substantial improvement of that use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity.

   B. If such use is discontinued for six months or more, any future use of the building, structure or premises shall conform to the provisions established in these Regulations, provided this regulation shall not prevent the occupancy of a residential unit following a period of vacancy.

   C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of its fair market value before the damage occurred, unless it is reconstructed in conformity with the provisions and standards established in these Regulations. This limitation does not include the cost of any alteration to comply with existing state or local health codes,
sanitary, building or safety codes or regulations, or the costs of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

18-111 VARIANCES AND VARIANCE PROCEDURES

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Article. All requests for appeals and variances shall follow the procedures established in Article 29.

1. VARIANCES FOR HISTORIC PLACES: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

2. ADDITIONAL CONDITIONS FOR VARIANCES: In addition to the conditions established in Article 29, the Board of Zoning Appeals, in passing upon variance applications, shall consider all technical evaluations, all relevant factors, standards specified in the sections of this Article, and:

   A. The danger that materials may be swept onto other lands to the injury of others.
   B. The danger to life and property due to flooding or erosion damage.
   C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   D. The importance of the services provided by the proposed facility to the community.
   E. The necessity to the facility of a waterfront location, where applicable.
   F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
   G. The compatibility of the proposed use with existing and anticipated development.
   H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
   I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
   J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
   K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
L. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

M. Variances shall only be issued upon:

1) A showing of good and sufficient cause, and that the need for the variance is not self-created.

2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

3) A determination that the granting of a variance will not result in increased flood heights, additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or regulations.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Upon consideration of the factors listed above and the purpose of this Article, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Article.

3. Reporting of Variances:

A. Any applicant to whom a variance is granted shall be given a written notice containing the following information: That the structure will be permitted to be built with a lowest floor elevation _______ feet below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

B. The Zoning Administrator shall maintain the records of all appeal actions and report all variances to the Federal Insurance Administration at the time the annual report is submitted.

18-112 PENALTIES FOR VIOLATION

Penalties shall be as established in Article 33 of these Regulations.

18-113 DEFINITIONS

Unless specifically defined below, or defined elsewhere in these Regulations, words or phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application.

1. ACTUARIAL OR RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act, and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
2. **APPEAL:** A request for a review of the Zoning Administrator's interpretation of any provision of this Article or a request for a variance.

3. **AREA OF SHALLOW FLOODING:** A designated AO or AH zone on a community's Flood Insurance Rate Maps (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

4. **AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

5. **BASE FLOOD:** The flood having one percent chance of being equaled or exceeded in any given year.

6. **BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all sides.

7. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage or equipment or materials.

8. **EXISTING CONSTRUCTION:** For the purposes of determining rates, structures for which the "start construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".

9. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactures homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these Regulations.

10. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

11. **FLOOD OR FLOODING:** A general and temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff of surface waters from any source.

12. **FLOOD ELEVATION DETERMINATION:** A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one percent chance of occurrence in any given year.

13. **FLOOD INSURANCE RATE MAPS (FIRM):** Official maps of Pawnee County and the cities of within the cities of Burdett, Garfield and Rozel, Kansas, on which the Flood
Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to Pawnee County and the cities of within the cities of Burdett, Garfield and Rozel, Kansas.

14. **FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Insurance Administration that contains flood profiles and water surface elevations for various flood frequencies, as well as the boundaries and water surface elevations of the 100-year flood.

15. **FLOODPLAIN MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

16. **FLOOD PROTECTION SYSTEM:** Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

18. **FLOODPROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

18. **FLOODWAY OR REGULATORY FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

19. **FLOODWAY FRINGE:** That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

20. **FREEBOARD:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

21. **HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. **HISTORIC STRUCTURE**: Any structure that is:

   A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

   B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

   C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

   D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been either:

      1) by an approved state program as determined by the Secretary of the Interior, or

      2) directly by the Secretary of the Interior in states without approved programs.

23. **LOWEST FLOOR**: The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable only for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

24. **MANUFACTURED HOME**: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This definition shall apply to the requirements of this Article only and shall not have a bearing on any other requirements of these Regulations.

25. **MANUFACTURED HOME PARK OR SUBDIVISION**: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

26. **NEW CONSTRUCTION**: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the FIRM and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of these Regulations and includes any subsequent improvements to such structures.
27. **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of these Regulations.

28. **ONE HUNDRED (100) YEAR FLOOD:** The base flood having a 1 percent chance of annual occurrence.

29. **OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts. The original zoning district designation does not change.

30. **REGULATORY FLOOD ELEVATION:** An elevation 1 foot higher than the water surface elevation of the regulatory flood.

31. **START OF CONSTRUCTION (INCLUDING SUBSTANTIAL IMPROVEMENTS):** The date the building permit, or other authorization granted by the City, was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit or authorization date. The actual start means the first placement of permanent construction of a structure on a site such as the pouring of the slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages, sheds or agricultural accessory buildings not occupied as dwelling units or not part of the main building or structure.

32. **STRUCTURE:** A walled and roofed structure, including a gas or liquid storage tank, that is principally above the ground, including but not limited to, buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

33. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

34. **SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

   A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
B. any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

35. **VARIANCE:** A grant of relief to a person from the requirements of this Article which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in unnecessary hardship.
(RESERVED FOR FUTURE USE)
SECTIONS:
19-101 PURPOSE
19-102 FINDINGS OF FACT
19-103 GENERAL PROVISIONS
19-104 ESTABLISHMENT OF ZONING DISTRICT
19-105 PERMITTED USES
19-106 PERMIT REQUIRED

19-101 PURPOSE

Certain areas of Pawnee County below Floodwater Retarding Dams (hereinafter referred to as FRD) would be subject to substantial flooding should a FRD breach occur. This could result in significant losses due to:

1. the cumulative effect of obstructions in the FRD breach impact area district causing increases in flood heights and velocities; and,

2. the occupancy of FRD breach impact area district by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from damage.

The FRD breach impact district is designed to permit the gainful use of certain lands which are considered to be in the path of potential flood waters and from which structures and other valuable property use that is subject to damage by flood water should be regulated. This would permit surface runoff through such areas in the event of a FRD breach with a minimum of structural damage or property loss, and a minimum of obligation upon governmental authorities for flood or disaster assistance.

As such, this Article is intended to promote the public health, safety, and general welfare and to minimize these losses by applying the provisions of this Article to the designated areas within Pawnee County. And by taking action to:

1. restrict or prohibit uses which are dangerous to health, safety, or property in the FRD breach impact area, or which might cause undue increase in flood heights; and,

2. protect individuals from buying lands for the purpose of building in the FRD breach impact area which is unsuited for intended purposes because of flood hazard.

19-102 FINDINGS OF FACT

1. The FRD breach impact area district of Pawnee County, Kansas, are subject to inundation which, in the event of a FRD breach, could result in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. Such flood losses are caused by:
ARTICLE 19  "FRD" FLOODWATER RETARDING DAM BREACH IMPACT DISTRICT

a. the cumulative effect of obstructions in FRD breach impact areas causing increases in flood heights and velocities.

b. the occupancy of FRD breach impact areas by uses vulnerable to floods or hazardous to others, and which are inadequately elevated or otherwise protected from flood damage.

3. This Article uses a reasonable method of analyzing FRD breach impact flood hazards which consists of a series of interrelated steps, as follows:

a. the use of engineering calculations and breach impact studies which indicate the area and potential depth of inundation for each FRD; and,

b. computation of floodway required to convey the breach flood waters without increasing flood heights more than one (1) foot at any point; and,

c. delineation of breach impact area encroachment lines within which no obstruction is permitted which would cause any increase in flood heights.

19-103 GENERAL PROVISIONS

1. **Land to which Regulations Apply:** This Article shall apply to all lands within the unincorporated portion of Pawnee County as specified herein, and within the cities of Burdett, Garfield and Rozel, Kansas, identified on the Floodwater Retarding Dam Maps as elaborated by the official Professional Retarding Dam Impact Studies. No development shall be permitted in any defined FRD breach impact area except as authorized herein.

2. **The Enforcement Officer:** The Zoning Administrator of Pawnee County, Kansas, is designated as the enforcement officer.

3. **Rules for Interpretation of District Boundaries:** The boundaries of the FRD breach impact area district shall be determined by scaling distances on the engineering Breach Impact Studies. The Enforcement Officer shall make all interpretations as to the exact location of said boundaries. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute.

4. **Existing Development:** No development or structures presently located within a known FRD breach impact area shall be relocated, extended, converted or structurally altered.

5. **Abrogation and Greater Restrictions:** It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other regulations inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

6. **Interpretation:** In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Bodies of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas.
ARTICLE 19 "FRD" FLOODWATER RETARDING DAM BREACH IMPACT DISTRICT

7. **Warning and Disclaimer of Liability:** The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. In the event of a FRD breach, larger floods may occur on rare occasions or the flood height be increased by man-made or natural causes. This Article does not imply that areas outside boundaries of the FRD breach impact area or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Pawnee County or the cities of Burdett, Garfield and Rozel, Kansas, or any officer or employee thereof for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.

8. **Appeal:** Where a request for a permit to develop, build, locate, extend, convert or structurally alter any structure or building is denied by the Enforcement Officer, the applicant may appeal such decision and apply for relief to the Board of Zoning Appeals in the method provided in these Regulations for appeals.

19-104 ESTABLISHMENT OF ZONING DISTRICT

The mapped FRD breach impact areas within the jurisdiction of this Article are hereby established as a Floodwater Retarding Dam Breach Impact Overlay District "FRD", identified on the Floodwater Retarding Dam Maps and as elaborated by the official Professional Engineering Breach Impact Studies. Within this district all uses not meeting the standards of this Article and those standards of underlying zoning districts shall be prohibited.

19-105 PERMITTED USES

Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodwater Retarding Dam Breach Impact Overlay District, to the extent they are not prohibited by any other provision of these Regulations, and provided they do not require structures or storage of materials or equipment. Subject to the requirements of these Regulations, the following uses are permitted:

1. Agricultural uses.
2. Nonbuilding residential accessory uses such as lawns, gardens, parking, play and yard areas.
3. Nonresidential uses such as loading areas, parking and landing strips.
4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

19-106 PERMIT REQUIRED

No person, firm or corporation shall initiate any development or cause the same to be done without first obtaining a permit as required by these Regulations.
(Reserved for Future Use)
ARTICLE 21  PLAN APPROVAL GUIDELINES

SECTIONS:
21-101 PURPOSE
21-102 APPLICATION, REVIEW, APPROVAL PROCEDURE
21-103 DEVELOPMENT PLAN
21-104 DEVELOPMENT PLAN – JOINT PLANNING COMMISSION REVIEW
21-105 DEVELOPMENT PLAN - PHASING, TIME RESTRICTIONS
21-106 APPEALS OF PLANNING COMMISSION ACTION ON DEVELOPMENT PLAN
21-107 REMEDIES FOR NONCOMPLIANCE

21-101 PURPOSE

The procedures and requirements set forth in this Article, or the requirements set forth elsewhere in these Regulations when referred to in this Article, are for the development plans required for Conditional Use Permits designated elsewhere in these Regulations. These requirements are specifically intended to accommodate:

1. The planned, coordinated, and orderly development of properties classified in one of the zoning districts established herein and designated as a “Planned” district.

2. The fully planned, coordinated, and orderly development of relatively large tracts of land into a "PUD" Planned Unit Development.

3. The consideration of an application for a Conditional Use under the provisions of these Regulations.

The requirements and regulations herein prescribed pertaining to height, open space, setbacks, parking, loading, and signs may be adjusted or modified so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and the interests of the community, but in keeping with the general intent and spirit of these Regulations. Such adjustments or modifications may be made as a part of the rezoning or Conditional Use process, or may be allowed after approval by the Pawnee County Joint Planning Commission upon request of the applicant.

21-102 APPLICATION, REVIEW, APPROVAL PROCEDURE

In order to assure that proposed rezonings to a “Planned” district or "PUD" Planned Unit Development and proposed uses requiring Conditional Use permits meet the requirements of these Regulations and will be compatible with surrounding properties and uses, it is hereby required that all applications for a “Planned” district, a "PUD" or a Conditional Use permit include a development plan which must be approved as specified within this Article prior to any construction on the property.

The procedure for approval of a development plan shall consist of the following:

1. Application for a “Planned” district, a "PUD" designating which land uses are to be utilized, or for a Conditional Use permit; and,

2. Submission of a development plan.
The development plan shall be submitted at the time the application is submitted and no application shall be deemed complete nor set for public hearing until said development plan is submitted. No building permit shall be issued for property in a “Planned” district, in a "PUD" Planned Unit Development or for a Conditional Use Permit until the property has been zoned and the development plan for the entire property and/or each phase of development has been approved in accordance with the provisions of these Regulations. Properties classified in a “Planned” zoning district at the time of the initial adoption of these Regulations may change uses or construct additions to existing buildings without the necessity of obtaining development plan approval if the Zoning Administrator deems such improvements are within the spirit and intent of the underlying zoning classification. Any construction for the first time on properties classified in a “Planned” zoning district must have a development plan approved as provided herein prior to any building permit being issued.

21-103 DEVELOPMENT PLAN

Application for a “Planned” district, a "PUD" Planned Unit Development or a Conditional Use and development plan approval shall be made in accordance with the procedures outlined in Article 28 of these Regulations. The application shall include a development plan that describes the applicant's intentions for the use and development of the property. The development plan shall include and/or display the following information:

1. A topographic survey indicating the legal description, property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property.

2. A development plan, drawn to the same scale as the topographic survey, indicating:
   a. existing contours (shown as dashed lines).
   b. proposed contours (shown as solid lines)
   c. location and orientation of all existing and proposed buildings.
   d. areas to be used for parking, including the number and arrangement of stalls.
   e. areas to be developed for screening, including the location of plant materials, and screening structures and features.
   f. pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way.
   g. points of ingress and egress
   h. location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines).
   i. drainage controls (retention or detention ponds).
   j. location, size and characteristics of identification and business signs.
ARTICLE 21 PLAN APPROVAL GUIDELINES

k. lighting layout, appurtenances, and intensity of illumination.

l. proposed finished floor elevations of all buildings and structures.

3. A statement of intent shall accompany the preliminary development plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.

21-104 DEVELOPMENT PLAN – JOINT PLANNING COMMISSION REVIEW

The Planning Commission shall review the application along with the development plan and shall approve or deny the development plan, or may request modifications to the development plan as deemed necessary to carry out the spirit and intent of these Regulations. Approval by the Pawnee County Joint Planning Commission shall constitute approval and permanency of the development plan, thereby establishing the criteria for construction of the proposed development.

In the process of reviewing any development plan, the Pawnee County Joint Planning Commission may provide approval of the development plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest and surrounding properties, including, if any, the following:

1. Limitations on the type, illumination and appearance of any signs or advertising structures.

2. Direction and location of outdoor lighting.

3. Arrangement and location of off-street parking and off-street loading spaces.

4. The type of paving, landscaping, fencing, screening and other such features.

5. Limitations on structural alterations to existing buildings.

6. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.

7. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.

8. Such other conditions and/or limitations that are deemed necessary.

21-105 DEVELOPMENT PLAN - PHASING, TIME RESTRICTIONS

The applicant may proceed with construction based on the entire development plan, or may elect to develop the property in phases. The applicant may be submit the development plan separately for the first and each successive phase of construction, or for all of the project with a depiction of the phasing sequence; however, all “Planned” districts, "PUD"s and Conditional Uses approved with a development plan shall have construction begun with one (1) year of said approval by the Pawnee County Joint Planning Commission. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Pawnee County Joint Planning Commission.
stating the reasons construction has not begun and at what time construction is expected to begin. If the Pawnee County Joint Planning Commission agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Pawnee County Joint Planning Commission shall review the development plan and shall act on said plan in a reasonable time period. Upon approval by the Pawnee County Joint Planning Commission, the development plan shall be filed for record in the office of the Zoning Administrator.

After the development plan has been approved, and when in the course of carrying out the development plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved development plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such adjustments may be made by the Zoning Administrator. If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established by the approved development plan, the revised development plan must be submitted and approved by the Pawnee County Joint Planning Commission before any further work can proceed. Said revised development plan shall not require another public hearing unless the Pawnee County Joint Planning Commission determines that the revisions requested are so significant that the public interest will be protected only by conducting a public hearing on said revised development plan. Regardless of whether a public hearing is required or not, at no time shall the Conditional Use previously approved be subject to disapproval. The only issue in said review shall be the requested revisions to the previously approved development plan.

**21-106 APPEALS OF PLANNING COMMISSION ACTION ON DEVELOPMENT PLAN**

Any decision of the Pawnee County Joint Planning Commission regarding development plans may be appealed to the Governing Body, whose decision shall be final. An appeal shall be filed in writing with the Zoning Administrator not later than fifteen (15) days following the date of the Pawnee County Joint Planning Commission's final action. If no appeal is taken within that time, the decision of the Pawnee County Joint Planning Commission shall be final. The appeal shall set forth the basis for the appeal and the relief sought by the applicant. The Zoning Administrator shall schedule the appeal before the Governing Body no later than thirty (30) days following the filing of the appeal. The Zoning Administrator shall notify all interested persons in writing of the time and place of the Governing Body's meeting at least ten (10) days prior to said meeting.

**21-107 REMEDIES FOR NONCOMPLIANCE**

If the applicant fails to comply with the time requirements herein established, the approved development plan shall be declared null and void and no permit for construction shall be issued until a new development plan has been approved following the procedures previously cited. The “Planned” district, “PUD” or Conditional Use permit shall remain in effect but shall do so without an approved development plan. If the approved development plan is voided, the Pawnee County Joint Planning Commission or the Governing Body may initiate an action to have the zoning changed to the previous zoning classification, or to have the Conditional Use permit revoked, or may seek some other more restrictive zoning classification by following the procedures outlined in these Regulations.
ARTICLE 22
PERFORMANCE STANDARDS

SECTIONS:
22-101 PURPOSE
22-102 PERFORMANCE STANDARDS - DISTRICTS "AG", "RR", "SR", "R-1" AND "V-1"
22-103 PERFORMANCE STANDARDS - DISTRICTS "R-1A", "R-1B" AND "R-1C"
22-104 PERFORMANCE STANDARDS - DISTRICTS "RP-2"
22-105 PERFORMANCE STANDARDS - DISTRICTS "CP-0"
22-106 PERFORMANCE STANDARDS - DISTRICTS "CP-1" AND "CP-2"
22-107 PERFORMANCE STANDARDS - DISTRICT "CP-3"
22-108 PERFORMANCE STANDARDS - DISTRICT "IP-1"
22-109 PERFORMANCE STANDARDS - DISTRICTS "IP-2"
22-110 PERFORMANCE STANDARDS - CONDITIONAL USES
22-111 PERFORMANCE STANDARDS - DISTRICT "PUD" PLANNED UNIT DEVELOPMENT

22-101 PURPOSE

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the performance standards for uses permitted within these Regulations. The standards established herein are intended to provide guidance in the development or redevelopment of property in the area subject to these Regulations for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found elsewhere in the community. The standards stated within this Article are the minimum required or maximum permitted, whichever the case may be, for the uses permitted in these Regulations.

22-102 PERFORMANCE STANDARDS - DISTRICTS "AG", "RR", "SR", "R-1" AND "V-1"

The following are the performance standards for the "AG" Agricultural District, "RR" Rural Residential District, "SR" Suburban Residential District, “R-1” Single-Family Residential District, and the “V-1” Village District.

1. Where allowed by these Regulations (by right in the "AG" Agricultural District and by accessory use in other districts), agricultural uses are permitted with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions to the sale or marketing of products raised on the premises. However, there shall be no disposal of garbage, rubbish or offal, other than regular removal, except in compliance with the Pawnee County Sanitary Code.

2. No main or accessory building or structure shall project beyond the property line. On all major streets and highways within Pawnee County, no main or accessory building or structure shall project beyond the setback lines established within these Regulations. Nothing shall be allowed to be placed in any public right-of-way without the express permission of the County.

3. Residential real estate sales offices in the "RR" Rural Residential, the "SR" Suburban Residential, “R-1” Single-Family Residential, and the “V-1” Village Districts are subject to the following standards:

A. There shall be only one residential sales office in any one subdivision.

B. All sales shall be limited to the sale of new properties located within that subdivision.
C. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.

D. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.

4. For placement of manufactured homes, the following criteria and standards shall apply:

A. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 inches for each 12 inches of vertical run, and the roof is finished with a type of roofing material that is commonly used in standard residential construction.

B. The manufactured home is to be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1). In the event the unit is on a permanent foundation, a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access shall be installed under the perimeter of the manufactured home. This may include walk-out basements and garages in lieu of a permanent foundation.

C. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed firmly to the primary structure and anchored securely to the ground.

D. The moving hitch, wheels and axles, and transporting lights shall be removed.

ARTICLE 22 PERFORMANCE STANDARDS

22-103 PERFORMANCE STANDARDS - DISTRICTS "R-1A", "R-1B" AND "R-1C"

The following are the performance standards for the "R-1A" Single-Family Residential District, "R-1B" Single-Family Residential District and the “R-1C” Single-Family Residential District.

1. No main or accessory building or structure shall project beyond the property line. Nothing shall be placed in public right-of-way within the corporate limits of the cities of Burdett, Garfield and Rozel without the express permission of said City.

2. Residential real estate sales offices are subject to the following standards:

A. There shall be only one residential sales office in any one subdivision.

B. All sales shall be limited to the sale of new properties located within that subdivision.

C. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.

D. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
ARTICLE 22 PERFORMANCE STANDARDS

E. A model home complex operated in conjunction with a residential sales office may include a decorative fence in the front yard enclosing or defining the extent of the complex. To qualify as a decorative fence, the surface of the fence must be at least 50 percent open, the fence cannot be constructed of chain link or other wire materials, and the fence cannot exceed 4 feet in height. The front yard fence shall be removed upon the termination of the sales office.

3. Residential-design manufactured homes shall comply with the requirements of the applicable Manufactured Home Code.

22-104 PERFORMANCE STANDARDS - DISTRICTS "RP-2".

The following are the performance standards for uses in the "RP-2" Planned Medium Density Residential District.

1. Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide separation from automobile traffic along all public and private streets, drives and parking areas.

2. Site drainage patterns shall be designed, graded and constructed to prevent surface drainage from collecting on or flowing across pedestrian paths, walks and sidewalks.

3. The maximum lot coverage shall be sixty percent (60%) for properties zoned "RP-2".

4. A minimum of ten percent (10%) of landscaped open space shall be provided on each site as common or semi-common areas open for use and available to all persons who may reside on the premises.

22-105 PERFORMANCE STANDARDS - DISTRICTS "CP-0".

The following are the performance standards for uses in the "CP-0" Planned Commercial Office District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

2. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

22-106 PERFORMANCE STANDARDS - DISTRICTS "CP-1" AND "CP-2"

The following are the performance standards for uses in the "CP-1" Planned General Commercial District and the "CP-2" Planned Highway Service Commercial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

3. Merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that specified in Article 22 herein. In addition, the outdoor storage or display area shall occupy an area no greater than twenty percent (21%) of the ground floor area of the building. Automobiles and trucks for sale may be stored or displayed outside a building, but must maintain a setback of at least 10 feet from a street right-of-way, or 6 feet from a side or rear lot line.

4. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.

22-107 PERFORMANCE STANDARDS - DISTRICT "CP-3"

The following are the performance standards in the "CP-3" Planned Central Business District.

1. Only that property which is designated "CP-3" on the official zoning map shall be subject to the requirements of the "CP-3" Zoning District.

2. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

3. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

4. Merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, except during special promotional activities and sales approved by the Governing Body with a special event permit.

22-108 PERFORMANCE STANDARDS - DISTRICT "IP-1"

The following are the performance standards in the "IP-1" Planned Light Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

2. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.

3. No activity shall be permitted that creates any off-site electrical disturbance.

4. Areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square feet.
22-109  PERFORMANCE STANDARDS - DISTRICTS "IP-2"
The following are the performance standards in the "IP-2" Planned Medium Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

2. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.

3. No activity shall be permitted that creates any off-site electrical disturbance.

4. Areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square.

22-110  PERFORMANCE STANDARDS - CONDITIONAL USES
The following are the performance standards for Conditional Uses authorized by these Regulations.

1. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

2. Any manufacturing or assembly of products shall be entirely within a totally enclosed building unless otherwise permitted in the Conditional Use.

3. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.

4. No activity shall be permitted that creates any off-site electrical disturbance.

5. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

22-111  PERFORMANCE STANDARDS - DISTRICT "PUD" PLANNED UNIT DEVELOPMENT
The total number of dwelling units and level of nonresidential development allowed within a "PUD" shall not exceed the level that can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a "PUD", Zoning Administrator, Pawnee County Joint Planning Commission and/or Governing Body may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the proposed development's expected impacts on existing and planned facilities.
23-101 PARKING REQUIREMENTS

When any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 50 percent or more, or a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below in any zoning district, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 or as required in subsequent sections of this Article or these Regulations.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE OR USE CATEGORY</td>
<td>SPACES REQUIRED PER BASIC MEASURING UNIT</td>
<td>ADDITIONAL REQUIREMENTS</td>
</tr>
<tr>
<td>One-family and two-family dwellings</td>
<td>2 per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>Apartments</td>
<td>2 per dwelling unit or 1.5 per efficiency unit</td>
<td></td>
</tr>
<tr>
<td>Church, temple or similar place of assembly</td>
<td>1 per 5 seats or bench seat spaces (Seats in main auditorium only)</td>
<td></td>
</tr>
<tr>
<td>College or high school</td>
<td>1 per 5 seats in main auditorium or 8 per classroom whichever is greater</td>
<td></td>
</tr>
<tr>
<td>Elementary or nursery school</td>
<td>1 per 10 seats - main assembly room or 1 per classroom whichever is greater</td>
<td></td>
</tr>
<tr>
<td>USE OR USE CATEGORY</td>
<td>SPACES REQUIRED PER BASIC MEASURING UNIT</td>
<td>ADDITIONAL REQUIREMENTS</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Country club or golf club</td>
<td>To be determined by the Planning Commission and Governing Body</td>
<td></td>
</tr>
<tr>
<td>Public library, museum art gallery, or community center</td>
<td>5 per building</td>
<td>Plus 1 additional each 300 sq. ft. of floor area in excess of 1,000 square feet</td>
</tr>
<tr>
<td>Private clubs- fraternities, sororities</td>
<td>2 per 3 beds or 1 per active member, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>Sanitarium - nursing or convalescent home – home institution for the aged or similar</td>
<td>1 per 5 patient beds</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>1 per guest room or suite</td>
<td>1 per 2 employees or staff members per shift</td>
</tr>
<tr>
<td>Tourist court - motel motor hotel - motor lodge</td>
<td>1 per sleeping room or suite</td>
<td>1 per 2 employees or staff members per shift</td>
</tr>
<tr>
<td>Rooming, boarding, lodging house or group home</td>
<td>2 per 3 beds</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per 3 patient beds</td>
<td>1 per 2 employees or staff members per shift</td>
</tr>
<tr>
<td>Office or office building studio, or clinic</td>
<td>1 per 300 square feet of floor area</td>
<td>3 spaces minimum</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1 per 5 seats in auditorium or chapel</td>
<td></td>
</tr>
<tr>
<td>USE OR USE CATEGORY</td>
<td>SPACES REQUIRED PER BASIC MEASURING UNIT</td>
<td>ADDITIONAL REQUIREMENTS</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Restaurant, tavern, drinking establishment or other establishment for consumption of food or beverage on the premises</td>
<td>1 per 3 seats or seating capacity</td>
<td></td>
</tr>
<tr>
<td>Retail store or personal service establishment and banks</td>
<td>1 per 200 square feet of floor area</td>
<td>Retail stores over 4,000 sq. ft., 1 per 150 sq. ft. of floor area</td>
</tr>
<tr>
<td>Furniture or appliance machinery, equipment, and auto and/or boat sales and service</td>
<td>1 per 300 square feet of floor area</td>
<td>2 spaces minimum store, Auto and/or boat sales &amp; service -10 minimum</td>
</tr>
<tr>
<td>Auditorium, theater, gymnasium, stadium, arena or convention hall</td>
<td>1 per 4 seats or seating spaces</td>
<td></td>
</tr>
<tr>
<td>Bowling alley</td>
<td>5 per 1,000 sq. ft. of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Food storage locker</td>
<td>1 per 200 sq. ft. customer service area</td>
<td></td>
</tr>
<tr>
<td>Amusement place, dance hall, skating rink, swimming pool, auditorium, or exhibition hall without fixed seats</td>
<td>1 per 100 sq. ft. of floor area</td>
<td>Does not apply to accessory uses</td>
</tr>
<tr>
<td>General service or repair establishment, printing, publishing, plumbing, heating</td>
<td>1 per 300 sq. ft. of floor area</td>
<td></td>
</tr>
<tr>
<td>Manufacturing or industrial establishment, research or testing lab, wholesale warehouse or similar establishment</td>
<td>2 per 1,000 square feet of floor area</td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE 23 PARKING REGULATIONS

23-102 INTERPRETATION OF THE CHART:

1. The use regulations for each District are not affected by arrangement of uses in the chart.

2. The parking requirements in this Article do not limit other requirements in these Regulations for parking contained in the district regulations.

3. The parking requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses, Article 28.

4. Floor area, as used in the chart, shall be as defined in Article 1, Definitions.

5. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

6. The parking spaces required for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics with similar demands for parking as determined by the Zoning Administrator.

7. In the case of mixed uses (uses with different parking requirements occupying the same building or premises) or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

23-103 JOINT USE AND OFF-SITE FACILITIES

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from the building served.

1. Up to 50 percent of the parking spaces required for (a) theaters, night clubs or cafes, and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement is properly executed and filed as specified below.

2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the appropriate County or City Attorney and shall be filed with the Zoning Administrator.
23-104 **DESIGN STANDARDS:**

1. An off-street parking space is an area not in a street or alley, being a minimum of 9 feet by 19 feet, exclusive of driveways or access drives, permanently reserved for the temporary storage of one motor vehicle and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for motor vehicles.

2. Entrances or exits for all parking facilities shall comply with the requirements of the appropriate County or City Engineer.

3. Screening shall be erected along any property line adjacent to or adjoining any single-family residence, two-family residence or multi-family residence to eliminate the passage of light from vehicles. Screening along side yards shall not extend nearer to the street than the front yard setback line.

23-105 **PERFORMANCE STANDARDS:**

1. All off-street parking spaces, and their access drives required for all commercial and industrial uses shall be paved with an asphalt or concrete surface and shall be maintained in good condition and free of all weeds, dust, trash and other debris. Said paving shall be completed before the activity or use can commence. The Pawnee County Joint Planning Commission may waive the paving requirement at the applicant's request, provided that the applicant can provide sufficient reasons and can show that such action would be in the community's best interest and would be keeping with the spirit and intent of these Regulations.

2. All off-street parking spaces, and their access drives, shall be planned and engineered to assure proper drainage of surface water. If a public storm sewer is available, drainage from such lot or parcel of land shall be conveyed to such sewer in a manner approved by the City. If a storm sewer is not available, positive drainage shall be provided for on such lot or parcel and discharge the same through defined drainage courses. No drainage shall be directed over adjoining lands unless approved by the appropriate County or City Engineer.

3. The Pawnee County Joint Planning Commission or the Governing Body may require plans to be prepared and presented to assure proper design and construction of any off-street parking spaces and their access drives, if conditions of the site are such that compliance with these requirements may be difficult or may pose a potential problem with adjacent properties, or if the proposed use will include parking needs for buses, tractor-trailer semis, or other such large vehicles. Additional spaces may be required or reserved to accommodate such vehicles and the Pawnee County Joint Planning Commission or Governing Body may require that the site plan show the location of such spaces.

4. When located in a residential district, parking shall not be permitted within a front yard setback.

5. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent single-family residence, two-family residence or multi-family residence.
6. Parking areas shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall be adequately marked with at least two (2) inch wide stripes of traffic paint, for channelization and movement of vehicles.

7. No business shall be conducted on any parking lot except when conducted in compliance with these Regulations.
**ARTICLE 24  OFF-STREET LOADING REGULATIONS**

**SECTIONS:**
- 24-101 REQUIREMENTS
- 24-102 INTERPRETATION OF THE CHART
- 24-103 MIXED USES OF ONE BUILDING
- 24-104 DESIGN STANDARDS

**24-101 REQUIREMENTS**

Except as otherwise provided in these Regulations, when any building or structure is hereafter erected or structurally altered to the extent of increasing floor area by 50 percent or more, or any building is hereafter converted for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3, or as required in subsequent sections of this Article.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use or Use Category</td>
<td>Floor Area as Defined in Article 1</td>
<td>Loading Spaces Required in Square Feet</td>
</tr>
<tr>
<td>Retail Store, Department Store</td>
<td>2,000 - 10,000</td>
<td>One</td>
</tr>
<tr>
<td>Restaurant, Wholesale House, Warehouse</td>
<td>10,000 - 20,000</td>
<td>Two</td>
</tr>
<tr>
<td>Repair, General</td>
<td>20,000 - 40,000</td>
<td>Three</td>
</tr>
<tr>
<td></td>
<td>40,000 - 60,000</td>
<td>Four</td>
</tr>
<tr>
<td>Service, Manufacturing or Industrial Establishment</td>
<td>Each 50,000 over 60,000</td>
<td>One Additional</td>
</tr>
<tr>
<td>Apartment Building</td>
<td>5,000 - 10,000</td>
<td>One</td>
</tr>
<tr>
<td>Motel, Offices</td>
<td>10,000 - 100,000</td>
<td>Two</td>
</tr>
<tr>
<td>Office Building</td>
<td>100,000 - 200,000</td>
<td>Three</td>
</tr>
<tr>
<td>Hospital or Similar Institution, Places of Public Assembly</td>
<td>Each 100,000 over 200,000</td>
<td>One Additional</td>
</tr>
<tr>
<td>Funeral Home or Mortuary</td>
<td>2,500 - 4,000</td>
<td>One</td>
</tr>
<tr>
<td></td>
<td>4,000 - 6,000</td>
<td>Two</td>
</tr>
<tr>
<td></td>
<td>Each 10,000 over 6,000</td>
<td>One Additional</td>
</tr>
</tbody>
</table>

**24-102 INTERPRETATION OF THE CHART**

1. The loading space requirements apply to all Districts.

The loading space requirements in this Article do not limit special requirements that may be imposed in connection with Conditional Uses, Article 28.
24-103 MIXED USE OF ONE BUILDING

Where a building is used for more than one use or for different uses and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required.

24-104 DESIGN STANDARDS

1. Loading spaces shall have minimum dimensions of 12 feet by 35 feet and vertical clearance of at least 14 feet.

2. Loading spaces for a funeral home or mortuary may be reduced in size to 10 feet by 25 feet and vertical clearance reduced to 8 feet.
(Reserved for Future Use)
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>Maximum Height of Building</th>
<th>Minimum Yard Requirement in Feet</th>
<th>Minimum Lot Dimensions in Feet</th>
<th>Minimum Lot Area in Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Feet</td>
<td>Stories</td>
<td>Front Yard</td>
<td>Side Yard (A)</td>
</tr>
<tr>
<td>&quot;AG&quot; Agricultural (B)</td>
<td>35(C)</td>
<td>2 ½(C)</td>
<td>75(C)</td>
<td>50(C)</td>
</tr>
<tr>
<td>&quot;RR&quot; Rural Residential (B)</td>
<td>35</td>
<td>2 ½</td>
<td>75</td>
<td>50</td>
</tr>
<tr>
<td>&quot;SR&quot; Suburban Residential (B)</td>
<td>35</td>
<td>2 ½</td>
<td>50</td>
<td>30</td>
</tr>
<tr>
<td>“R-1” Single-Family Residential (B)</td>
<td>35</td>
<td>2 ½</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>“V-1” Village District</td>
<td>35</td>
<td>2 ½</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>&quot;R-1A&quot; Single-Family Residential</td>
<td>35</td>
<td>2 ½</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>&quot;R-1B&quot; Single-Family Residential</td>
<td>35</td>
<td>2 ½</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>&quot;R-1C&quot; Single-Family Residential</td>
<td>35</td>
<td>2 ½</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>&quot;RP-2&quot; Planned Medium Density Residential</td>
<td>35</td>
<td>2 ½</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>&quot;CP-0&quot; Planned Commercial Office</td>
<td>30</td>
<td>2</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>&quot;CP-1&quot; Planned General Business</td>
<td>35</td>
<td>3</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>&quot;CP-2&quot; Planned Highway Service Commercial</td>
<td>35</td>
<td>3</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>&quot;CP-3&quot; Planned Central Business</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>&quot;IP-1&quot; Planned Light Industrial</td>
<td>30</td>
<td>2</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>&quot;IP-2&quot; Planned Medium Industrial</td>
<td>30</td>
<td>2</td>
<td>30</td>
<td>15</td>
</tr>
</tbody>
</table>

(A) A side yard shall be provided on each side of the lot. The dimension given is for one side only.
(B) Requirements apply only to property in the unincorporated portion of Pawnee County and not to any property within the corporate limits of any city.
(C) Requirements apply only to properties on major roads or highways.
(D) Property described as 1/4 of a 1/4 of a section or as a Government Lot shall be considered "AG" Agricultural even though the property may have less than a full 40 acres of land.
(E) 7,000 for a single-family residence; 3,500 per unit for a multi-family residence.
ARTICLE 27  SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

SECTIONS:
27-101 APPLICATION
27-102 MODIFICATION OF HEIGHT REGULATIONS
27-103 MODIFICATION OF AREA REGULATIONS

27-101 APPLICATION
The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in these Regulations.

27-102 MODIFICATION OF HEIGHT REGULATIONS
1. The height regulations as prescribed in these Regulations shall not apply to the following:
   A. Belfries
   B. Chimneys
   C. Church Spires
   D. Conveyors
   E. Cooling Towers
   F. Elevator Penthouses
   G. Fire Towers
   H. Flag Poles
   I. Grain Elevators
   J. Monuments
   K. Ornamental Towers and Spires
   L. Smoke Stacks
   M. Stage Towers or Scenery Lofts
   N. Tanks
   O. Water Towers
   P. Lighting Poles or Standards

2. Public or semi-public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding 75 feet, when the required side and rear yards are increased by at least 1 foot for each 1 foot of additional building height above the height regulations for the district in which the building is located.

27-103 MODIFICATION OF AREA REGULATIONS
1. Yards, generally:
   A. Except as herein provided for accessory buildings and structures, whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
   B. Every part of a required yard shall be open to the sky, except as authorized by this Article. Ordinary projections of sills, awnings, canopies, belt courses, air conditioning units, chimneys, cornices, and ornamental features may project to a distance not to exceed 24 inches into a required yard setback.
C. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, school, institutional, hotel, or motel purposes, there may be more than one main building on the lot where such buildings are arranged around a court having a direct street access; provided, however:

1) That said court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for 1-story buildings, 40 feet for 2-story buildings, and 50 feet for 3-story buildings, and, in no case may such buildings be closer to each other than 15 feet;

2) Where a court having direct street access is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 20 feet for 1-story buildings, 30 feet for 2-story buildings, and 40 feet for 3-story buildings.

D. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

2. Accessory Buildings and Structures:

A. Except as herein provided, no accessory building shall project into a required yard setback along any street.

B. In Districts "R-1A", "R-1B" and "RP-2", accessory buildings may be located in a required side or rear yard; however, no accessory building may be located closer than 5 feet from a rear lot line, nor less than 3 feet from a side lot line. No alley may be encroached upon in meeting this requirement. No accessory building shall be placed in a front yard area closer to the front property line than the main building or structure on the property.

C. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further provided that canopies and other similar coverings over the pumps and pump islands shall have at least 14 feet of clearance and shall not project beyond the property line.

D. Accessory, open and uncovered swimming pools and permanent barbecue grills may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.

E. Accessory storm caves which are not a part of the main building may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.

F. Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed under the requirements of Section 27-103(2)(b).
G. Parabolic or satellite dish-type antennas may be placed in any district.

3. Front Yards:

A. When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

B. On double frontage lots, the required front yard shall be provided on each street frontage.

C. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which extend or project into the front and side yard shall not extend or project into the required front yard more than 10 feet or into the required side yard more than 6 feet.

D. Where 25 percent or more of the street frontage within 200 feet of the property in question, including properties on the same side of the street in the next block, is improved with buildings that have a front yard (with a variation of 6 feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than 50 percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where 40 percent or more of the street frontage in a block is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

E. On corner lots, a front setback shall be provided along the shorter street frontage. A side yard setback shall be provided along the other street frontage.

4. Side Yards: The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case the depth of the yard shall be as required in the district in which the building is located.

5. Rear Yards: Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation.

6. Corner Visibility: No sign, fence, wall, hedge, planting, or other obstruction to vision unless constructed of a material allowing a minimum of 75% visibility through the material and not more than four (4) feet in height above the established street grade measured from the crown of the street, shall be erected, planted, or maintained within the visibility triangle area of a corner lot.

7. Easements: No building, either a main or an accessory building, shall be constructed, moved, or altered so as to encroach onto or within a platted or recorded easement.
ARTICLE 28 SUPPLEMENTARY USE REGULATIONS

SECTIONS:
28-101 APPLICATION OF CONDITIONAL USES
28-102 ADDITIONS AND CHANGES TO CONDITIONAL USES
28-103 CONDITIONAL USES ENUMERATED
28-104 CONTINUANCE OF A CONDITIONAL USE
28-105 ACCESSORY USES
28-106 ELIGIBILITY FOR ACCESSORY USE
28-107 ACCESSORY USES ALLOWED
28-108 SPECIALTY ACCESSORY USES
28-109 ACCESSORY BUILDING OR STRUCTURE USE
28-110 PROHIBITED USES

28-101 APPLICATION OF CONDITIONAL USES

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain Conditional Uses listed herein, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted, except as otherwise specified, in any district from which they are prohibited.

Before the location or establishment thereof, or before any change or use of the premises existing at the time of the effective date of these Regulations or permitted as herein provided is made, a development plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in Article 21 of these Regulations. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 33 of these Regulations and shall review such development plan and statements and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property, submit a recommendation to the Governing Body.

Following receipt of the Planning Commission's recommendation, the Governing Body may, within the specifications herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. In this regard, the Governing Body may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to, those items identified in Article 21 of these Regulations.

28-102 ADDITIONS AND CHANGES TO CONDITIONAL USES

All requests for additions and structural alterations to Conditional Uses previously approved by the Governing Body shall be considered in the same procedure as outlined in Section 28-101 herein.

28-103 CONDITIONAL USES ENUMERATED

The following Conditional Uses may be approved by the Governing Body as provided in this Article:

1. Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.
2. In property zoned "RP-2", apartment houses in any variety of design, including but not limited to garden apartments, townhouses, or condominiums; provided sufficient on-site and off-site improvements are made to accommodate the density and intensity of the project. Sufficient restrictions, conditions and limitations may be imposed to maintain the residential character of the neighborhood.


4. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs, and utility maintenance shops and yards. This shall include commercial wind generation facilities, except where permitted by right in the “AG” Agricultural District.

5. Cemeteries, mausoleums or crematories for the disposal of the dead.

6. Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly-owned and operated community buildings, art gallery, museums and libraries.

7. Commercial parking lots.

8. Commercial uses in a residential structure located in a residential district when, in the opinion of the City, the use will not be detrimental to the residential neighborhood by reason of the intensity of use. Sufficient restrictions, conditions and limitations may be imposed to maintain the residential character of the neighborhood.

9. Confined animal feeding operations (i.e. those facilities licensed or having 1,000 animal units or more, as defined in these Regulations) including, but not limited to, commercial stockyards and/or feedlots and/or corporate farms, including hog, dairy and poultry, provided:

   A. The development plan shall include an area map showing the location of all habitable structures within 3 miles of all properties proposed to be used in the operation, including lands on which facilities and structures are to be constructed as well as land used for disposal of animal wastes by any means. All facilities and structures, including waste lagoons, shall be located a minimum of one (1) mile from all habitable structures and places frequented by the public. All lands used for effluent disposal shall be located a minimum of one half (1/2) mile from all habitable structures and places frequented by the public. The separation requirements may be reduced if the occupants of any habitable structures within said area agree in writing to waive the requirement and said agreement is recorded with the Pawnee County Register of Deeds.

   B. Copies of all permit documents, plans, specifications or reports required to be submitted to the KDHE or any state agency shall be submitted with the application.
C. A copy of the Emergency Incident Response Plan or any other such titled or referenced document that identifies the response procedures to be followed by the operators in the event of any incident necessitating an emergency response shall be submitted with the application. The Plan shall include the names, titles and all telephone numbers to be called in the event of such an emergency.

D. The applicant shall identify the method to be used in the handling and disposal of all dead animals that are generated from all the operations.

E. All roads not a part of the primary highway system of the State of Kansas intended to be used by the applicant as a means of ingress and egress to the proposed facility shall be designated on the application. Final approval of the designated roads to be used shall be made a part of the Conditional Use Permit, if approved. A construction and maintenance agreement between the applicant and Pawnee County shall be required. Such agreement shall specify the standards to which such roads will be reconstructed, if necessary, and the standards to which such roads will be subsequently maintained by the owner/operator of the confined animal feeding operation. The agreement shall also specify the form, manner, timing, and frequency of maintenance and upkeep. The responsibility of determining sufficiency of compliance with the road agreement shall be with Pawnee County or its designee.

F. If the Conditional Use Permit is approved, the applicant and all successors or operators of the facilities shall submit copies of all annual reports and documents required to be submitted to all state regulatory agencies to the Pawnee County Clerk who shall keep them on file.

10. Contractor's shop and/or yard, including construction equipment and/or material storage areas.

11. Drive-in theatres.

12. Exposition centers and/or buildings.

13. Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.

14. Fairgrounds.

15. Fire stations.

16. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.

17. Group Boarding Home, Group Day Care Home, Child Care Center, Day Care Center, Detention Center, Family Day Care Home, or Residential Center, provided:
A. The applicant shall submit, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.

B. A letter from the Pawnee County Health Officer shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operation.

C. Off-street parking at a rate of one space per employee plus two additional spaces for guests.

D. When operated out of an existing or proposed residential structure, the following standards shall be met:
   1) That only one non-illuminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
   2) Outside play areas shall be fenced.

18. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.

19. Hospital or clinic for large or small animals, provided:
   A. That such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.

20. Judicial centers, jails, penal or correctional institutions.

21. Keeping of exotic birds or animals.

22. Kennels, either boarding or breeding, provided:
   A. Pens or open kennels shall be located at least 50 feet from the front lot line and at least 30 feet from any side or rear lot line.
   B. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.

23. A manufactured home on an individual lot in zones “R-1” or “V-1” within the unincorporated portion of Pawnee County, or in zones “R-1A”, “R-1B”, “R-1C” or “RP-2” within the cities of Burdett, Garfield and Rozel, Kansas.

24. Manufactured home parks, subject to the standards established in the Manufactured Home and Recreational Vehicle Code of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas.
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SUPPLEMENTARY USE REGULATIONS

25. Mortuaries and attendant accessory activities and facilities.

26. Parks and playgrounds.

27. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, commercial telecommunication towers, commercial wind generation towers, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned, provided:

A. The location of every tower must be such that it is at least a minimum distance from all property lines equal to ½ the height of the tower. A plot plan shall be submitted with the application.

B. Every commercial telecommunication tower shall be designed to provide co-location with a minimum of 3 users.

C. No new tower location shall be approved unless the applicant shall show that there is not sufficient or usable space on existing or approved towers in the same service area.

28. Recreational or sports-related activity or facility, whether publicly or privately owned.

29. Recreational vehicle campground, subject to the standards established in the Manufactured Home and Recreational Vehicle Code of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas.

30. Schools, preschools or kindergartens, either publicly or privately owned or operated.

31. Show arenas, rodeo arenas and/or similar facilities.

32. Truck stops and/or truck terminals.

33. Zoos, commercial aquariums, or aviaries.

34. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations, or as a prohibited use.

28-104 CONTINUANCE OF A CONDITIONAL USE

A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of authorization, as long as all conditions placed on it are met; however, if that particular use ceases to exist for a period of six months, it will forfeit its Conditional Use Permit and will not be allowed to exist again unless a new application is made, a public hearing held and a new Conditional Use Permit approved.

28-105 ACCESSORY USES

Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not
produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

28-106   ELIGIBILITY FOR ACCESSORY USE

The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

28-107   ACCESSORY USES ALLOWED

Accessory uses shall be allowed; provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

1. In District "AG" Agricultural, the following, or similar accessory uses are allowed:
   A. Open or enclosed storage of farm materials, products or equipment; but not junk.
   B. Any and all farm buildings, including, but not limited to, barns, stables, sheds, toolrooms, shops, bins, tanks and silos.
   C. The use of a manufactured home as an accessory dwelling on land used for agricultural purposes when used by persons employed thereon or as a caretaker, including their families. At no time shall a manufactured home or the land upon which it sits be intended and/or used as a rental unit in the "AG" District.
   D. Fuel storage, tanks and dispensing equipment for fuels used solely for a farming operation. No retail sales of such fuels shall be allowed as an accessory use.
   E. Wholesale or retail sales of agricultural products grown or raised by the farm operator.
   F. A hobby activity operated by the occupant of the premises purely for personal enjoyment, amusement or recreation.
   G. Home occupations.
   H. Accessory buildings and uses commonly associated with residential activity including, but not limited to, the following:
      1) Private garages
      2) Guest houses
      3) Home barbecue grills
      4) Small storage sheds
      5) Satellite dish antennas
      6) Accessory off-street parking and loading spaces

2. In District "RR" Rural Residential, "SR" Suburban Residential, "R-1" Single-Family Residential, and "V-1" Village Districts only the following accessory uses are allowed:
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A. Accessory buildings and uses commonly associated with residential activity, including, but not limited to, the following:

1) Accessory off-street parking and loading spaces
2) Fences or walls
3) Flag poles
4) Gates or guard houses for subdivisions
5) Guest houses
6) Home barbecue grills
7) Parabolic and satellite dish-type antennas
8) Play equipment
9) Private garages and carports
10) Servants quarters
11) Small storage sheds
12) Solar collectors
13) Swimming pools
14) Television and radio receiving antennas less than 50 feet in height
15) No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted.)

B. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.

C. In the "SR" Suburban Residential District on lots three (3) acres or larger, agricultural activities may be conducted as accessory activities, such as growing of crops, pasturage of animals, growing of hay, or other similar activities. However, at no time shall such activity be classified or permitted as the primary usage of the land; said usage being as a residential home site in either of the zoning districts.

D. Home occupations such as, but not limited to, the following:

1) Accountant
2) Architect
3) Artist
4) Attorney
5) Author or writer
6) Chiropractor
7) Clergyman
8) Cosmetologist
9) Counselor
10) Engineer
11) Home crafts
12) Insurance Agent
13) Osteopath
14) Photographer
15) Planner
16) Real Estate Agent
17) Seamstress/Dressmaker
18) Secretary/Typist
19) Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day.

The following conditions and restrictions shall apply to such customary home occupations:

a) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.

b) That no person other than members of the household living on the premises and two (2) outside persons shall be employed.

c) That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.

d) That no display or storage of equipment or materials outside of a building or structure shall be permitted.

e) That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.

f) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

3. In District "R-1A" Single-Family Residential, "R-1B" Single-Family Residential, “R-1C” Single-Family Residential, and "RP-2" Planned Medium Density Residential District, only the following accessory uses are allowed:

A. Accessory buildings and uses commonly associated with residential activity, including, but not limited to, the following:

1) Accessory off-street parking and loading spaces
2) Fences or walls
3) Flag poles
4) Gates or guard houses for subdivisions
5) Guest houses
6) Home barbecue grills
7) Parabolic and satellite dish-type antennas
8) Play equipment
9) Private garages and carports
10) Servants quarters
11) Small storage sheds
ARTICLE 28 SUPPLEMENTARY USE REGULATIONS

12) Solar collectors
13) Swimming pools

B. Television and radio receiving antennas less than 50 feet in height.

C. No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted.) The total floor area of each accessory building shall not exceed 1,200 square feet, and the total floor area of all accessory buildings shall not exceed 2,400 square feet.

D. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.

E. Home occupations such as, but not limited to, the following:

1) Accountant
2) Architect
3) Artist
4) Attorney
5) Author or writer
6) Chiropractor
7) Clergyman
8) Cosmetologist
9) Counselor
10) Dentist
11) Engineer
12) Home crafts
13) Insurance Agent
14) Osteopath
15) Photographer
16) Physician
17) Planner
18) Real Estate Agent
19) Salesman
20) Seamstress/Dressmaker
21) Secretary/Typist

F. Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

G. The following conditions and restrictions shall apply to such customary home occupations:

1) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
2) That no person other than members of the household living on the premises and one (1) outside person shall be employed.

3) That only one non-illuminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.

4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.

5) That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.

6) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

4. In Districts "CP-0" Planned Commercial Office, "CP-1" Planned General Commercial, "CP-2" Planned Highway Service, and "CP-3" Planned Central Business District, only the following accessory uses are allowed:

A. Awnings.

B. Parking areas, loading areas, and/or private garages for motor vehicles.

C. Exterior lighting, including floodlighting.

D. Radio, television, and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.

E. Fences or walls, including security or screen fences or walls.

F. Flagpoles, cooling towers and other similar uses.

G. Food service and vending machines for tenants.

H. Solar collectors.

I. Parabolic and satellite dish-type antennas.

J. Washing and other motor vehicle cleaning shall be permitted as an accessory use in service stations, provided such washing and cleaning shall not utilize more than two car stalls or more than 30 percent of the floor area in any one station, shall be a part of the main building, shall not be equipped to handle anything larger than a one ton truck, and shall not be open for use during hours when the service station is closed. Such washing and cleaning operation shall utilize the same entrance drives as the service station and may use coin-operated or attendant-operated equipment, but not continuous line or conveyor type washing equipment.
K. Material storage yards, in connection with retail sales of products sold on the premises, where storage is incidental to the approved occupancy of a building, provided all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall, fence or hedge no less than 6 feet in height. Storage of all materials and equipment shall not exceed the height of said wall or fence. Storage of motor vehicles used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment such as road-building or excavating equipment.

5. In Districts "IP-1" Planned Light Industrial, and "IP-2" Planned Medium Industrial, only the following accessory uses are allowed:

   A. Awnings.
   B. Parking areas, loading areas and/or private garages for motor vehicles.
   C. Exterior lighting, including floodlighting.
   D. Fences or walls, including security or screen fences or walls.
   E. Loading equipment.
   F. Parabolic and satellite dish-type antennas.
   G. Radio, television and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.
   H. Gate houses.
   I. Employee recreation facilities.

28-108 SPECIALTY ACCESSORY USES

The following uses, activities, or items shall be the accessory uses or restrictions allowable:

1. Hotels, Motels, Motor Hotels: The following are accessory uses within a hotel, motel or motor hotel:

   A. Restaurant
   B. Health clubs, spas and exercise rooms
   C. Clubs
   D. Drinking establishments
   E. Banquet rooms
   F. Notion counters
   G. Newspaper and magazine counters
   H. Vending machines
   I. Arcades
   J. Beauty and barber shops
K. Flower and gift shops
L. Swimming pools

Provided all except swimming pools are within the main building and designed to serve the occupants and patrons of the hotel, motel or motor hotel.

2. Hospitals: The following are accessory uses within a hospital:

A. Residential quarter for staff and employees
B. Nursing and convalescent quarters
C. Storage and utility buildings
D. Food service and vending machines
E. Laundry and dry cleaning pickup and delivery
F. Flower and gift shops
G. Other similar services for hospital personnel, visitors and patients

3. Construction Sites: Construction and hauling trailers may be used as a temporary construction office on the site of a construction project, provided such construction or hauling trailer is removed upon completion of the project.

4. Fences or walls inside the cities of Burdett, Garfield and Rozel, only, subject to the following:

A. Fences or walls may be constructed to a maximum height of eight (8) feet above the average grade subject to the restrictions of this Article. For all fences or walls greater than six (6) feet in height, where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained from the City. A fence permit shall also be required for the replacement or reconstruction of 50 percent (50%) or more of the linear feet of the entire existing fence. Any such replacement or reconstruction shall comply with all the provisions of this Article except setbacks. In determining the height of a fence, the material used in the fence posts shall not be considered.

B. Fences or walls (including retaining walls) in any planned district shall be approved by the Planning Commission as part of the development plan prior to the issuance of any fence permit.

C. Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.

D. All fences or walls constructed prior to the adoption of these Regulations which do not meet the standards of this Article may be replaced and maintained resulting in a fence the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in this Article.

E. In all districts, the following restrictions and standards shall apply to all fences and walls:
1) Location.

a) Front yard. A fence or wall not more than four (4) feet in height and constructed of a material allowing a minimum of 75% visibility through the material may project into or enclose any required front yard or side yard to a depth from the street line equal to the required depth of the front yard.

b) Rear yard. A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. However, no fence shall be permitted in any platted easement. In the case of a double frontage lot whose rear yard abuts a collector or local street, a fence or wall may be constructed no closer than fifteen (15) feet to the rear property line.

c) Side yard. A fence or wall may be constructed on the side property line, except that no fence shall be closer than fifteen (15) feet to any collector or local street right-of-way. In addition, no fence shall be permitted in any platted easement.

d) Corner lot. A fence or wall not more than four (4) feet in height and constructed of a material allowing a minimum of 75% visibility through the material may project into or enclose any required front or side yard along the street frontage of the lot.

2) Design Standards.

a) All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.

b) All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one (1) gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing.

c) Spikes and Barbed Wire Fences. No person shall place or permit to be placed or remain on any fence or wall, within five (5) feet of any public street or sidewalk or less than six (6) feet above grade, any spikes or sharp pointed cresting, or any barbed wire, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith.

d) Electric Fences. No person shall erect a fence containing uninsulated electric conductors that may be exposed to human contact anywhere within the City.
c) Swimming Pools. Private swimming pools having a water depth of two (2) feet or more shall be separated from the remainder of the yard by a protective fence or other permanent structure at least four (4) feet in height. The protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person.

28-109 ACCESSORY BUILDING OR STRUCTURE USE

No accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced. No accessory building or structure shall be used unless the main building or structure on the lot is also being used.

28-110 PROHIBITED USES

After the effective date of these Regulations:

1. No mobile home, as defined in these Regulations (i.e. pre-HUD home), shall be moved, relocated, or otherwise placed on any property in the jurisdiction of these Regulations, including within any Manufactured Home Park.

2. No existing mobile home (i.e. “grandfathered”) shall be used for any purpose other than as a residential dwelling as permitted within these Regulations.

3. No mobile home or manufactured home originally built to be a single-wide unit shall be attached or connected to any other mobile home or manufactured home, or to any other structure or building. This shall not prohibit reasonable, aesthetically designed stoops, porches, decks, carports or the like from being built onto or adjacent to an approved manufactured home.

4. No property shall be used as junkyard, sanitary landfill, construction/demolition landfill, industrial landfill, hazardous or toxic waste storage facility, or other similar use or activity, including as an accessory use to another principal use unless such use or activity has been approved by the issuance of a Conditional Use Permit as provided within these Regulations.
ARTICLE 29 NONCONFORMING USES

SECTIONS:
29-101 NONCONFORMING LOTS OF RECORD
29-102 NONCONFORMING USE OF LAND
29-103 NONCONFORMING USE OF STRUCTURES
29-104 DISCONTINUANCE OF NONCONFORMING USES
29-105 DESTRUCTION OF A NONCONFORMING USE
29-106 INTERMITTENT USE
29-107 EXISTENCE OF A NONCONFORMING USE

29-101 NONCONFORMING LOTS OF RECORD

1. In Residential Districts.

   A. In any residential district, notwithstanding the regulations imposed by any other provision, a single-family detached dwelling which complies with the restrictions in Section 29-101-1.b., below, may be erected on a lot that is not less than 25 feet in width and that consists entirely of a tract of land that:

      1) Has less than the prescribed minimum lot area, width or depth, or all three, and,

      2) Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and,

      3) Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulation or regulations.

   B. Construction permitted by Section 29-101-1.a., above, shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located; provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

      1) The dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling.

      2) The sum of the widths of the two side yards on each lot shall be not less than the smaller of:

         a) Twenty-five percent of the width of the lot, or

         b) The minimum total for both side yards prescribed by the bulk regulations for said zoning district, and,

         c) No side yard shall be less than 10 percent of the width of the lot, and in no case less than 3 feet.
C. In any residential district allowing a two-family dwelling, said two-family dwelling may be erected on a lot that is not less than 25 feet in width when the conditions specified in Section 29-101-1 (a) and (b) above are met.

2. In Districts Other Than Residential Districts.

A. In any district other than a residential district, notwithstanding the regulations imposed by any other provision of these Regulations, a building designed for any permitted use may be erected on a lot of the type described in Section 29-101-1.a., previously cited.

B. Construction permitted by Section 29-101-1.a., previously cited, shall comply with all the regulations (except lot area, width and depth) applicable in the zoning district in which the lot in question is located.

29-102 NONCONFORMING USE OF LAND

Where open land is being used as a nonconforming use at the time of the enactment of these Regulations, and such use is the principal use and not accessory to the main use conducted in a structure, such use may be continued provided such nonconforming use shall not be extended or enlarged, either on the same or adjoining property. The protection afforded to nonconforming use of land by this section applies only to such land held under ownership or lease agreement for said activity on or before the effective date of these Regulations, but shall not apply to new lands purchased or leased after said date. In addition, said protection afforded to nonconforming use of land shall not apply to activities not legal under any other laws.

29-103 NONCONFORMING USE OF STRUCTURES

Except as otherwise provided herein, the lawful use of a structure existing at the effective date of these Regulations may be continued although such use does not conform to the provisions hereof. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. The nonconforming use of a structure may be hereafter extended throughout those parts of the structure which were lawfully and manifestly arranged or designed for such use at the time of the enactment of these Regulations.

29-104 DISCONTINUANCE OF NONCONFORMING USES

No land or structure or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of one (1) year, whether or not the equipment, fixtures, improvements or facilities are removed, shall again be used except in conformity with the regulations of the district in which such land or structure is located.
29-105 DESTRUCTION OF A NONCONFORMING USE

No structure which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the structure, immediately prior to damage, shall be restored except in conformity with the provisions of these Regulations, and all rights as a nonconforming use are terminated. If a structure is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided, that such repairs or reconstruction be substantially completed within 12 months or the date of such damage.

29-106 INTERMITTENT USE

The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

29-107 EXISTENCE OF A NONCONFORMING USE

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Zoning Administrator, subject to appeal to the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board and of these Regulations.
SECTIONS:
30-101 ORGANIZATION AND PROCEDURE
30-102 POWERS
30-103 VARIANCES
30-104 SPECIAL EXCEPTIONS
30-105 SPECIAL YARD AND HEIGHT EXCEPTIONS
30-106 GUIDELINES FOR CONDITIONS
30-107 APPLICATION
30-108 STAY OF PROCEEDINGS
30-109 PUBLIC HEARING
30-110 FINDINGS AND RECORDS OF PROCEEDINGS
30-111 LAPSE OF SPECIAL EXCEPTION
30-112 DECISIONS OF THE BOARD

30-101 ORGANIZATION AND PROCEDURE
The full membership of the Pawnee County Joint Planning Commission, as established by the Governing Body, is hereby declared to be the Pawnee County Joint Board of Zoning Appeals and, as such, shall function with its full membership as the Pawnee County Joint Board of Zoning Appeals as referred to herein. In all instances within this Article and/or these Regulations where reference is made to the Board of Zoning Appeals, said board shall be the Pawnee County Joint Planning Commission acting as the Pawnee County Joint Board of Zoning Appeals.

The Board of Zoning Appeals shall administer the details of the application of these Regulations in accordance with the general rules set forth herein. The Board may adopt rules and regulations as it may deem necessary to effectuate the provisions of these Regulations.

30-102 POWERS
The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these Regulations.

2. To hear and decide special exceptions to the terms of these Regulations upon which such Board is required to pass under these Regulations.

3. In accordance with the specific provisions of this Article, to authorize upon appeal of specific cases such variance from the terms of these Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in unnecessary hardship, and so that the spirit of these Regulations shall be observed and substantial justice done.

30-103 VARIANCES
The Board of Zoning Appeals shall have the power to grant the following variances:
1. A variation in the yard requirements in any district to relieve practical difficulties or particular hardships in cases where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of these Regulations. The purpose of this provision is to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice. Such variance shall be granted only when public safety and welfare are secured, and substantial justice done.

A request for a variance may be granted upon a finding by the Board of Zoning Appeals that ALL of the following conditions have been met:

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(s) or of 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, and;

E. That granting the variance desired will not be opposed to the general spirit and intent of these Regulations.

30-104 SPECIAL EXCEPTIONS

In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of these Regulations as an instrument for fact finding, interpretation, application, and adjustment, and to supply the necessary elasticity to its efficient operation, special exceptions are hereby permitted by the terms of this Article. The following buildings and uses are permitted as special exceptions if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by these Regulations:

1. A nonconforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.

2. A nonconforming commercial use on a lot between two lots which are used commercially.
3. A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building. In a building now occupied by a nonconforming commercial or industrial use, an additional use of the same classification in the remainder of the building.

4. The extension of an existing nonconforming building and the existing use thereof, upon the lot occupied by such building at the time of the passage of these Regulations; or the erection of an additional building upon the lot owned at the time of the passage of these Regulations by a nonconforming commercial or industrial establishment and which additional building is a part of such establishment.

5. Where a use district boundary line crosses a lot, a use of either classification on the whole lot within 100 feet of said district boundary line.

6. In residential districts “R-1A”, “R-1B”, and “R-1C” with the cities of Burdett, Garfield and Rozel, a private garage(s) and/or storage building(s) as an accessory building(s) for more than four motor vehicles and/or covering more than 1,200 square feet for each building and the total area of all accessory buildings of 2,400 square feet.

7. Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of these Regulations where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these Regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

8. The placement of a manufactured home or a mobile home on any property for use as an office, storage unit or other use different from its original design as a residence. This does not apply to the placement of “prefabricated structures” which are designed as portable offices, portable classrooms and the like.

30-105 SPECIAL YARD AND HEIGHT EXCEPTIONS

The following special yard exceptions, limited as to location and especially in locations described below in this section, are permitted by these Regulations if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property permitted by these Regulations and provided such exceptions are approved by the Board:

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side or rear yard that does not conform with the yard regulations.

2. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds.

3. An exception in the depth of the rear yard on a lot in a block where there are nonconforming rear yard conditions.
4. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

30-106 GUIDELINES FOR CONDITIONS

Where, in these Regulations, special exceptions are permitted, provided they are approved by the Board of Zoning Appeals, where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:

1. No outside signs or advertising structures except professional or directional signs.
2. Limitations of signs as to size, type, color, location or illumination.
3. Amount, direction, and location of outdoor lighting.
4. Amount and location of off-street parking and loading space.
5. Maintenance requirements including cleaning and painting of buildings, structures or facilities.
6. Type of roof (i.e., gable, flat, etc.).
7. Construction design and type of construction materials to be used.
8. Whether the buildings, if multiple buildings are proposed, can be connected or not.
9. Exit, entrance, door and window locations.
10. The type and amount of paving, landscaping, fencing, screening and other such features.
11. Hours of operation, including limitations on nighttime hours.
12. Limitations on structural alterations to existing buildings.
13. Plans for the control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
14. Such other conditions and/or limitations that are deemed necessary.

30-107 WRITTEN APPLICATION REQUIRED

Written application for an appeal, a special exception, or a variance referred to in this Article shall be filed with the Board or its agent, upon forms and in a manner prescribed by the Board. Said application shall be submitted within 30 days of the action requiring said appeal, variance or special exception.
ARTICLE 30  THE BOARD OF ZONING APPEALS

30-108 STAY OF PROCEEDINGS

Upon the application for an appeal of an order, requirement, decision, or determination made by an administrative official in the enforcement of these Regulations, said appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the application for appeal has been filed with him, that by reason of facts stated in the certificate the stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed except by a restraining order which may be granted by the Board, or by a court of competent jurisdiction on application, on notice to the Zoning Administrator and on due cause shown.

30-109 PUBLIC HEARING REQUIRED

The Board shall hold a public hearing on each application for an appeal, decision, variance or special exception. Applications for a variance or special exception must be accompanied with a certified list of property owners, and their addresses, within 200 feet of the property for which the variance or special exception is being sought. Notice of the time and place of the public hearing shall be published once in the official City or County paper not less than 20 days prior to the date of such public hearing. In addition, all property owners within 200 feet shall be notified by registered mail of such public hearing and be given an opportunity to attend and be heard regarding such application for a variance or special exception.

30-110 FINDINGS AND RECORDS OF PROCEEDINGS

The Board of Zoning Appeals shall hold the public hearing at such prescribed time and place and shall make its findings and determinations in writing within a reasonable time from the date of filing of the application, and shall forthwith transmit a copy thereof to the applicant. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, which shall be a public record.

30-111 LAPSE OF SPECIAL EXCEPTIONS OR VARIANCES

After the Board of Zoning Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of these Regulations shall thereafter govern.

30-112 DECISIONS OF THE BOARD

In exercising the foregoing powers, the Board of Zoning Appeals, in conformity with the provisions of this Article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring an action in the District Court of Pawnee County, Kansas, to determine the reasonableness of any such order or determination.
ARTICLE 31 ADMINISTRATION

SECTIONS:
31-101 ENFORCEMENT
31-102 ZONING CERTIFICATE
31-103 APPLICATION FOR ZONING CERTIFICATE
31-104 FEES
31-105 ISSUANCE OF ZONING CERTIFICATE
31-106 REVOCATION OF ZONING CERTIFICATE
31-107 STOP ORDER
31-108 PERIOD OF VALIDITY
31-109 CERTIFICATE OF OCCUPANCY
31-110 REPORTS
31-111 ADMINISTRATIVE PERMIT
31-112 VESTING OF DEVELOPMENT RIGHTS

31-101 ENFORCEMENT

It shall be the duty of the Zoning Administrator to enforce the provisions of these Regulations and to refuse to issue any zoning certificate for any building, or for the use of any premises, which would violate any of the provisions of these Regulations. It shall also be the duty of all officers and employees of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, to assist the Zoning Administrator by reporting any seeming violation in new construction, reconstruction or land use. In case any building is erected, constructed, reconstructed, moved, altered, repaired or converted or any building or land is used in violation of these Regulations, the Zoning Administrator is hereby authorized and directed to institute any appropriate action to put an end to such violation.

31-102 ZONING CERTIFICATE

No building, structure, or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these Regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these Regulations shall be used for any other purpose; and no use of any land or structure shall be changed to any other use, unless a zoning certificate shall first be applied for and a Certificate of Occupancy is obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of these Regulations.

31-103 APPLICATION FOR ZONING CERTIFICATE

The application for a zoning certificate shall be made on forms provided by the Zoning Administrator and shall be accompanied by a site plan of the real estate upon which said application is made. Said site plan shall be drawn to scale showing the following items:

1. Legal description of the real estate involved.
2. Location and size of all buildings, structures, yards and open space.
3. Width and length of all entrances and exits to and from said real estate.
4. All adjacent and adjoining roads or highways.
5. Sufficient grades and elevations to establish the proper placement of buildings, adequate sewage disposal systems, the proper drainage of the property, and the applicability of possible floodplains.

6. Location and specifications of all signs, lighting, fencing, screening, landscaping and other such site improvements.

Site plans so furnished shall be filed by the Zoning Administrator and shall become a permanent record. A record of all zoning certificate applications shall be kept on file in the Office of the Zoning Administrator.

31-104 FEES
An application for a zoning certificate shall be accompanied by such fee as shall be officially specified by resolution of the Governing Body from time to time.

31-105 ISSUANCE OF ZONING CERTIFICATE
A zoning certificate shall be either issued or refused by the Zoning Administrator within 10 working days after the receipt of the application for said zoning certificate, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a zoning certificate, the applicant shall be advised of the reasons for the refusal in writing.

31-106 REVOCATION OF ZONING CERTIFICATE
A zoning certificate 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 zoning certificate was issued there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the zoning certificate, or the same was issued under false representation, or that any other provisions of these Regulations are being violated.

31-107 STOP ORDER
Failure, refusal or neglect of any property owner, or his authorized representative, to apply for and secure a valid zoning certificate, including the payment of the prescribed fee, shall be reason for the issuance of a "stop order" by the Zoning Administrator; provided said owner or authorized representative shall have been notified in writing at least 48 hours prior to the issuance of said stop order that he is in violation of regulations of the County or city. Said stop order shall be posted on or near the property in question, in a conspicuous place and no further construction shall proceed. Where such construction has proceeded without filing for and receiving a valid permit, the fee for the issuance of a subsequent zoning certificate shall be quadrupled.

31-108 PERIOD OF VALIDITY
A zoning certificate shall become null and void ninety (90) days after the date on which it is issued unless within such ninety (90) day period construction, building, moving, remodeling or reconstruction of a structure is commenced or a Certificate of Occupancy is issued. A zoning certificate shall expire upon issuance of a Certificate of Occupancy as specified herein, or within one (1) year from the date of issuance of the zoning certificate, regardless of the state of completion of the construction authorized by said zoning certificate. Any construction not completed when a zoning
certificate expires shall cease and no new construction may commence until such time as a newly issued zoning certificate is issued in conformance with this Article and these Regulations.

**31-109 CERTIFICATE OF OCCUPANCY**

No new or existing building or structure shall be occupied or used, and no change in the character or use of land or of a building shall occur, until a Certificate of Occupancy has been issued by the Zoning Administrator certifying that such building or use complies with all requirements of these Regulations and other applicable city rules and regulations.

**31-110 REPORTS**

The Zoning Administrator shall periodically report in writing to the Governing Body and Planning Commission a summary of all zoning certificates and Certificates of Occupancy issued during the preceding period, giving details of any permitted variations, as well as the current status of all applications in process for amendments, conditional uses, appeals, and variances. Such report shall include comments on any problems encountered in the administration of these Regulations which may need correction by amendment to these Regulations.

**31-111 ADMINISTRATIVE PERMIT**

A manufactured home on an individual lot may be authorized by the Zoning Administrator by issuance of an Administrative Permit on an emergency basis for a period not to exceed six (6) months, on any lot where the permanent dwelling unit has been destroyed by fire, storm or other such calamity and the dwelling unit has been rendered uninhabitable. If the authorization for the emergency placement of such mobile home unit lasts longer than six (6) months, a Special Exception may be granted by the Board of Zoning Appeals for an additional period of time, provided, the procedures for approval of Special Exceptions outlined in Article 26 herein are followed.

**31-112 VESTING OF DEVELOPMENT RIGHTS**

In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for residential development shall be protected for use of said land for the intended residential purposes for a period of five (5) years from the time in which such property was first platted or subdivided, provided:

   A. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be in one of the following forms:

      1) signed and scaled certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, dated and recorded with the Register of Deeds; or,

      2) recorded Restrictive or Protective Covenants for the development which describes the individual lots said Covenants are applicable to; or,

      3) recorded deeds conveying land; or,
4) recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.

B. Within said five (5) year period actual sales occur resulting in separate owners on the tracts of land.

C. The division of land was legally done in conformance with the then Pawnee County Subdivision Regulations.

2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot and subsequent divisions of said lot shall be in conformance with the Pawnee County Subdivision Regulations then in effect.

3. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with these Regulations and the Pawnee County Subdivision Regulations. Persons who obtain a validly issued permit under any previous rules of Pawnee County or the cities of Burdett, Garfield and Rozel shall be permitted to develop the property so long as the permit issued under the previous rules does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these Regulations or the Pawnee County Subdivision Regulations then in effect.
ARTICLE 32

SECTIONS:
32-101 PURPOSE AND INTENT
32-102 SPECIAL EVENT DEFINED
32-103 SPECIAL EVENTS NOT REQUIRING A PERMIT
32-104 SPECIAL EVENTS SUBJECT TO AN ADMINISTRATIVE PERMIT
32-105 SPECIAL EVENTS SUBJECT TO GOVERNING BODY APPROVAL
32-106 APPLICATION AND FEE

32-101 PURPOSE AND INTENT

The purpose and intent of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Article to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Article to preserve the public health, safety and convenience.

32-102 SPECIAL EVENT DEFINED

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations, for one or more of the following types of activities:

1. **Type 1.** Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.
2. **Type 2.** Temporary banners attached to the wall of a building or placed across street rights-of-way.
3. **Type 3.** Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
4. **Type 4.** Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration. This type includes special activities such as film productions, outdoor play productions and similar type of events.
5. **Type 5.** Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short duration. Additionally, the temporary placement of a portable asphalt plant and attendant materials and equipment during construction work on any public road when such placement is not adjacent to said construction but will be placed within 1 and ¼ miles of said construction.

The term "special event" shall not include garage sales at an individual residence, transient merchants, or off-site promotional signs.
**ARTICLE 32**

**32-103 SPECIAL EVENTS NOT REQUIRING A PERMIT**

Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.

2. Any structure use in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid building permit, and shall be promptly removed upon cessation of the event.

3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.

**32-104 SPECIAL EVENTS SUBJECT TO AN ADMINISTRATIVE PERMIT**

Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Administrator. In administering the provisions of this section, the Zoning Administrator shall be guided by applicable City policies as adopted by the Governing Body. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body.

1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Administrator, providing that all of the following performance standards are met:

   A. An application is made and a fee paid in accordance with Section 32-106.

   B. No more than one banner will be displayed when attached to the wall of a building.

   C. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.

   D. The banner will be displayed for a maximum duration of fifteen (15) days per permit.

2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 32-103, may be permitted administratively by the Zoning Administrator subject to the prior review and approval of special arrangements for traffic and crowd control by the Chief of Police and Fire Chief. No such administrative permit shall be issued unless all of the following performance standards are met:

   A. An application is made and a fee paid in accordance with Section 32-106.

   B. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
C. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.

D. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.

E. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.

F. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.

G. The special event shall be conducted on private property in a commercial or industrial zoning district, except that nonprofit organizations may conduct events on any property where the property owner has granted the appropriate permission.

H. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

32-105 SPECIAL EVENTS SUBJECT TO GOVERNING BODY APPROVAL

Any Type 5 special event or special event not meeting the criteria of Sections 32-103 or 32-104 may be granted a Special Event Permit by the Governing Body. Such permit may be subject to such conditions and safeguards as the Governing Body may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.

2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Governing Body expectations.

3. The provision of traffic control or security personnel to increase the public safety and convenience.

4. Obtaining liability and personal injury insurance in such form and amount as the Governing Body may find necessary to protect the safety and general welfare of the community.

32-106 APPLICATION AND FEE

1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Administrator and the appropriate fee paid. The application shall be made on forms provided by the Zoning Administrator, and shall be accompanied by the following items as applicable:
A. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.

B. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.

C. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.

2. Each application for a Special Event Permit shall be accompanied by an application fee. The fee shall be as established by the Governing Body by separate ordinance.

3. The Special Event Permit shall be posted on the site for the duration of the event.
Applications for amendments, revisions or changes in the Zoning District Boundary Map in effect for Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, or for a Conditional Use Permit, may be made by any person who owns the land for which such an amendment, revision, change or conditional use permit is sought, or by the owner's agent as defined by these Regulations. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for said owner prior to any public hearing.

Recommendations for amendments, revisions or changes to the Zoning Code or the Zoning District Boundary Map may also be made by the Pawnee County Joint Planning Commission upon its own motion, for final determination by the Governing Body; likewise the Governing Body may amend the Zoning Regulations or the Zoning District Boundary Map upon its own motion; provided, however, such proposed amendments shall first be submitted to the Pawnee County Joint Planning Commission for recommendation and report as provided herein.

All applications or requests for amendments, revisions or changes to the Zoning Regulations or the Zoning District Boundary Map or for a Conditional Use Permit shall be made to the Zoning Administrator on such forms as provided and acceptable to the Zoning Administrator and the payment of the application fee established by the Governing Body. Immediately upon receipt of an application for rezoning or conditional use by the owner of a particular tract of land, or his agent, and the payment of the appropriate fee, the Zoning Administrator shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than 60 days after receipt of a completed application. Notice of such hearing shall be published once in the official City or County newspaper at least 20 days prior to the date set for said hearing and a hearing shall be granted to any person at the time and place specified in such notice.

If the proposed change is not a general revision of the existing regulations but affects specific property, then in addition to the publication notice, notice of such proposed hearing shall be mailed to all the owners of land located within 200 feet of the area proposed to be altered at least 10 days prior to the hearing, thus providing an opportunity to all interested parties to be heard. If the proposed amendment is for property adjacent to the city limits or is located outside the city’s limits, the area of notification shall extend to at least 1,000 feet into the unincorporated area. Such notice shall be given by regular first class mail, and shall be in the form of a letter explaining the proposed
change. Such mailed notices shall be addressed to the owners of land mentioned above and not to occupants of such lands.

The applicant shall provide a certified list of the owners of said lands at the time of the filing of the application. The applicant shall furnish proof that he is the owner, the owner's agent, or has an option to buy the land described in the application, in which case the present owner must consent in writing to the application prior to the public hearing.

In the case of an application to amend, revise or change the Zoning Code, whether by the Pawnee County Joint Planning Commission or the Governing Body, all the above stated requirements shall be followed except:

1. No fee shall be required since the request is from the Pawnee County Joint Planning Commission or the Governing Body.

2. Notice of the public hearing is not required to be mailed to anyone; therefore, a certified list of the owners of land shall not be required.

For action on zoning amendments by the Pawnee County Joint Planning Commission, the Bylaws of the Pawnee County Joint Planning Commission shall govern said actions with respect to quorums, voting procedures, hearing procedures, and the like. The Pawnee County Joint Planning Commission shall submit its first recommendation, in whatever form, no later than 3 months after the first public hearing, unless an extension of time is agreed to by the applicant.

Actions of the Governing Body on recommendations submitted to it by the Pawnee County Joint Planning Commission shall be taken in conformance with the provisions of K.S.A. 12-757, and amendments thereto. This shall include actions subject to protest petitions.

If the zoning amendment shall affect the boundaries of any zone or district, the ordinance of the Governing Body shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment and shall reincorporate such map as amended.

33-103 REFERRAL OF AMENDMENTS TO CITIES

In order to protect the area around all incorporated cities within Pawnee County from untimely, premature, or inappropriate development, all proposed changes in a zoning district (rezonings) or requests for a Conditional Use Permit for all property within the designated notification area of all cities within Pawnee County shall be submitted to said city for official review and recommendation. The notification area for each city shall be mutually agreed upon by said city and Pawnee County. Such area shall not exceed that area a city would be able to include within its Zoning Regulations as outlined in K.S.A. 12-715b, and amendments thereto. The notification area may be revised by mutual agreement at any time.

The Zoning Administrator shall submit the application, along with all supporting documentation and any development plans, to the appropriate city once the application has been determined to be complete. The application shall not be set for public hearing by the Pawnee County Joint Planning Commission until the expiration of the review and comment period provided herein for said city;
however, the required notices may be published to set the public hearing as soon after the expiration of the 30-day review and comment period as is practical.

Said city shall review such proposed rezoning or Conditional Use request and, within 30 days of receipt thereof, may submit a written recommendation regarding said application to the Pawnee County Joint Planning Commission; or may appear before the Pawnee County Joint Planning Commission and present its recommendation in person; or may elect to make no comments regarding said request. Any recommendation submitted may be from either the Planning Commission or the Governing Body of that city, whichever said city so chooses.

Notwithstanding any other provision of these Regulations or of state law; and in addition to all other rights granted to the applicant and to adjoining landowners; in the event a city recommends that a rezoning or Conditional Use proposed within said notification area be denied; then a resolution of approval of such request shall not be passed except by three-fourths majority vote of the Board of County Commissioners.

33-104 POSTING OF SIGN

Each applicant for a rezoning and each applicant for a Conditional Use Permit shall, within 48 hours of filing such application, place a sign upon the lot, tract or parcel of land for which the application was filed. Said sign shall be furnished by the Zoning Administrator to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereinafter set forth.

Said sign shall be maintained and kept in place by the applicant until final disposition of such application, or until withdrawal of the application. The sign shall be removed by the applicant after final action on the application.

The bottom of said sign shall be a minimum of two (2) feet above the ground line. Said sign shall be placed within five (5) feet of the street right-of-way line, in a position on such lot, tract or parcel of land as to have no visual obstructions thereto and to be readily seen by passersby. If the lot, tract or parcel of land has more than one (1) street abutting thereto, signs shall be placed facing both streets. Failure to comply with this requirement shall not deprive the Pawnee County Joint Planning Commission of its jurisdiction or affect any decision, but may be due cause for the Pawnee County Joint Planning Commission to refuse to hear the application or to adjourn the hearing or to require further notice. Any such hearing may, for good cause at the request of the applicant, or in the discretion of the Pawnee County Joint Planning Commission, be continued.

33-105 TRAFFIC AND/OR OTHER STUDIES

In the case of an application for rezoning of land or for a Conditional Use Permit for a use which may, in the opinion of the Pawnee County Joint Planning Commission or Governing Body, substantially change traffic patterns, create traffic congestion, and/or have a perceived impact on the community of such magnitude warranting special study, either the Pawnee County Joint Planning Commission or Governing Body may require that the applicant procure the services of a competent professional consultant or expert for the purpose of preparing such traffic and/or other studies deemed necessary.
A traffic study must address how the traffic generated by the proposed development will be handled on the site; how vehicular ingress and egress from the site onto public streets will function; and, show that no undue burden will be placed upon the existing public street system. The study shall include recommendations of the on-site and off-site improvements necessary to achieve appropriate levels of traffic safety.

The other studies shall address the substance of the concern and/or impacts and shall identify the extent of such impacts and any and all mitigation remedies possible to lessen those impacts on the neighborhood and/or citizens and taxpayers of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas.

The results of the traffic study and/or other studies shall be used in determining the impact of the proposed rezoning or conditional use permit and guide the development of a recommendation or decision regarding the same, including requirements of construction and/or installation of the recommended improvements outlined with the traffic study.

**33-106 FACTORS TO BE CONSIDERED**

1. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Pawnee County Joint Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Pawnee County Joint Planning Commission is based using the following guidelines:

   A. Whether the change in classification would be consistent with the intent and purpose of these Regulations;

   B. The character and condition of the surrounding neighborhood and its effect on the proposed change;

   C. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

   D. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

   E. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

   F. The suitability of the applicant’s property for the uses to which it has been restricted;

   G. The length of time the subject property has remained vacant or undeveloped as zoned;
H. Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

I. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;

J. The recommendations of permanent or professional staff;

K. Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan;

L. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification; and,

M. Such other factors as may be relevant from the facts and evidence presented in the application.

2. Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as Conditional Uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a Conditional Use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the Pawnee County Joint Planning Commission or the approval of the Governing Body. The requirements may be made more stringent if there is potentially injurious effects which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

The Pawnee County Joint Planning Commission may recommend approval of a Conditional Use, and the Governing Body may approve such Conditional Use, using the following factors as guidelines:

A. Whether approval of the Conditional Use would be consistent with the intent and purpose of these Regulations;

B. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;

C. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided;
ARTICLE 33 AMENDMENTS

D. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;

E. The length of time the subject property has remained vacant or undeveloped as zoned;

F. Whether the applicant’s property is suitable for the proposed use;

G. The recommendations of permanent or professional staff;

H. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan;

I. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use; and,

J. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 27 of these Regulations), will not adversely affect the property in the area affected.

K. Such other factors as may be relevant from the facts and evidence presented in the application.

33-107 LIMITATIONS ON REAPPLICATION FOR AMENDMENTS

Whenever an application for amendment, supplement, change, rezoning or conditional use permit has been denied by the Governing Body or withdrawn after newspaper publication notice for public hearing, such application or one substantially similar shall not be reconsidered sooner than one (1) year after said denial or from the date the application was withdrawn. The Governing Body may waive the limitation for good cause if there is a substantial change in the application as proposed. All requests for waiver of the limitation shall be made in writing, stating the basis for the request and the change that is felt to warrant such waiver, at least fourteen (14) days prior to the meeting of the Governing Body at which such request is to be heard. If the request is granted, then the application shall begin again as a new request and meet all requirements of these Regulations for hearing.
SECTION 34-101 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare. It is not intended by these Regulations to interfere with, or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where these Regulations impose a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other rules, regulations, or by easements, covenants, or agreements, the provisions of these Regulations shall govern. If any property is not given a zoning classification on the Zoning District Boundary Map because of error or omission, such property shall be classified “AG” Agricultural in the unincorporated portion of Pawnee County or "R-1A" Single-Family Residential within the cities of Burdett, Garfield or Rozel until changed by amendment, unless authorized by these Regulations.

SECTION 34-102 REMEDIES AVAILABLE

In case any building or structure is or is proposed to be erected, constructed, reconstructed, moved, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of these Regulations, the Zoning Administrator, County Attorney, City Attorney, or other appropriate authority of Pawnee County or the cities of Burdett, Garfield and Rozel, Kansas, may, in addition to all other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of a building, structure or land.

SECTION 34-103 PENALTY

Any person or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars ($500.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of these Regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided.
ARTICLE 35

SECTIONS:
35-101 VALIDITY
35-102 ACCRUED RIGHTS AND LIABILITIES SAVED
35-103 SEVERABILITY
35-104 EFFECTIVE DATE
35-105 REPEALING CLAUSE

35-101 VALIDITY
If any section, paragraph, subdivision, clause, phrase, or provision of these Regulations shall be adjudged invalid or held unconstitutional the same shall not effect the validity of these Regulations as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.

35-102 ACCRUED RIGHTS AND LIABILITIES SAVED
The repeal of the existing Zoning Regulations provided in Section 34-105 herein shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said Regulations or parts thereof. Said Regulations below repealed are hereby continued in force and effect, after the passage, approval and publication of these Regulations, for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions thereof.

35-103 SEVERABILITY
Each article, section and subdivision or a section of these Regulations are hereby declared to be independent of every other article, section, or subdivision or section, so far as inducement for the passage of these Regulations is concerned.

35-104 EFFECTIVE DATE
These Regulations, being designated as the "Zoning Regulations of Pawnee County, Kansas," shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3009 through 12-3012.

35-105 REPEALING CLAUSE
Where applicable, these Regulations repeal the existing Zoning Regulations of Pawnee County and the cities of Burdett, Garfield and Rozel, Kansas, in its entirety.
ARTICLE 36
COMMERCIAL WIND FARM

SECTIONS:
36-101 PURPOSE AND INTENT
36-102 KEY ISSUES
36-103 DEVELOPMENT PLAN

36-101 PURPOSE

The purpose is to outline required information for application of a Conditional Use Permit (CUP) for a Commercial Wind Farm (CWF). This document also outlines standard conditions expected to be imposed on the Applicant if a CUP is issued. A “Development Plan” (defined in Section 36-103 herein) is to be submitted with the application. These guidelines are written to:
Assist the Applicant and relevant authorities.
Provide details of the CWF.
Provide information so individuals may gain an understanding of the CWF.
Provide a basis for public discussion and informed comment on the CWF.
Identify significant environmental, social, and economic effects related to the CWF.

Information in the application and Development Plan shall be as current as possible at the time of submission. Where information is unavailable or not yet finalized, estimates and/or alternative options shall be provided and noted as estimates or alternatives. Not all matters in the guidelines are relevant to all aspects of the project. Only those matters relevant to the project shall be addressed.

2. INTENT

These guidelines are intended to address major issues associated with the project; however, they are not all inclusive. Issues not listed may be deemed significant and issues may emerge as significant (studies, public input) during the course of review.

1. The Development Plan shall be written in a style that is easily understood by the general reader. Technical terminology shall be avoided as much as possible. Detailed technical data, statistics, and supplementary information required to support the main text is to be included as appendices. All sources of information are to be referenced, and must be current. Information presented as maps, diagrams, or plans is preferred, as the general reader finds it easier to understand.

2. These requirements specify maps, information surveys and studies that must be submitted as part of the CUP application. Pawnee County may adjust the standards for future projects based on such things as; but not limited to, the results of monitoring avian collisions; the success or failure of remedial actions required in the decommissioning process; the changing technology in wind generated electricity.

3. One CUP application shall be submitted with the landowner’s signature(s) owning parcels of land upon which the CWF will be located. If approved, one CUP shall be issued for the entire area of the proposed CWF.
36-102 KEY ISSUES

Key issues relating to CWF’s, identified to date, are listed below. These issues include, but are not limited to:

1. Land use and value.
5. Endangered species.
7. Soil erosion.
8. Water quality.
9. Company experience, reputation, and financial ability.
11. Public health and safety.
12. Infrastructure.
13. Aviation/FAA.
14. Reception and transmission interference with all public and emergency communications.
15. Cultural heritage.
17. Cumulative impact.
18. Electro-magnetic fields associated with transmission lines.

1. Conditions required for approval

Shall include, but not be limited to:

1. Strict conformance to all performance standards as detailed in Article 22 of Pawnee County Zoning Regulations.

2. No turbines shall be located closer than 500 feet or the total height of the turbine plus 50 feet, whichever is greater, from major and secondary public roads. Shall not apply to minimum maintenance roads.
3. No turbines shall be located closer than 500 feet or the total height of the turbine plus 50 feet, whichever is greater, from property lines of any property not included in the CUP. Turbines may be located closer with written consent of the adjacent landowner.

4. No turbine shall be located closer than 1,000 feet from a residential structure. Turbines shall be located no closer than the total height of the turbine plus 50 feet from a common agricultural/residential accessory structure.

5. Communication lines and power collection lines are to be installed underground wherever possible in the area covered by the CUP. Said lines are to be located under or alongside of turbine access roads, when it is practical to follow turbine access roads.

6. Above-ground transmission lines may be used only in public rights-of-way or private easements after approval from the County Highway Administrator.

7. Applicant shall apply for a zoning permit prior to the construction of the CWF.

8. Transportation routes used for construction shall be coordinated with the County Highway Administrator. A road agreement (defined in Section 36-103.4) must be approved before any zoning permits are issued for construction to begin.

9. Applicant shall be held liable for any damage to county/township roads or rights-of-way resulting from tower construction, deconstruction, and/or maintenance activity.

10. If lubricants and/or hazardous materials are to be located on the premises in connection with the CWF, said materials shall be kept and transported in accordance with all State and Federal regulations.

11. There shall be no lights on the towers other than those required by the Federal Aviation Administration (FAA). This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

12. Structures for wind turbines shall be self-supporting tubular towers painted a neutral color such as a white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level that can be read from twenty (20) feet. (minimum 2” lettering)

13. If the CUP is to be transferred from one party to a different party, written notice shall be given to the Board of County Commissioners. The new holder of the CUP shall meet the surety bond requirement and all other requirements of the CUP.

14. Applicant shall develop an Emergency Response Plan with assistance from the County Emergency Management Director prior to construction phase addressing possible hazards at the project faced by first responders. Example - High angle rescue, high voltage concerns, etc.
36-103 CWF DEVELOPMENT PLAN

1. **Introduction:** The Applicant shall provide information on the following:

1. Name of the project.
2. Phases of construction (if applicable).
3. Two (2) maps showing project location and vicinity. One at 1:100,000 scale and one at 1:24,000 scale (United States Geological Service (USGS) scale).
4. Applicant/Developer, name, address and a statement providing relevant information regarding:
   A. An overview of the company.
   B. Qualifications and experience in CWF.
   C. Financial information regarding ability to construct, operate, and maintain the CWF.
   D. Information regarding surety bond for de-construction.
   E. Note to Applicant: K.S.A. 45-221, Section 33 exempts financial information submitted by contractors in qualification statements from being open to the public.
   F. Operator, if different from Applicant/Developer, shall provide all above information - 4) A through E.
5. Relevant background information on the project, including a general overview of the project location, timeframe and project life, phases of development, and possibilities for future expansion.
6. Environmental guidelines and industry codes of practice that will be followed if approved.
7. An inventory of existing wildlife, endangered species, wetlands, and other biologically sensitive areas within the site.

2. **Site Plans:** A Site Plan with the following specifications shall be submitted:

1. Scale which results in the site plan itself being of a convenient size for portability and legibility.
2. Scale and north point (up).
3. Name/address of land owner and land developer.
4. Boundaries of site: boundary of property and boundary of area affected by CUP.
5. Topography with contour intervals as found on USGS maps.
6. Transmission lines, both existing and proposed.

7. Houses within 1,000’ of the site boundary.

8. Acreage of site, point(s) of access to the project.

9. Schematic location of turbines, electric collector and feeder lines, electrical equipment, maintenance roads, and other associated facilities.

10. Boundaries of the 100-year flood plain as identified on the FEMA’s “Flood Hazard Boundary Maps” of Pawnee County Kansas.

3. General construction document requirements: Applicant shall provide:

1. General –

   A. General description of major components and onsite facilities. Wind turbine specifications, transmission line and accessory facilities such as control rooms, transformers, substations, maintenance facilities, underground infrastructure, and interior access roads.

   B. The number, location, capacity, and dimensions of the turbines shall be included.

   C. Address, phone number, and emergency phone number shall be provided to the Planning and Zoning Director, Board of County Commissioners, 911 Emergency Services during and upon completion of the construction phase of the CWF. Applicant is required to notify Planning and Zoning Director, Board of County Commissioners, and 911 Emergency Services of any change in contact information.

   D. A description and general schedule of major construction activities for the turbines, transmission lines, and common accessory structures related to CWF’s.

2. Construction – (Off-Site)

   A. Any new infrastructure or off-site accessory structure(s) required for the project to progress shall be described, including the following:

      (1) Requirements for new transportation infrastructure and/or upgraded, realigned, or new road.

3. Operation and Maintenance –

   A. Width of transmission line easements required, and any restrictions necessary on land use, development, and access within said easement.
4. **Mitigation Measures:** Applicant shall address the following potential environmental effects and shall provide plans to mitigate each:

1. **Roads** –
   
   A. Public roads – Prior to construction phase applicant shall:
      
      (1) Identify all county and township roads that will be used for the CWF and shall notify the governing body having jurisdiction over the roads (Highway Administrator) to determine if said body needs to inspect the roads prior to their use. Where practical, existing roadways shall be used for all activities associated with the CWF.
      
      (2) (and the governing body having jurisdiction over said roads), shall enter into a road agreement for maintenance and repair of roads subject to the extra wear and tear of a CWF, including but not limited to transportation of equipment and turbine components, construction and maintenance,
      
      (3) Be held liable for any damage to county/township roads or rights-of-way resulting from tower construction, deconstruction, and/or maintenance activity,
      
      (4) Not be held responsible to maintain or repair a road to a condition better than what existed before Applicant began using it for CWF purposes.

2. **Cleanup** –
   
   A. Applicant shall remove all waste produced during CWF construction phase and properly dispose at a Kansas Department of Health and Environment (KDHE) approved facility.

5. ** Decommissioning/Restoration/Abandonment:**

1. **Decommissioning plan** –
   
   A. Applicant shall submit a Decommissioning Plan describing the manner in which the CWF will be dismantled and removed from the site at the end of its useful life. All above ground components of the CWF shall be removed. Foundations shall be removed to four (4) feet below ground level. Remainder of foundation may be left intact.

   B. Applicant shall submit a Decommissioning Agreement which shall provide an Escrow Account/Surety Bond/Insurance Policy or other form of financial security, which in any case shall be in form and substance satisfactory to the Board of County Commissioners and shall provide financial security in an amount approved by the Board of County Commissioners as reasonably necessary to restore the site as close as reasonably possible to the pre-CWF topography and topsoil quality. The purpose of this Escrow Account/Surety Bond/Insurance Policy or other form of financial security acceptable to the Board of County Commissioners is to assure removal of all improvements subject to CUP at the end of the project’s life, or in the event of abandonment of the CWF. This amount may be renegotiated every five (5) years at the discretion of the Board of County Commissioners.

   C. At the end of the CWF’s useful life, or if the CWF is abandoned, the site shall be restored in accordance with the requirements of this condition within eighteen (18) months.
6. **Extraordinary events:**

1. Within 72 hours of an occurrence, the Applicant shall notify the Planning and Zoning Director of any extraordinary event occurring at the CWF. Extraordinary events include but are not limited to:

   A. Tower collapse.
   
   B. Thrown/broken blade or hub.
   
   C. Seriously Injured worker or citizen.