

ZONING REGULATIONS

STEVENS COUNTY, KANSAS

Official Copy as Incorporated
by Resolution No. 95-03

MODEL CODE

prepared by the

STEVENS COUNTY PLANNING COMMISSION

Effective Date: April 1995

Updated: May 20, 2019

Print Date: May 21, 2019

BOARD OF COUNTY COMMISSIONERS

- 1995 -

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Richard Farrar, Commissioner
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STEVENS COUNTY PLANNING COMMISSION

-1995-

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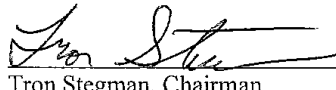
STEVENS COUNTY, KANSAS
RESOLUTION
No. 19-03

RESOLUTION ADOPTING PERMIT FEE SCHEDULE

BE IT RESOLVED, by the BOARD OF COUNTY COMMISSIONERS of STEVENS COUNTY, on the 20th day of May, 2019, adopted a Permit Fee Schedule.

WHEREAS, this resolution shall supersede any previous policies regarding the same and any previous Permit Fee Schedules shall hereby be revoked and held for naught.

WHEREAS, the Permit Fee schedule as attached to this Resolution shall remain in full force until further resolution of this Board of County Commissioners or change in the laws in the State of Kansas.

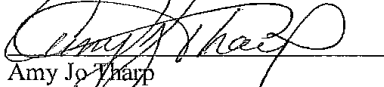


Tron Stegman, Chairman



Patrick Hall, Member

ATTEST:



Amy Jo Sharp
Clerk of Stevens County



Joe D. Thompson, Member



| STEVENS COUNTY PERMIT FEES EFFECTIVE JANUARY 1, 2020 | |
|---|----------|
| Building Permit Residential | \$30.00 |
| Building Permit Commercial | \$50.00 |
| Conditional Use Permit | \$100.00 |
| Manufactured/Mobile Home Permit | \$50.00 |
| Septic System Permit NEW or REPLACE | \$50.00 |
| Water Well Permit | \$30.00 |
| Annual Fees/MH Park or RV Campground | \$50.00 |
| Zoning Change or Appeal | \$100.00 |
| Special Permits | \$50.00 |

Stevens County, Kansas
Zoning Regulations

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ARTICLE 1
TITLE; PURPOSE; DEFINITIONS;
DISTRICT AND GENERAL REGULATIONS

Sections:

- 1-101 Title
- 1-102 Purpose
- 1-103 Definitions
- 1-104 Districts
- 1-105 General Regulations Governing All Zoning Districts

1-101 Title: These regulations, including the Zoning District maps and overlays made a part thereof, shall be known and may be cited as the "Zoning Regulations of Stevens County, Kansas", and shall hereinafter be referred to as "these Regulations."

1-102 Purpose: These Regulations are intended to serve the following purposes:

- A. To promote the health, safety, morals, comfort and general welfare of the citizens of Stevens County, Kansas.
- B. To create zoning districts sensitive to the needs of the residents while protecting and enhancing the rural values of Stevens County and encouraging as much non-agricultural development as possible to occur within the incorporated cities of the County.
- C. To conserve good agricultural land and protect it from the intrusion of incompatible uses, but not to regulate or restrict the primary use of land for agricultural uses by family farms.
- D. To regulate and restrict the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; size of yards, courts, and other open spaces.
- E. To provide for adequate light and air, and acceptable noise levels.
- F. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
- G. To provide adequate notice on subsequent changes to these regulations and an opportunity for interested parties to be heard.
- H. To provide information regarding possible flood hazards.
- I. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Comprehensive Plan for Stevens County, Kansas, as adopted.
- J. To promote the achievement of the Future Land Use Plan for Stevens County, Kansas, as adopted.
- K. To inform the public regarding future development in Stevens County, Kansas, thereby providing a basis for wise decisions with respect to such development.

1-103 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. **ABUTTING:** Adjoining or bordering.
3. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
4. **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. On properties zoned other than Agricultural, and especially on properties zoned Rural Residential and Suburban Residential, agricultural buildings shall be considered an accessory building.
5. **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. On properties zoned other, than Agricultural, and especially on properties zoned Rural Residential and Suburban Residential, agricultural uses shall be considered an accessory use.
6. **ADMINISTRATIVE OFFICER:** See Zoning Administrator.
7. **AGRICULTURAL PURPOSES, LAND USED FOR:** The use of a tract of land by a family farm for the production of plants, animals 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; rural residential home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.

- B. The operation and/or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.
 - C. The commercial operation and/or maintenance of a stockyard, feedlot and/or other confined livestock feeding operation, including corporate farms, This shall include all lands, facilities and/or structures subject to the provisions of K.S.A. 65-161 through K.S.A. 65-171h, and amendments thereto.
 - D. The operation of an auction sales yard.
8. **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.
 9. **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 tie-down areas, hangars, and other necessary buildings and open spaces.
 10. **ALLEY:** A public or private thoroughfare which provides only a secondary means of access to abutting property.
 11. **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.
 12. **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. The approval of a Conditional Use Permit as provided within these Regulations.
 - d. A change in the maps, i.e., the zoning designation of a particular parcel or parcels. This form is also known as "rezoning."
 13. **ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. This does not include open kennels or runs.
 14. **APARTMENT:** A room or a suite of rooms within an apartment house or complex arranged, intended or designed for a place of residence of a family.
 15. **APARTMENT HOUSE:** A building or buildings containing apartments used as a place of residence for more than two (2) families.
 16. **APPLICANT:** The owner of a tract of land, or his duly designated representative, for which an amendment has been requested. Consent shall be required from the record owner of the premises if the applicant is other than the owner.

17. **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.
18. **AUTOMOTIVE AND MACHINERY REPAIR SHOPS:** A building used for the repair of motor vehicles or machinery. This shall include, but not be limited to, body and paint shops, glass service shops and auto service centers.
19. **AUTOMOTIVE SALES AREA:** An open area, other than a street, used for display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor vehicles to be displayed and sold on the premises.
20. **AUTOMOTIVE SERVICE STATION:** Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including tire recapping, major repair work such as motor replacement, body and fender repair or spray painting, provision of rental equipment, or open motor vehicle sales lots.
21. **BASEMENT:** A space wholly or partly underground and having more than one-half of its total usable space below building grade.
22. **BOARD OF ZONING APPEALS:** That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to these Regulations.
23. **BOARDING OR ROOMING HOUSE:** A dwelling in which roomers, lodgers and/or boarders are housed but individual cooking facilities are not provided.
24. **BUFFER AREA:** Open and unobstructed ground area of a plot in addition to any required yards or road widening around the perimeter of any plot.
25. **BUILDABLE WIDTH:** The width of that part of a lot not included within any required open space.
26. **BUILDING:** Any site-built 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.
27. **BUILDING, COMMUNITY:** A building used for noncommercial social, educational, or recreational activities of a neighborhood or community.
28. **BUILDING COMPLETELY ENCLOSED:** Any building having no outside openings other than ordinary doors, windows and ventilators.
29. **BUILDING HEIGHT:** The vertical distance from the established grade to the highest point on the roof or parapet wall.
30. **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.

31. **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.
32. **BUILDING, PUBLIC:** A publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately owned buildings used for the same public-type purposes.
33. **BULKY WASTE:** Discarded or stored inoperative household appliances, disused furniture, disused equipment, junk lumber and other building debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment; provided that bulky waste shall not mean abandoned or inoperable vehicles in whole or in part.
34. **CAMP:** Any plot, including its area of land and/or water, on which are located cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes; but not including a day camp, trailer camp, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction, or nursery school.
35. **CANOPY:** Any structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements; or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
36. **CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
37. **CEMETERY:** Land used for burial and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
38. **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.
39. **CHURCH:** An establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday school rooms, assembly rooms, kitchen, recreational facilities and/or library.
40. **CIRCUS AND/OR CARNIVAL:** A temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food services, sales, or small scale games.
41. **CLEAN RUBBLE:** Inert uncontaminated construction and demolition waste which includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock.

42. **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.
43. **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.
44. **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.
45. **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.
46. **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.
47. **COMPREHENSIVE PLAN:** The currently adopted Comprehensive Plan for the unincorporated portion of Stevens County, Kansas, and amendments thereto.
48. **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.
49. **CONDITIONAL USE PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or establishment of a Conditional Use.
50. **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.
51. **CONFINED LIVESTOCK FEEDING OPERATION (CAFO):** 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 growing.
52. **CONSTRUCTION/DEMOLITION LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste. This term shall not include a site that is used exclusively for the disposal of clean rubble.

53. **CONSTRUCTION/DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, pavements, curbing, bridges, and trees and brush as defined in K.S.A. 65-3402, as amended.
54. **CORPORATE FARM(ING):** A commercial farming operation conducted by a corporate entity as defined in Kansas statutes and that is not a family farm and/or a family farming corporation.
55. **COUNTY:** The Board of County Commissioners of Stevens County, Kansas, or its delegated staff, boards or agencies.
56. **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.
57. **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.
58. **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.
59. **COUNTY HEALTH OFFICER:** The Director of the County Health Department, or such person designated to administer the Health Regulations of the County.
60. **COURT:** An unobstructed open area bounded on three or more sides by the walls of a building or buildings; an OUTER COURT extends to a street or yard, and an INNER COURT does not.
61. **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.
62. **DENSITY:** The average number of dwelling units per acre of land, expressed in terms of "per acre." (Example: 300 dwelling units occupying 40 acres of land is 7.5 units per acre.)
63. **DISTANCE:** Horizontal distances unless otherwise designated.
64. **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.
65. **DOG:** Any canine specie over one (1) year of age.
66. **DRINKING ESTABLISHMENT:** A premises, which may be open to the general public, where alcoholic liquor by the individual drink is served.

67. **DRIVE-IN ESTABLISHMENT:** An enterprise which accommodates the patrons automobile and from which occupants of the automobile may make purchases, transact business or, view motion pictures or other entertainment.
68. **DRIVE-THROUGH ESTABLISHMENT:** Any restaurant, financial institution, or product vending enterprise where the patron does not necessarily enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building are included in this definition.
69. **DWELLING:** Any building, or portion thereof, designed or used primarily for residential purposes, including residential-design manufactured homes and modular homes.
70. **DWELLING, MULTI-FAMILY:** A building or portion thereof, arranged, intended or designed for occupancy by three or more families.
71. **DWELLING, SEASONAL:** A residence intended for occasional, but not permanent, occupancy.
72. **DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one family. Both a manufactured home and a residential-design manufactured home shall be considered a single-family dwelling.
73. **DWELLING, TWO-FAMILY:** A building or portion thereof, arranged, intended or designed for occupancy by two families.
74. **DWELLING UNIT:** A building, or part thereof, containing complete housekeeping facilities for one family.
75. **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.
76. **EFFICIENCY UNIT:** A dwelling unit, constructed as a part of a residential complex, having a living room of at least 220 square feet; an additional 100 square feet of living area for each occupant of such unit in excess of two (2); a separate closet; a separate bathroom containing a water closet, lavatory and bathtub or shower; and, a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
77. **EFFLUENT:** Liquid waste from animal waste facilities from confined livestock feeding operation lagoons and/or waste treatment facilities. Liquid waste from storm water runoff lagoons and/or ponds shall not be considered effluent.
78. **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.

79. **EXOTIC BIRDS OR ANIMALS:** Birds or animals not commonly kept domestically or that are not native to Stevens County and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, llamas, and snakes.
80. **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.
81. **FAMILY DAY CARE HOME:** A facility licensed by the State of Kansas to provide children under sixteen (16) 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.
82. **FAMILY FARM:** A farming operation conducted by a person or persons, including a family farm corporation as defined by Kansas statutes, but not a corporate farm.
83. **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.
84. **FEED LOT, COMMERCIAL:** A livestock feedlot or feed yard as defined by K.S.A. 47-1501 et seq, licensed by and operated under standards set forth by the Kansas Livestock Commission.
85. **FENCE:** An unroofed barrier or unroofed enclosing structure, including retaining walls.
86. **FLOOD PLAIN:** That area of land having a one percent (1%) chance of inundation of water in any given year or as a result of what is commonly known as the 100-year flood.
87. **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.
88. **FOSTER HOME:** A facility licensed by the State of Kansas for the twenty-four (24) hour care of four (4) or less children who are less than eighteen (18) years of age and unrelated to the operator(s). Children in foster care have been found by the Court to be in need of care.
89. **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.
88. **FRONTAGE:**
- a. **Lot Frontage:** The distance for which the front boundary line of the lot and the right-of-way are coincident.

- b. **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-et the street.
89. **GARAGE, PRIVATE:** An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.
90. **GARAGE, PUBLIC:** A building, or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles.
91. **GARAGE, STORAGE:** A building, or portion thereof, designed or used exclusively for housing motor vehicles, other than trucks and commercial vehicles, pursuant to previous contract or arrangement.
92. **GARDEN APARTMENT BUILDING:** An apartment building located on a lot either singly or together with other similar apartment buildings, such buildings generally being one or two stories in height and having grounds completely landscaped.
93. **GOVERNING BODY:** The Board of County Commissioners of Stevens County, Kansas.
94. **GREENHOUSE:** A translucent enclosure used for the cultivation or protection of tender plants.
95. **GROUP BOARDING HOME OR RESIDENTIAL CENTER FOR CHILDREN/ADULTS:** A facility licensed by the State of Kansas to provide twenty-four (24) hour care for not less than five (5) nor more than ten (10) persons.
96. **GROUP DAY CARE HOME:** A facility licensed by the State of Kansas for the care of a maximum of twelve (12) children under sixteen (16) years of age, and which is maintained for less than twenty-four (24) hours per day.
97. **GUEST HOUSE:** Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.
98. **HABITABLE STRUCTURE:** Any of the following structures which is occupied or maintained in a condition which may be occupied in whole or in part: A dwelling, church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building or licensed food service or lodging establishment.
99. **HAZARDOUS WASTE:** Any waste meeting the definition of K.S.A. 65-3430 and amendments thereto.
100. **HAZARDOUS WASTE DISPOSAL FACILITY:** Any facility which meets the requirements as defined in K.S.A. 65-3430, as amended.
101. **HIGHWAY:** A street designated as a highway by an appropriate local, state or federal agency.

102. **HIGHWAY, LIMITED ACCESS:** A freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.
103. **HOME OCCUPATION:** Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling.
104. **HOSPITAL:** A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the inpatient medical and surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.
105. **HOTEL:** A building, or portion thereof, or a group of buildings, which provides sleeping accommodations for transients with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.
106. **INDUSTRIAL LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.
107. **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.
108. **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.
109. **INTENSITY:** The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.
110. **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.
111. **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.
112. **JUVENILE DETENTION FACILITY:** Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which is not a jail.
113. **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.

114. **KENNEL, BREEDER:** Any place, area, lot, building or structure where more than four dogs are kept for any purposes.
115. **KINDERGARTEN:** A facility licensed by the State of Kansas to provide educational programs for children during the school year immediately preceding their entrance into First Grade, and connected with a public, private or parochial elementary school system.
116. **LABORATORY, MEDICAL:** An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.
117. **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.
118. **LAUNDRY:** An establishment where commercial laundry and dry cleaning work is undertaken.
119. **LAUNDRY, SELF-SERVICE:** An establishment equipped with individual coin operated washing, drying and/or dry cleaning machines.
120. **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.
121. **LOADING SPACE OR LOADING BERTH:** A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.
122. **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.
123. **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.
124. **LOT, CORNER:** A lot abutting upon two or more streets at their intersection.
125. **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.
126. **LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
127. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
128. **LOT INTERIOR:** A lot whose side line or lines do not abut upon any street.

129. **LOT LINES:** The lines bounding a lot as defined herein.
130. **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.
131. **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.
132. **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.
133. **MANUFACTURE:** Any method of processing, developing, fabricating or assembling raw material, semi-finished materials or parts into semi-finished or finished products.
134. **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.
135. **MANUFACTURED HOME ACCESSORY BUILDING OR STRUCTURE:** A subordinate building or structure which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.
136. **MANUFACTURED HOME LOT:** A plot of ground within a manufactured home park for the placement of one manufactured home for single-family occupancy and the *exclusive* use of its occupants, and which provides the necessary utility services for water, sewage and electricity.
137. **MANUFACTURED HOME PAD:** That portion of the manufactured home lot on which the manufactured home unit, and any attached awning, is placed.
138. **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.
139. **MANUFACTURED HOME PARK PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or extension of a Manufactured Home Park.
140. **MANUFACTURED HOME SALES AREA:** An open space, other than a street, used for display or sale of *new or used* manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.

141. **MANUFACTURED HOME SKIRTING:** The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.
142. **MANUFACTURED HOME SUBDIVISION:** Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
143. **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.
144. **MOBILE HOME:** A transportable, factory-built structure designed to be used as a year-round residential dwelling. Any mobile home built prior to enactment of the National Manufactured Home Construction and Safety Standards Act (6/1/76) is prohibited. Stevens County prohibits placement or movement of any mobile home greater than 20(twenty) years old, from the current year, into or within Stevens County, Kansas.
145. **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.
146. **MOTOR HOME:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.
147. **MOTOR VEHICLE:** A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.
148. **MOTOR VEHICLE GRAVEYARD:** Any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.
149. **MULTI-FAMILY LAND USE:** The-use of any lot or tract of land for two - family and/or multi-family dwellings.
150. **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.
151. **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.**

- NOXIOUS MATTER:** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
152. **NURSERY:** Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.
153. **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.
154. **OPEN SPACE:** Useable open space designed and intended for use by all residents of a residential area, including publicly dedicated space.
155. **OUTDOOR STORAGE:** The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.
156. **OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts.
157. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
158. **PACKAGE LIQUOR STORE:** An establishment in which alcoholic beverages are sold for consumption off the premises.
159. **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.
160. **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.
161. **PERSON:** Any individual, partnership, joint venture, corporation, or other business or legal entity.
162. **PLANNING COMMISSION:** The Planning Commission of Stevens County, Kansas.
163. **PRESCHOOL:** A facility licensed by the State of Kansas to conduct sessions of daytime care instruction for no more than three (3) hours per session 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.
164. **RECREATIONAL EQUIPMENT:** That which an occupant or owner may desire for convenience to store on his lot, but which item is normally and principally transported for use off the lot on a trailer or other **vehicle** and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the 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.

165. **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.
166. **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.
167. **RECREATIONAL VEHICLE CAMPGROUND:** A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
168. **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).
169. **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.
170. **RIDING STABLES:** Structure in which saddle horses are kept and/or maintained as a commercial operation, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.
171. **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.
172. **SALE, RETAIL:** The sale of goods, merchandise and/or commodities to the ultimate consumer.
173. **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.
174. **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.R. 65-3401 et seq, and amendments thereto.

175. **SCHOOL:** Any 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.
176. **SCREENING:** Fencing or vegetation maintained for the purpose of concealing from view.
177. **SETBACK:** The distance between a building and the lot line, or road easement line, whichever provides the desired minimum distance.
178. **SLIDE-IN CAMPER:** A structure designed to be mounted temporarily or permanently in the bed of a pickup or light truck to provide enclosed storage space for transportation of property or quarters for recreational camping, including shells and truck cabs.
179. **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.
180. **STOCKYARD, COMMERCIAL:** A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.
181. **STORE OR STORAGE:** As related to waste tires, means the placing of waste tires in a manner that 'does not constitute disposal of the waste tires. Storage includes the beneficial use of waste tires as fences, silo covers and erosion control, and such other beneficial uses determined not to create health or environmental risks by the Secretary of Health and Environment of the State of Kansas.
182. **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.
183. **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.
184. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
185. **STRUCTURE:** Anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
186. **SWIMMING CLUB:** A pool and accessory building operated for members and their guests, whether or not operated for gain.
187. **SWIMMING POOL, PRIVATE:** A pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.
188. **SWIMMING POOL, PUBLIC:** A pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and for use by the general public.

189. **TAVERN:** An establishment in which cereal malt beverages are sold or served to customers.
190. **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.
191. **TRAILER PARK:** A tract, lot, or parcel of land upon which temporary accommodations are provided for two or more trailers; such park being open to the public either free or for a fee.
192. **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.
193. **TRAVEL TRAILER:** A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
194. **USE:** The specific purpose for which land or a building is used.
195. **USEABLE OPEN SPACE:** Land or water which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.
196. **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.
197. **WASTE TIRE:** A whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect, as defined in K.S.A. 65-3424, et sec, and amendments thereto.
198. **WASTE TIRE ABATEMENT:** The processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.
199. **WASTE TIRE BENEFICIAL USE:** The use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling, to the owner of the tires. This shall not include the disposal of waste tires on the owners land simply to avoid proper disposal as prescribed by these Regulations and/or state law.
200. **WASTE TIRE COLLECTION CENTER:** A site where used or waste tires are collected from the public prior to being offered for recycling or disposal.
201. **WASTE TIRE PROCESSING FACILITY:** A site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.

- 202. **WASTE TIRE SITE:** A site at which 500 or more whole tires are accumulated.
- 203. **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.
- 204. **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.
- 205. **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.
- 206. **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.
- 207. **ZONE OR DISTRICT:** An area of unincorporated Stevens County for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space are herein established.
- 208. **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.

1-104 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 Stevens County is hereby divided into districts of which they shall be in number known as:

- "AG" Agricultural District
- "RR" Rural Residential District
- "R-1" Single-Family Residential District
- "V-1" Village District
- "AO" Airport Overlay District

1. Such land, and the district classification thereof, shall be shown on maps, aerial photos, computer records or other documents deemed appropriate by Stevens County and such maps, aerial photos, computer records or other documents shall be designated as the "Official Zoning Maps of Stevens 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 Stevens 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 un-subdivided property, unless otherwise indicated, the district boundary line on the maps 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.

1-105 General Regulations Governing All Zoning Districts:

A. Except as hereinafter provided:

1. No land may be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height, area and bulk regulations, the parking regulations, or the off-street loading regulations herein established for the district in which the building is located.
4. If a use in any structure is hereafter changed to another, then the new use must comply with the use regulations of these Regulations.
5. The minimum yards, parking spaces, open spaces, including lot area per family, required by these Regulations for each and every building existing at the time of the passage of these Regulations, or of any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of these Regulations.
6. 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.
7. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and loading spaces required by Articles 9 and 10 are provided. No structure or use already established on the effective date of these Regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Articles 9 and 10 are provided for the whole structure or use as enlarged.
8. 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.

- B. All lands used for agricultural purposes as defined within these Regulations, including those agricultural activities that are designated as accessory uses to rural residential and suburban 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.

ARTICLE 2
"AG" AGRICULTURAL DISTRICT REGULATIONS

Sections:

- 2-101 Application
- 2-102 Use Regulations
- 2-103 Performance Standards
- 2-104 Parking Regulations
- 2-105 Off-Street Loading Regulations
- 2-105 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. 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 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. In this regard, all lands used for agricultural purposes by family farms, 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 corporate farming or other 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 purposes by family farms.
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. 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 8 of these Regulations.

2-104 Parking Regulations: The Parking Regulations for permitted uses are contained in Article 9 of these Regulations.

2-105 Off-Street Loading Regulations: The Off-Street Loading Regulations for permitted uses are contained in Article 10 of these Regulations.

2-106 Sign Regulations: The Sign Regulations are contained in Article 11 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 Stevens County shall be as follows:

1. **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) shall be deemed to meet the lot size requirements even though said lot may net less than a full 40 acres.
2. **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). A minimum of one (1) acre 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 forty acres.
3. **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 4:1 (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.
4. **Front Yard:** The depth of the front yard shall be at least 75 feet.
5. **Side Yard.** The depth of the side yard shall be at least 50 feet.
6. **Rear Yard:** The depth of the rear yard shall be at least 50 feet.

The Area and Bulk Regulations are also set forth in the chart of Article 12. 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 13 of these Regulations.

2-109 Supplementary Use Regulations: The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 14 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 purpose of this District is to provide for the platted development of low-density residential neighborhoods that retain the character of -the basically rural area and yet allow an influx of residential development. This district is limited to those areas of Stevens County where adequate water, sewage disposal and other infrastructure presently exists; or may be approved outside such areas only when adequate water, sewage disposal and other infrastructure, as well as the delivery of support services 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 Stevens 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 such proposed density shall be on the person proposing the development and the County may deem any and all such proof as necessary 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:

1. Single-family dwellings.
2. 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.
3. 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.
4. 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 8 of these Regulations.

3-104 Parking Regulations: The Parking Regulations for permitted uses are contained in Article 9 of these Regulations.

3-105 Off-Street Loading Regulations: The Off-Street Loading Regulations for permitted uses are contained in Article 10 of these Regulations.

3-106 Sign Regulations: The Sign Regulations are contained in Article 11 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 family 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.
6. **Lot Area Per Family:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 87,120 square feet or 2 acres per family.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 12. 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 13 of these Regulations.

3-109 Supplementary Use Regulations: The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 14 of these Regulations.

ARTICLE 4
SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Sections:

- 4-101 Application
- 4-102 Use Regulations
- 4-103 Performance Standards
- 4-104 Parking Regulations
- 4-105 Off-Street Loading Regulations
- 4-105 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 "R-1" Single-Family Residential District. 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. The District is also designed to protect and preserve existing development of a similar character.

4-102 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:

1. Single-family dwellings.
2. 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 classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
3. 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 of one year from the time of erection of such temporary buildings, whichever is sooner.

4-103 Performance Standards: The Performance Standards for permitted uses are contained in Article 8 of these Regulations.

4-104 Parking Regulations: The Parking Regulations for permitted uses are contained in Article 9 of these Regulations.

4-105 Off-Street Loading Regulations: The Off-Street Loading Regulations for permitted uses are contained in Article 10 of these Regulations.

4-106 Sign Regulations: The Sign Regulations are contained in Article 11 of these Regulations.

4-107 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 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 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 Family:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 20,000 square feet per family.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 12. 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: Supplementary Height, Area and Bulk Regulations are contained in Article 13 of these Regulations.

4-109 Supplementary Use Regulations: Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 14 of these Regulations.

ARTICLE 5
"V-1" VILLAGE 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 "V-1" Village District. This District is designed to encourage the continued existence of small unincorporated "villages" (i.e. town sites platted many years ago and intended to become cities, but which never incorporated or became cities) by placing fee 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.

5-102 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.

5-103 Performance Standards: The Performance Standards for permitted uses are contained in Article 8 of these Regulations.

5-104 Parking Regulations: The Parking Regulations for permitted uses are contained in Article 9 of these Regulations.

5-105 Off-Street Loading Regulations: The Off-Street Loading Regulations for permitted uses are contained in Article 10 of these Regulations.

5-106 Sign Regulations: The Sign Regulations are contained in Article 11 of these Regulations.

5-107 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 30 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:** 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 Stevens County Environmental/Sanitary Code.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 12. 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 13 of these Regulations.

5-109 **Supplementary Use Regulations:** The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 14 of these Regulations.

ARTICLE 6
"AO" AIRPORT OVERLAY DISTRICT

Sections:

- 6-101 Applications
- 6-102 Definitions
- 6-103 Establishment of Airport Zones
- 6-104 Airport Zone Height Limitations
- 6-105 Use Restrictions
- 6-106 Plan Approval Guidelines
- 6-107 Nonconforming Uses
- 6-103 Permits
- 6-109 Enforcement
- 6-110 Conflicting 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 "AO" Airport Overlay District. The Airport Overlay District is designed to establish an airport zone surrounding Hugoton Municipal Airport and to protect those using the airport from hazards that might be erected or constructed on surrounding properties. To this end, the District establishes additional restrictions on uses of property that may be stricter than those of the underlying district. When this occurs, the more strict requirements apply.

6-102 Definitions: As used in this Article, unless the context otherwise requires, the following words or phrases shall have the meanings herein defined:

1. **AIRPORT:** Hugoton Municipal Airport.
2. **AIRPORT ELEVATION:** An elevation of _____ feet above mean sea level for Hugoton Municipal Airport.
3. **AIRPORT HAZARD:** Any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing and taking off at any airport, or is otherwise hazardous to such landing or taking off of aircraft.
4. **APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 6-104 hereof. The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:** The zones established in this Article.
6. **CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. **HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

8. **HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Article and shown on the Airport Zoning Maps, the datum shall be mean sea level elevation unless otherwise specified.
9. **HORIZONTAL SURFACE:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.
10. **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight, and jet-powered aircraft.
11. **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article, or any amendment thereto.
12. **NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
13. **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 6-104 hereof.
14. **PERSON:** Any individual, firm, co-partnership, company, association, joint stock association, or government entity, and includes any trustee, receiver, assignee, or other similar representative thereof.
15. **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section 6-103 hereof. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. **RUNWAY:** A defined area on an airport prepared for landing and taking off of aircraft along its length.
18. **STRUCTURE:** Any object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, tanks, cranes, smokestacks, earth formation, and overhead transmission lines.
19. **TRANSITIONAL SURFACES:** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each 1 foot vertically from the sides

of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the-edge of the approach surface and at 90 degree angles to the extended runway centerline.

20. **TREE:** Any object of natural growth.
21. **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
22. **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

6-103 Establishment of Airport Zones: In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Hugoton Municipal Airport. Such zones are shown on the Stevens County Airport Zoning Maps which are hereby made a part of these Regulations. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Utility Runway Visual Approach-Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runways 2-20 and 13-31 at Hugoton Municipal Airport.)
2. **Utility Runway Non-precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runways 2-20 and 13-31 at Hugoton Municipal Airport.)
3. **Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of ' 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runway's 2-20 and 13-31 at Hugoton Municipal Airport.)
4. **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.
5. **Horizontal Zone:** The horizontal zone is established by swinging arcs of

5,000 feet radii for all runways designated utility or visual, and 10,000 feet for all others, from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

6. **Conical Zone:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

6-104 Airport Zone Height Limitations: Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. **Utility Runway Visual Approach Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. **Utility Runway Non-precision Instrument Approach Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. **Runway Larger than utility with a Visibility Minimum Greater than 3/4 Mile Non-precision Instrument Approach Zone:** Slopes 34 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
4. **Transitional Zones:** Slopes 7 feet outward for each 1 foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping 7 feet outward for each 1 foot upward beginning at the sides of, and the same elevation as, the approach surface and extending to where they intersect the conical surface or horizontal surface.
5. **Horizontal Zone:** Established at 150 feet above the airport elevation.
6. **Conical Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.
7. **Excepted Height Limitations:** Except in the Approach Zones, nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height up to 50 feet above the surface of the land.

6-105 Use Restrictions: Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. No sanitary landfill may be established, operated, or maintained within 2 miles of any airport boundary.

6-106 Plan Approval Guidelines: The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 7 of these Regulations.

6-107 Nonconforming Uses:

1. **Regulations Not Retroactive:** The regulations prescribed in this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of these Regulations, or otherwise interfere with the continuation of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these Regulations and is diligently pursued.
2. **Marking and Lighting:** Notwithstanding the preceding provision of this Article, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.

6-108 Permits:

Future Uses Except as specifically provided in a., b., and c. hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone herein created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 6-107 (4.) hereof.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article, except as set forth in Section G-104 (4.).

- a. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground; except when, because of

terrain, land contour, or topographical features, such tree or structure would extend above the height limits prescribed for such zones.

- b. In areas lying within the limits of the approach zones but a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet height above the ground; except when such tree or structure would extend above the height limit prescribed for such approach zone.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground; except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
2. **Existing Uses:** No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of these Regulations or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
 3. **Nonconforming Uses Abandoned or Destroyed:** Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the Zoning Regulations.
 4. **Variances:** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in the Article, may apply to the Board of Zoning Appeals for a variance from such regulations. Each application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no application for variance to the requirements of this Article may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within 30 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.
 5. **Obstruction Marking and Lighting:** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals and approved by the Governing Body, this condition may be modified to require the owner to permit the Airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights.

6-109 Enforcement: It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed in this Article. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this Article to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Zoning Administrator.

6-110 Conflicting Regulations: Where there exists a conflict between any of the regulations or limitations--prescribed in this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

ARTICLE 7
PLAN APPROVAL GUIDELINES

Sections:

- 7-101 Purpose
- 7-102 Application, Review, Approval Procedure
- 7-103 Development Plan
- 7-104 Development Plan - Phasing, Time Restrictions
- 7-105 Remedies for Noncompliance

7-101 Purpose: The purpose of this Article is to outline the procedures and requirements for the approval of a Development Plan. Said Development Plan is a required submission when seeking a Conditional Use Permit. Those land uses requiring a Conditional Use Permit are specifically intended to accommodate:

1. The fully planned, coordinated, and orderly development of relatively large tracts of land.
2. The conversion of relatively small parcels of land to one of the specified uses requiring a Conditional Use Permit.

The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family residential unit shall not be subject to the provisions of this Article.

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 CM -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 in the Development Plan as a part of the Conditional Use process, or may be allowed upon request of the applicant after approval by the Planning Commission and Governing Body as an amendment to a previously approved Development Plan or as a first approval of a Development Plan on properties that have never had an approved Development Plan.

7-102 Application, Review, Approval Procedure: In order to assure that 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 Conditional Use Permit, except those uses exempted in Section 7-101 above, 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 Conditional Use Permit, and;
2. 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.

7-103 Development Plan: Application for a Conditional Use and Development Plan approval shall be made in accordance with the procedures outlined in Article 14 of these Regulations. The application shall include a Development Plan which 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 at no more than 2 foot contour intervals, drawn to a scale of 1" = 100' or greater, 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;
 - b. proposed contours;
 - 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;
 - 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 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.

The Planning Commission shall review the application for a Conditional Use Permit, along with the Development Plan, and shall recommend approval or denial of the Conditional Use Permit along with the Development Plan to the Governing Body, or may request modifications to the Development Plan as deemed necessary to carry out the spirit and intent of these Regulations. Approval by the Governing Body 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 Planning Commission and/or Governing Body 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. Prohibition of use or construction of any structure to be used for a single-family dwelling, including a manufactured home.
7. Plans for control or elimination of smoke, dust, odor, gas, noise or vibration caused by the proposed use.
8. 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.
9. Such other conditions and/or limitations that are deemed necessary.

7-104 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 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 Conditional Uses approved with a Development Plan shall have construction begun within one (1) year of said approval by the Governing Body. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Governing Body stating the reasons construction has not begun and at what time construction is expected to begin. If the Governing Body agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Governing Body shall review the Development Plan and shall act on said plan in a reasonable time period. Upon approval by the Governing Body, the Development Plan shall be filed for record in the office of the Zoning Administrator. In addition, an affidavit shall be recorded with the Stevens County Register of Deeds indicating a Development Plan has been approved and is on record with the Zoning Administrator and that revisions or alterations to the property must be made in accordance with the Development Plan. The Register of Deeds shall not charge any fee for the recording of this affidavit of the County.

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 to and approved by the Planning Commission and Governing Body before any further work can proceed. 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. -

7-105 Remedies for Noncompliance If the applicant fails to comply with any of the restrictions or limitations established with an approved Development Plan, including 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 Conditional Use Permit shall remain in effect but shall do so without an approved Development Plan. If the approved Development Plan is voided, the Planning Commission or the Governing Body may initiate an action to have the Conditional Use permit revoked.

ARTICLE 8
PERFORMANCE STANDARDS

Sections:

8-101 Purpose

8-102 Performance Standards - Districts "AG", "RR", "R-1", and "V-1"

8-103 Performance Standards - District "AO"

8-104 Performance Standards - Conditional Uses

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 Stevens County 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.

8-102 Performance Standards - Districts "AG", "RR", "R-1", and "V-1": The following are the performance standards for the "AG" Agricultural District, "RR" Rural Residential District, the "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; provided, however, there shall be no disposal of garbage, rubbish or offal, other than regular removal, except in compliance with the Stevens County Environmental/Sanitary Code.
2. No main or accessory building or structure shall project beyond the property line. On all major streets and highways within Stevens 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, "R1" 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. Any sales office within a subdivision shall be located within a permanent residential structure. Mobile homes and construction trailers shall not be permitted to be used as a residential real estate sales office.

- d. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.
 - e. Upon issuance of any final approval of construction for 900 of the lots within the subdivision, the sales office shall be terminated.
4. In order for manufactured homes and residential-design manufactured homes to have substantially the appearance of an on-site, conventionally built, single-family dwelling in this County, 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 shingle that is commonly used in standard residential construction in the County.
 - b. All roof structures shall provide an eave projection of no less than one (1) foot, which may include a gutter.
 - c. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction in the County.
 - d. The manufactured home is 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), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, is installed under the perimeter of the manufactured home.
 - e. 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.
 - f. The moving hitch, wheels and axles, and transporting lights shall be removed.

8-103 Performance Standards - District "AO": The following are the performance standards in the "AO" Airport Overlay District.

- 1. Light sources shall be controlled or hooded so that light is directed away from the flight patterns around the airport and from any adjoining residentially zoned property or public streets.
- 2. No activity shall be permitted that creates any off-site electrical disturbance, (especially radio transmissions to or from any aircraft).

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.

8-104 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. For retail commercial uses, 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 12 herein, In addition, the outdoor storage or display area shall occupy an area no greater than twenty percent (200) 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 15 feet from a street right-of-way, or 6 feet from a side or rear lot line.
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.

ARTICLE 9
PARKING REGULATIONS

Sections:

- 9-101 Parking Requirements
- 9-102 Interpretation of the Chart
- 9-103 Joint Use and Off-Site Facilities
- 9-104 Design Standards
- 9-105 Performance Standards

9-101 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 in these Regulations.

| Column 1 USE OR USE CATEGORY | Column 2 SPACES REQUIRED PER BASIC MEASURING UNIT | Column 3 ADDITIONAL REQUIREMENTS |
|---|---|---|
| One-Family and two-family dwellings | 2 per dwelling unit | |
| Apartments | 2 per dwelling unit or 1.5 per efficiency unit | |
| Church, temple or similar place of assembly | 1 per 5 seats or bench seat spaces (seats in main auditorium only) | |
| College or high school | 1 per 5 seats in main auditorium or 8 per classroom whichever is greater | |
| Elementary or nursery school | 1 per 10 seats - main assembly room or One per classroom Whichever is greater. | |
| Country Club or golf club | To be determined by the Planning Commission and Governing Body. | |
| Public library, museum art gallery, or community center | 5 per building | Plus 1 additional for each 300 sq. ft. of floor area in excess of 1,000 square feet |

| Column 1 USE OR USE CATEGORY | Column 2 SPACES REQUIRED PER BASIC MEASURING UNIT | Column 3 ADDITIONAL REQUIREMENTS |
|--|---|---|
| Private clubs- fraternities, sororities | 2 per 3 beds or 1 per active member, whichever is greater | |
| Sanitarium - nursing or convalescent home - home for the aged or similar institution | 1 per 5 patient beds | |
| Hotel | 1 per guest room or suite | 1 per 2 employees or staff members per shift |
| Tourist court - motel - motor hotel or motor lodge | 1 per guest room or suite suite | 1 per 2 employees or staff members per shift |
| Rooming, boarding, lodging house, or group home | 2 per 3 beds | |
| Hospital | 1 per 3 patient beds | 1 per 2 employees or staff members per shift |
| Office or office building, studio or clinic | 1 per 300 square feet of floor area | 3 spaces minimum |
| Funeral Home | 1 per 5 seats in auditorium or chapel | |
| Restaurant, tavern, drinking establishment, or other establishment for consumption of food or beverage on the premises | 1 per 3 seats or seating spaces | |
| Retail store or personal service establishment and banks | 1 per 200 square feet of floor area | retail food stores over 4,000 sq. ft., 1 per 150 sq. ft. of floor area |
| Furniture or appliance store, machinery equipment, and auto and boat sales and service | 1 per 300 square feet of floor area | 2 spaces minimum auto sales & service - 10 minimum |
| Auditorium - theatre - gymnasium - stadium - arena or convention hall | 1 per 4 seats or seating spaces | |
| bowling alley | 5 per 1,000 sq. ft. of gross floor area | |

| Column 1 USE OR USE CATEGORY | Column 2 SPACES REQUIRED PER BASIC MEASURING UNIT | Column 3 ADDITIONAL REQUIREMENTS |
|---|---|--|
| Food storage locker | 1 per 200 sq. ft. customer service area | |
| Amusement place - dance hall - skating rink - swimming pool - auditorium or exhibition hall without fixed seats | 1 per 100 sq. ft. of floor area | Does not apply to accessory uses |
| General service or repair establishment - printing - publishing - plumbing, heating | 1 per 300 sq. ft. of floor area | |
| Manufacturing or industrial establishment research or testing lab, wholesale warehouse or similar establishment | 2 per 1,000 square feet of floor area | |

9-102 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 for parking contained in these Regulations.
3. The parking requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses, Article 14.
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.

9-103 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.

- I. Up to 50 percent of the parking spaces required for (a) theatres, 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 County Counselor and shall be filed with the Zoning Administrator.

9-104 Design Standards:

1. An off-street parking space is an all-weather 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 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 County 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. The installation and maintenance of required screening shall be the responsibility of the landowner whose land use necessitates the screening.

9-105 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 if the adjoining road is also paved with asphalt or concrete. All required off-street parking spaces and their access drives 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 Planning Commission may waive this 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 storm sewer is not available, positive drainage shall be provided on such lot or parcel and discharge of the same shall be through defined drainage courses. No drainage shall be directed over adjoining lands unless approved by the County Engineer.
3. The 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 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 except in permitted driveways.
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. Paved 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 10
OFF-STREET LOADING REGULATIONS

Sections:

- 10-101 Requirements
- 10-102 Interpretation of the Chart
- 10-103 Mixed Uses of One Building
- 10-104 Design Standards

10-101 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.

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

10-102 Interpretation of the Chart:

1. The loading space requirements apply to all Districts.
2. The loading space requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses,

10-103 Mixed Use of One Building:

1. 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.

10-104 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.

ARTICLE 11
DISTRICT SIGN REGULATIONS

(Reserved for Future Use)

ARTICLE 12
DISTRICT HEIGHT, AREA AND BULK REGULATIONS

| DISTRICT | Maximum Height of Building | | Minimum Yard Requirement in Feet | | | Minimum Lot Dimensions in Feet | | Minimum Lot Area in Square Feet |
|-------------------------------------|----------------------------|---------|----------------------------------|---------------|-----------|--------------------------------|---------|---------------------------------|
| | Feet | Stories | Front Yard (A) | Side Yard (B) | Rear Yard | Width | Depth | |
| "AG" Agricultural (D) | | | 75 | 50 | 50 | 660 (c) | 660 (c) | (40 Acres) |
| "RR" Rural Residential (D) | 35 | 2 ½ | 75 | 50 | 50 | 330 | 330 | 87,120 |
| "R-1" Single Family Residential (D) | 35 | 2 ½ | 30 | 15 | 20 | 100 | 150 | 20,000 |
| "V-1" Village (D) | 35 | 2 ½ | 30 | 10 | 20 | | | |

- (A) ON MAJOR ROADS AND HIGHWAYS ONLY.
- (B) A SIDE YARD SHALL BE PROVIDED ON EACH SIDE OF THE LOT. THE DIMENSION GIVEN IS FOR ONE SIDE ONLY.
- (C) LOT WIDTH TO LOT DEPTH RATIO SHALL NOT BE GREATER THAN 4 : 1 .
- (D) NO BUILDING IS PERMITTED TO BE CONSTRUCTED IN ANY EASEMENT.

ARTICLE 13

SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

Sections

- 13-101 Application
- 13-102 Modification of Height Regulations
- 13-103 Modification of Area Regulations

13-101 Application: The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in these Regulations.

13-102 Modification of Height Regulations:

1. The height regulations as prescribed in these Regulations shall not apply to the following:

- Agricultural Buildings and Structures
- Belfries Chimneys
- Church Spires
- Conveyors Cooling Towers
- Elevator Penthouses
- Fire Towers Flag
- Poles Grain Elevators
- Monuments
- Ornamental Towers and Spires
- Smoke Stacks
- Stage Towers or Scenery Lofts
- Tanks
- Water Towers
- Lighting Poles or Standards

Provided, however, that the setbacks of the structures from all lot lines are equal to the height of the structures.

2. Public or semi-public service buildings, hospitals, institutions, or schools, when permitted, 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.

13-103 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 on the lot.

2. Accessory Buildings and Structures:

- a. Except as herein provided, no accessory building shall project into a required yard setback along any street.
- b. 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 vertical clearance and shall not project beyond the property line.
- c. 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 side or rear lot line. No alley may be used in meeting this requirement.
- d. 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 side or rear lot line. No alley may be used in meeting this requirement.

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 5 feet.
- d. Where 25 percent or more of the street frontage within 330 feet of the

property in question 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.

4. Side Yards:

- a. The minimum depth of side yards for schools, colleges, libraries, churches, community houses, and other public and semi-public buildings in "SR" Suburban Residential, "R-1" single-Family Residential, and "V-1" Village districts shall be 25 feet, except where a side yard is adjacent to a lot used for commercial or industrial purposes, in which case the depth of the yard shall be as required in the district-in which the building is located.

5. Rear Yards:

- a. 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:

- a. No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of 3 feet 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:

- a. 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 14
SUPPLEMENTARY USE REGULATIONS
CONDITIONAL USES
ACCESSORY USES
PROHIBITED USES

Sections:

- 14-101 Conditional **Uses** - Purpose and Intent
- 14-102 Application of Conditional Uses
- 14-103 Additions and Changes to Conditional **Uses**
- 14-104 Conditional Uses Enumerated
- 14-105 Continuance of a Conditional Use
- 14-106 Accessory Uses
- 14-107 Eligibility for Accessory Use
- 14-108 Accessory Uses Allowed
- 14-109 Specialty Accessory Uses
- 14-110 Accessory Building or Structure Use
- 14-111 Prohibited Uses

14-101 Conditional Uses - Purpose and Intent: The establishment of virtually all land uses except agricultural and traditional single-family residential, in most cases, are not appropriate in the unincorporated portion of Stevens County; especially those land uses that are of an extremely sensitive nature due to the intensity or environmental impacts associated with the normal operation of the business or activity. However, it is recognized that it may be acceptable, on a case-by-case, site-by-site basis, to permit the development of such land-uses where conditions warrant and adequate safeguards are taken to mitigate any of the potential problems associated with said development. Therefore, in order to develop any land use other than agricultural or traditional single-family residential in the unincorporated portion of Stevens County a Conditional Use Permit issued in accordance with these Regulations shall be required.

It is the intent of this Article to require a Conditional Use Permit for all proposed land uses, except those specifically prohibited herein or allowed as a permitted use in one of the established zoning districts. As such, it is acknowledged that any property owner may seek a Conditional Use Permit for any of the types of land uses indicated herein for any property within the unincorporated portion of Stevens County. The subsequent approval of such request by the Governing Body is a purely discretionary act that will be decided based upon the facts and circumstances discovered in the review of each application. There is no implied "right" for any person or landowner to obtain a Conditional Use Permit for any use on any property.

It is also the intent of this Article to allow the issuance of Conditional Use Permits that provides for more than one use on any property; provided the range or type of uses is clearly delineated within the Conditional Use Permit, the other relevant facts have been evaluated, and the approval is consistent with the spirit and intent of this Article and these Regulations. (For example: a Conditional Use Permit could be approved for a "strip shopping center" along a highway where transportation and adequate water and sewage disposal services are available. The Conditional Use Permit could indicate a range of "retail and/or service businesses" as being appropriate for this location and included in the Permit.)

14-102 Application of Conditional Uses: Before the location or establishment of any land use requiring a Conditional Use Permit, 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 7 of these Regulations. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 20 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; provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, that the transportation and utility services are appropriate for the level and intensity of the proposed development, and that necessary safeguards will be provided for the protection of surrounding property, persons, and of 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 7 of these Regulations.

14-103 Additions and Changes to Conditional Uses: All subsequent requests for additions and structural alterations to Conditional Uses approved by the Governing Body shall be considered in the same procedure as outlined in Section 14-102 herein.

14-104 Conditional Uses Enumerated: The following Conditional Uses are some of the uses that may be approved by the Governing Body as provided in this Article. Other land uses may also be permitted by Conditional Use Permit except those specifically listed as permitted uses in the zoning districts or as prohibited uses in these Regulations.

1. Airports, aviation fields, heliports, and/or landing fields, either publicly or privately held.
2. Bed and breakfast facility.
3. Boat sales and service, including storage yard.
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.
5. Bus barns or lots.
6. Cemeteries, mausoleums or crematories for the disposal of the dead.
7. Ceramic, pottery or concrete ornament product processing, sales and/or yard.
8. Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly-owned and operated community buildings, art gallery, museums and libraries.
9. Commercial and/or retail stores and activities not otherwise prohibited by these Regulations.
10. Commercial offices and office parks.

11. Commercial parking lots.

12. Commercial stockyards, feedlots, confined livestock feeding operations, and/or corporate farms; including hog, dairy and poultry, provided:


STEVENS COUNTY RESOLUTION 15-05
STEVENS COUNTY CAFO REGULATIONS

WHEREAS, the County desires to amend the previous Stevens County Regulation for all Confined Animal Feeding Operations "CAFO" as set forth in Stevens County Resolution 01-06. Previous regulations had increased the setback for a CAFO to 6,000 feet rather than the 4,000 feet as set forth in the Kansas statutes.

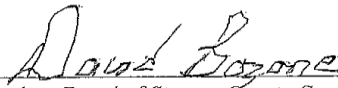
It is now the desires of the Stevens County Commissioners to reset the setback requirements to those established by Kansas law, more specifically K.S.A. 65-171d, and any future amendments to this statute. The procedure for obtaining any permits shall be done in accordance to Kansas law, whether it requires a hearing before the KDHE or the Stevens County Commissioners. This Resolution shall do away with any restrictions that are outside of the requirements as provided by the laws of the State of Kansas.

THEREFORE, the Stevens County Commissioners, finding that Stevens County Resolution 01-06, is in violation of Kansas law, hereby find that this is in the best interests of the residents of Stevens County, Kansas and hereby implement this resolution as of the date signed below.

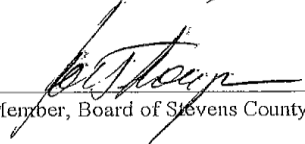
PASSED, APPROVED, AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF STEVENS COUNTY, KANSAS, THIS 21ST DAY OF SEPTEMBER, 2015.



Chairperson, Board of Stevens County Commissioners



Member, Board of Stevens County Commissioners



Member, Board of Stevens County Commissioners

ATTEST:





County Clerk of Stevens County

14. Convenience food stores.
15. Contractor's shop and/or yard, including construction equipment and/or material storage areas.
16. Drive-in and drive-through establishments.
17. Drive-in theatres.
18. Dwellings for resident night watchmen and caretakers employed on the premises of a business.
19. Exposition centers and/or buildings.
20. Explosives, fireworks, ammunition; black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.
21. Fairgrounds.
22. Farm machinery sales and service, including storage yard.
23. Fire stations.
24. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.
25. Greenhouses, nurseries and/or hydroponic farms operated as a retail business.
26. Group Boarding Home, Licensed Group Day Care Home, Child Care Center, Licensed Day Care Home, Preschool, Detention Center, Family Day Care Home, or Residential Center, except as permitted by K.S.A. 12-736 as amended, 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 report from the Stevens 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 operations.
 - 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.

26. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.
27. Hospital or clinic for large or small animals.
28. Hotels, motels, and motor hotels.
29. Judicial centers, jails, penal or correctional institutions.
30. Junkyard.
31. Keeping of exotic birds and/or animals on any tract of land, whether in a building or not.
32. Keeping of farm animals such as horses, ponies, cows, hogs, pigs, sheep, and/or chickens on a lot or tract of less than three (3) acres.
33. Kennels, either boarding or breeding, provided:
 - a. All kennel buildings, runs and open areas shall be located at least 200 feet from property line.
 - b. All kennel runs or open areas shall be screened around such areas or at the property line. Such screening may be densely planted evergreen foliage or a solid wall or fence of masonry, wood or metal, designed so as to reduce noise and prevent the distraction or excitement of the animals.
 - c. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not allow adequate percolation.
34. Laboratories; research, experimental, and/or testing.
35. Lawn and garden supply sales and service, including storage yards.
36. Manufactured home and recreational vehicle sales and service, including display yard.
37. Manufactured home parks, subject to the standards established in Article 15 of these Regulations.
38. Manufacturing, processing, fabrication and assembling of any commodity except junk or salvage.
39. Membership clubs, including private clubs as defined by K.S.A. 41-2801 et seq, and subsequent amendments.
40. Mortuaries and attendant accessory activities and facilities.
41. Motor vehicle sales, service and repair.
42. Multi-family dwellings, including two-family dwellings, townhouses, garden apartments, condominiums; provided, consistent with single-family residential developments, the provision of adequate public water and sewer service, along with other public infrastructure, is necessary in order for development of said dwellings to be permitted.

43. Offices and office buildings.
44. Parks and playgrounds.
45. Printing, publishing, and engraving firms, including newspaper publishing; provided said-operations are principally retail businesses.
46. Quarrying, mining, and removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants, provided:
 - a. All quarries and mining operations and asphalt and concrete plants shall be screened by a method approved by the Governing Body when the same are within 1/4 mile of any residential dwelling.
 - b. The applicant shall provide an approvable method for dust abatement on all unpaved interior roads if any part of the operation is located within 1/4 mile of any residential dwelling.
 - c. Where applicable, a maintenance agreement between the applicant and the County shall be required to maintain the roads that provide the ingress/egress to the operation.
 - d. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of 100 horizontal feet from any road right-of-way and 30 horizontal feet from all other property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface. The setback areas may be used for the erection of berms or other screening features required by the Conditional Use Permit.

STEVENS COUNTY, KANSAS
RESOLUTION
No. 10-06

RESOLUTION APPROVING THE MARKING OF TOWERS AND GUY WIRES IN THE
COUNTY

BE IT RESOLVED, by the Board of County Commissioners, Stevens County, Kansas that they hereby approve the regulation to properly mark all towers and guy wires in the County by lighting said towers and marking said guy wires, which are under or not within the FAA's regulations.

BE IT RESOLVED that all towers or structures must be marked with proper markings to include lights or orange or other colored markings which said markings shall be approved in advance by the Stevens County Zoning enforcement officer. The County realizes that the FAA has certain regulations in place and this resolution shall not in any way be adverse to the FAA's regulations. This resolution is being executed to help protect the citizens of Stevens County. Any violation of this resolution shall be a class C misdemeanor and carry a fine of not less than \$500.00. Any owners of existing towers or structures in the County that do not have the proper markings shall be notified by the enforcement officer and have a reasonable time to become compliant.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Stevens County, Kansas, that the marking of towers and guy wires shall be completed consistent with this resolution.


THIS RESOLUTION ADOPTED THIS 20th DAY OF SEPTEMBER 2010.

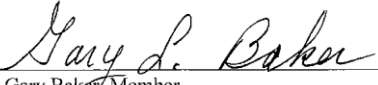
BOARD OF COUNTY COMMISSIONERS OF
STEVENS COUNTY, KANSAS

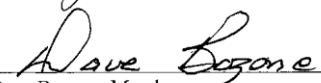
ATTEST:


Clerk of Stevens County




O.D. Littrell, Chairperson


Gary Baker, Member


Dave Bozone, Member

- e. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation to the proposed use of the site and a general plan of the proposed use. The reclamation plan submitted shall be binding only to the extent that said plan shows the intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Governing Body before reclamation work may begin. Said approval of a revised reclamation plan shall require a public hearing under the same procedure as the original Conditional Use Permit.
 - f. No building, equipment, quarry products or other materials shall be erected or stored within 100 feet of any property or right-of-way line.
 - g. A copy of the annual survey of mining operations, as required to be filed by State law with the State, shall also be filed with the Governing Body. Said annual survey applies only to underground mining activities, not to open pit mines or quarries.
47. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, 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 an equal distance from all property lines as it is in height. A plot plan shall be submitted with the application.
48. Recreational or sports-related activity or facility, whether publicly or privately owned.
49. Recreational vehicle park or campground, provided:
- a. The tract to be used as a recreational vehicle park or campground shall not be less than two (2) acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.
 - b. The minimum area for a space for parking one trailer or recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly marked by a permanent marker.
 - c. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided that no individual space shall be designed for direct access to a street outside the boundaries of the recreational vehicle park or campground, and that all interior access drives shall be at least 20 feet in width.

- d. The recreational vehicle park or campground shall contain community facilities, including play space, utility rooms, parking and access roads. In addition, every recreational vehicle park or campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:
- (1) Be located within three hundred (300) feet of the recreational vehicle park or campground;
 - (2) Be of permanent construction;
 - (3) Have one (1) flush-type toilet, one (1) lavatory, and one (1) shower or bathtub for females; and one (1) flush-type toilet; one (1) lavatory, and one (1) shower or bathtub for males for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;
 - (4) Have an accessible, adequate, safe and potable supply of cold water;
 - (5) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,
 - (6) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.
- e. The recreational vehicle park or campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.
- f. No recreational vehicle shall be parked closer than 25 feet to any part of any other trailer or service building and no part of a trailer or recreational vehicle shall extend closer than 5 feet to the boundaries of the individual space.
- g. Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in convenient location to individual spaces.
- h. In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign, with sign area limited to 25 square feet. Said sign may be illuminated.

- i. Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, toilet and bathing facilities. All shall be indicated on a site plan of the proposed trailer park and shall be installed and/or constructed in accordance with all other state and/or local laws and regulations. A sewage dump station shall be provided within every recreational vehicle park or campground.
- j. The proposed recreational vehicle park or campground shall comply with all provisions of this and other federal, state and/or local laws and regulations.

50. Restaurants.

51. Riding academies, stables and/or show arenas, indoor or outdoor rodeo arenas and/or facilities.

52. Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar areas not prohibited by law.

53. Schools, preschools or kindergartens, either publicly or privately owned or operated.

54. Truck stops and/or truck terminals.

55. Warehousing, wholesaling and storage of any commodity except junk or salvage.

56. Zoos, commercial aquariums, or aviaries.

57. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations, or as a prohibited use.

14-105 Continuance of a Conditional Use: A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of its original 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 in conformance with the requirements of these Regulations.

14-106 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.

14-107 Eligibility for Accessory Use: The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

14-108 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, tool rooms, 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 on the premises or 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:
 - Private garages
 - Guest houses
 - Home barbecue grills
 - Small storage sheds
 - Satellite dish antennas
 - Accessory off-street parking and loading spaces
2. In District "RR" Rural Residential, "R-1" Single-Family Residential, and "V-1" Village 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:
 - Accessory off-street parking and loading spaces
 - Fences or walls
 - Flag poles
 - Gates or guard houses for subdivisions
 - Guest houses
 - Home barbecue grills
 - Parabolic and satellite dish-type antennas

Play equipment
Private garages and carports
Servants quarters
Small storage sheds
Solar collectors
Swimming pools
Television and radio receiving antennas less than 50 feet in height

No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted.) Except in the "RR" Rural Residential District the total floor area of all accessory buildings shall not exceed 900 square feet.

- 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 "RR" Rural 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:

Accountant
Architect
Artist
Attorney
Author or writer
Chiropractor
Clergyman
Cosmetologist
Counselor
Dentist
Engineer
Home crafts
Insurance Agent
Osteopath
Photographer
Physician
Planner
Real Estate Agent
Seamstress/Dressmaker
Secretary/Typist

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:

- (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 two (2) outside persons 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 are 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.

14-109 Specialty Accessory Uses: The following uses, activities, or items shall be the accessory uses or restrictions allowable:

1. Construction Sites:

- a. 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.

2. Recreational Vehicles and Trailers:

- a. Recreational vehicles may be parked in a recreational vehicle park or campground. Recreational vehicles or equipment may also be stored within any "RR", "R-1", or "V-1" District, provided; said recreational vehicle or recreational equipment, as defined in these Regulations, is stored within an enclosed structure (which structure otherwise conforms to the requirements of these Regulations), or may be permanently parked upon the private property of the premise if said recreational vehicle or recreational equipment is not parked within the front yard; within the required yard along any public street; or within 10 feet of side or rear lot line.
- b. At no time shall a parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes other than on a temporary basis or in a recreational vehicle park.

- c. The provisions of these Regulations regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is properly located.

14-110 Accessory Building or structure Use: Except in the "AG" Agricultural, no accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced, and no accessory building or structure shall be used unless the main building or structure on the lot is also being used, unless permitted by Special Exception as provided herein.

14-111 Prohibited Uses: After the effective date of these Regulations:

1. No mobile home, as defined in these Regulations (see definition #144 pg. 23), shall be moved, relocated, or otherwise placed on any property in the unincorporated portion of Stevens County, including within any Manufactured Home Park, Manufactured Home Subdivision or Industrial Zoned areas.
2. No manufactured home or mobile home shall be used for any purpose other than as a residential dwelling as permitted within these Regulations. At no time shall a manufactured home or mobile home be permitted to be converted to a storage unit, office or any other such use, except when used as a permitted accessory use in this Article or by a Conditional Use Permit.
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. Other additions may be made by Special Exception as provided by these Regulations.
4. No cellar or basement shall be used as a dwelling.
5. 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.
6. No application for a Conditional Use Permit shall be considered and no Conditional Use Permit shall be issued for any person on any property which proposes as the only use the placement of an advertising sign or billboard. Further, an advertising sign or billboard permitted as an accessory structure in an approved Conditional Use Permit shall not be built, used or remain in use unless the principal use and/or structure on the property is first built and/or currently used. Upon the cessation of the principal use and/or structure on the property, the advertising sign or billboard shall lose its standing as an accessory structure and must be removed. At no time shall an advertising sign or billboard first established under these regulations gain standing as a non-conforming use since the placement and continued use of such advertising sign or billboard is accessory to another principal structure or use.

ARTICLE 15
MANUFACTURED HOME PARK STANDARDS

Sections:

- 15-101 Purpose
- 15-102 Use Regulations
- 15-103 Development Plan Approval and Manufactured Home Park Permit Procedures
- 15-104 Lot Area and Yard Requirements
- 15-105 Performance Standards
- 15-106 Permits for Placements of Manufactured Homes
- 15-107 Structural Quality of Manufactured Homes
- 15-108 Penalty for Noncompliance

15-101 Purpose: The standards, regulations and restrictions set forth in this Article are the standards, regulations and restrictions for Manufactured Home Parks as authorized in Article 14 of these Regulations. These standards, regulations and restrictions are intended to accommodate the grouping of manufactured home sites for use under a rental or lease arrangement. The planning requirements in this Article are intended to provide a safe and healthful living environment and to assure the mutual compatibility of manufactured home parks with adjoining land uses.

15-102 Use Regulations: Whenever a Conditional Use Permit has been granted under the provisions and procedures outlined in Article 14 authorizing a Manufactured Home Park; no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered within the land or premises so authorized as a Manufactured Home Park, except for one or more of the following uses:

1. Manufactured homes located in Manufactured Home Parks used exclusively for single-family occupancy.
2. Residential-design manufactured home.
3. Service buildings common to Manufactured Home Parks which provide such services as storm shelters, laundry facilities, sanitary facilities, recreational facilities, park management buildings, maintenance buildings and community buildings.
4. No part of any Manufactured Home Park shall be used for nonresidential purposes except such uses that are required for the direct servicing and well-being of Park residents and for management and maintenance of the Park. However, this shall in no way prohibit the sale of a manufactured home affixed to a manufactured home pad and connected to the appropriate utilities by the owner of said manufactured home.

15-103 Development Plan Approval and Manufactured Home Park Permit Procedures: The construction, alteration or extension of any Manufactured Home Park shall not be permitted unless a Manufactured Home Park permit has been issued by the Zoning Administrator in the name of the person proposing the specific construction, alteration or extension. No permit for a Manufactured Home Park shall be issued until the Development Plan has been approved as provided in Article 7.

1. **Development Plan Approval:** Application for a Conditional Use Permit for a Manufactured Home Park and development plan approval shall be made in accordance with the procedures outlined in Article 14 of these Regulations. The application shall include a Development Plan prepared at a scale of 1"=100' and shall include, either displayed on or attached to the Development Plan and in addition to the information required in Article 7, the following information:
 - a. Name and address of the owner/applicant.
 - b. Location and legal description of the Manufactured Home Park.
 - c. Topographic survey of the property with contour intervals of 2 feet, natural features and existing utilities.
 - d. The area and dimensions of the tract of land proposed for the Manufactured Home Park.
 - e. The number, location and dimensions of all manufactured home lots, including proposed setbacks of manufactured homes from the Park's exterior property lines and setbacks on individual lots.
 - f. The location and width of roadways and walkways.
 - g. The number, location and size of all parking stalls and parking areas.
 - h. Plans for the water supply, refuse and sewage disposal facilities, electrical service and gas service, including the location of riser pipes and other utility hookups.
 - i. The location of water, sewer, gas, electrical, and other utility lines and easements protecting these utilities.
 - j. Plans for controlling surface drainage.
 - k. The location of recreation areas, storm shelters, storage areas, laundry areas, and other facilities and/or service buildings common to the Manufactured Home Park.
 - l. The location and description of the lighting system.
 - m. Plans for screening through the use of plant material, fencing and other landscaping structures and features.
 - n. Other information as may be requested by the Planning Commission or the Governing Body.

The Planning Commission shall review the Development Plan as part of the review of the Conditional Use Permit request and include its recommendations regarding the approval or denial of the Development Plan to the Governing Body with the recommendations concerning the Conditional Use Permit, or may request such modifications to the proposed Development Plan as are deemed necessary to carry out the spirit and intent of this Article. Approval by the Governing Body shall constitute approval and permanency of the Development Plan.

2. **Application for a Manufactured Home Park Permit:** Application for a Manufactured Home Park permit to construct, alter or extend any Manufactured Home Park shall be made to the Zoning Administrator. The application shall be accompanied by the following information:
- a. Engineering plans and specifications of the water supply and distribution system approved by the water supplier, or the documentation for the proposed individual water supply system.
 - b. Plans and specification for the proposed on-site wastewater disposal systems, including location plans for each proposed lot for said systems and their relationship to any proposed on-site water wells.
 - c. Plans and specifications for the lighting and electrical systems.
 - d. Plans and specifications for gas lines.
 - e. Plans and specifications for streets.

All review comments regarding engineering aspects from the Stevens County Health Department, Kansas State Department of Health and Environment, County Engineer and other appropriate persons and agencies - shall be directed to the Zoning Administrator. The Zoning Administrator shall issue a Manufactured Home Park permit when he or she is assured that the construction, alteration or extension shall be in compliance with the Development Plan- as approved by the Governing Body and the provisions of this Article. No Manufactured Home Park permit shall be issued for the alteration or extension of an existing Manufactured Home Park, whether same. is conforming or nonconforming to these Regulations, unless the entire Manufactured Home Park is brought to the standards established in these Regulations.

15-104 Lot Area and Yard Requirements: The location of manufactured homes, "common facilities and service buildings should be arranged within the Manufactured Home Park in a manner which provides optimum open space and accessibility and compatibility of uses. Likewise, the size and orientation of individual lots within a Manufactured Home Park should be designed to provide maximum outdoor living area and a compatible relationship between the manufactured home, parking, storage building area, utility corridor and outdoor living space. The following minimum requirements shall be observed in all Manufactured Home Parks:

1. Manufactured Home Park:

- a. **Size:** A Manufactured Home Park shall be at least five (5) acres.
- b. **Density:** A Manufactured Home Park shall not be developed at a gross density greater than seven (7) manufactured homes for every one (1) net acre of land, excluding road rights-of-way and common open spaces within the Manufactured Home Park.
- c. **Yard Requirement:** No part of any manufactured home or other building or structure shall be located within 50 feet of any public road right-of-way, nor within 25 feet of any exterior property line of the Manufactured Home Park.

2. Individual Manufactured Home Lot:

- a. **Lot Area:** Each manufactured home lot to be occupied by a single-wide unit shall consist of at least 4,500 square feet, with a minimum width of 45 feet and a minimum length of 100 feet. Each manufactured home lot to be occupied by a double-wide unit shall consist of at least 5,000 square feet, with a minimum width of 55 feet and a minimum length of 90 feet.
- b. **Front Yard:** Each lot shall have a front yard of at least 20 feet measured from the edge of the pavement to the closest point of the lower face of the manufactured home. The front yard may be reduced to 10 feet when on-street parking is provided along the same side of the street.
- c. **Side Yard:** Each lot shall have a side yard on both sides of the manufactured home. The combined total side yard requirement shall be 25 feet with the minimum side yard being 10 feet. There shall be a minimum separation between manufactured homes on adjoining lots of 25 feet.
- d. **Rear Yard:** Each lot shall have a rear yard of at least 15 feet.
- e. **Maximum Height:** No manufactured home or other building or structure shall exceed 20 feet in height.

15-105 Performance Standards: Minimum requirements pertaining to structural, design, utility service, and maintenance features within a Manufactured Home Park shall be as follows:

- 1. **Utilities:** Sanitary sewer and water facilities shall be provided for each lot within the Manufactured Home Park. All manufactured homes within the Manufactured Home Park shall be served by a central water supply adequate to provide fire protection by hydrants, and by a public sanitary sewer system.

All utility lines shall be placed underground and there shall be no overhead wires or support poles except those required for street or other lighting purposes.

2. **Streets:** All internal streets shall be durable and well drained under normal use and weather conditions. All internal streets shall be owned and maintained by the owner of the Manufactured Home Park.

Grades of all streets shall be sufficient to insure adequate surface drainage. Grades shall not exceed 8 percent.

Minimum pavement widths shall be as follows:

- a. Entrance streets and all other streets with parking allowances on both sides of the street shall be a minimum of 42 feet in width.
 - b. Streets with parking allowance on one side only shall be a minimum of 32 feet in width.
 - c. Streets with no parking allowance shall be a minimum of 24 feet in width.
3. **Manufactured Home Pad:** A concrete pad shall be provided on every manufactured home lot to accommodate the manufactured home and its attached accessory structures. The pad shall be graded to insure adequate surface drainage. Anchoring facilities for the placement and tie-down of the manufactured home to secure it against accidental uplift, sliding, rotation and over-turning shall be installed before any manufactured home is occupied.
 4. **Recreation:** One or more recreation areas shall be provided within every Manufactured Home Park. The size of such recreation area(s) shall not be less than 10 percent of the gross area of the Manufactured Home Park and shall be located so as to be easily accessible to all Park residents. Recreation areas shall be maintained by the Park management and may include space for community building(s) and community use facilities such as indoor recreation, meeting rooms and similar uses.
 5. **Parking:** Adequate parking shall be provided for the use of Park residents and guests. Each manufactured home lot shall have parking for at least two (2) motor vehicles. The parking spaces may be provided on-street or off-street. A parking space shall be a minimum of 9 feet by 19 feet.
 6. **Skirting:** Skirting of a durable type of material and construction shall be installed on each manufactured home to enclose the open space between the bottom of the manufactured home floor and the grade level of the manufactured home pad. Such skirting shall be constructed of noncombustible material consistent with the exterior surface of the manufactured home and maintained in a manner to enhance the appearance of the Manufactured Home Park.
 7. **Screening:** Effective screening shall be provided along the boundary lines of the Manufactured Home Park to serve as a buffer through the use of plantings, berms or other landscaping features.

8. **Lighting:** Adequate lighting shall be provided for all streets, walkways, service buildings and other facilities subject to nighttime use.
9. **Common Storm Shelter Facility:** A common storm shelter facility capable of providing adequate shelter from severe weather for all Manufactured Home Park residents shall be provided. The minimum size shall be fifteen (15) square feet of space within the storm shelter for each manufactured home lot within the Park. The storm shelter shall be located in as centralized location as possible to minimize the time required to reach the shelter.
10. **Storage Lot:** All Manufactured Home Parks shall have an area or areas set aside for the storage of boats, boat trailers, hauling trailers, motor vehicles, snowmobiles, and other equipment for seasonal or periodic use to be non-commercially operated and for the exclusive use of residents of the Manufactured Home Park. Such items listed above shall not be stored upon a manufactured home lot nor upon the streets within a Manufactured Home Park.

Storage lots shall be screened in accordance with Section 16-105(7) herein.

11. **Lot Identification:** Each manufactured home lot within the Manufactured Home Park shall be addressed in an orderly fashion and in a secure and consistent manner throughout the Manufactured Home Park, The address shall be displayed on the lot and be visible at all times.

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

15--106 Permits for Placements of Manufactured Homes: The initial placement, relocation, alteration or replacement of all manufactured homes within the Manufactured Home Park shall require a permit as specified within these Regulations. Responsibility for obtaining the required permit rests solely with the owner/operator of the Manufactured Home Park and not with the owner of the manufactured home. Failure to obtain the required permit shall subject the owner and/or operator to the provisions of Section 15-108 below.

15-107 Structural Duality of Manufactured Homes: All manufactured homes proposed to be placed in a Manufactured Home Park in Stevens County, Kansas, shall have been manufactured 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, and the owner must show verification of such to the Zoning Administrator to assure said Administrator of compliance with these Regulations.

15-108 Penalty for Noncompliance: Failure on the part of a Manufactured Home Park owner and/or operator to comply with the provisions and standards of this Article shall make said owner and/or operator subject to the penalties outlined in Article 21 of these Regulations.

ARTICLE 16
NONCONFORMING USES

Sections:

- 16-101 Nonconforming Lots of Record
- 16-102 Nonconforming Use of Land
- 16-103 Nonconforming Use of Structures
- 16-104 Discontinuance of Nonconforming Uses
- 16-105 Destruction of a Nonconforming Use
- 16-105 Intermittent Use
- 16-107 Existence of a Nonconforming Use

16-101 Nonconforming Lots of Record:

1. In Certain Residential Districts:

- a. In the "R-1" Single Family Residential and "V-1" Village districts, notwithstanding the regulations imposed by any other provision of these Regulations, a single-family detached dwelling which complies with the restrictions in Section 16-101-1.b., below, may be erected or expanded 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 16-101-1.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 front and side yard requirements shall apply in place of the front and side yard requirements *otherwise* applicable:
 - (1) The dwelling shall provide a yard on each side of the dwelling.
 - (2) The dwelling shall provide a front yard equal to either the required front yard or the established front yard as provided by these Regulations. In no case shall an expansion be allowed to encroach into the required front yard greater than what exists for the existing structure.

- (3) 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.

16-102 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 shall not apply to any activities not legal under the terms of the regulations which these Regulations replace.

16-103 Nonconforming Use of Structures: Except as otherwise provided herein, the lawful use of a structure existing on 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 a structure which were lawfully and manifestly arranged or designed for such use at the time of the enactment of these Regulations.

16-104 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 six (6) months, 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.

15-105 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 twelve (12) months of the date of such damage.

16-106 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.

16-107 Existence of a Non-conforming 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.

ARTICLE 17
THE BOARD OF ZONING APPEALS

Sections:

- 17-101 Organization and Procedure
- 17-102 Powers
- 17-103 Variances
- 17-104 Special Exceptions
- 17-105 Guidelines for Conditions
- 17-106 Application**
- 17-107 Stay** of Proceedings
- 17-108 Public Hearing
- 17-109 Findings and Records of Proceedings
- 17-110 Lapse of Special Exceptions or Variances
- 17-111 Decisions of the Board

17-101 Organization and Procedure: The full membership of the Stevens County Planning Commission, as established by the Governing Body, is hereby declared to be the Stevens County Board of Zoning Appeals and, as such, shall function with its full membership as the 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 Stevens County Planning Commission acting as the 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.'

17-102 Powers: The Board of Zoning Appeals shall have the following powers:

1. 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.
2. To hear and decide those special exceptions to the terms of these Regulations upon which such Board is required to pass under these Regulations.
3. 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.

17-103 Variances: The Board of Zoning Appeals shall have the power to grant the following variances:

1. A variation in the bulk requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and 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 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; it being the purpose of this provision 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.
2. A request for a variance may be granted in such case, upon a finding by the board 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 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.

17-104 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 adversely affect the uses of adjacent and neighboring property permitted by these Regulations:

1. Placing a manufactured home as a second home on a lot under instances of extreme hardship or necessity as determined by the Board, provided:
 - a. The applicant shall clearly state the hardship or reason of necessity for requesting the Special Exception.

- b. The Special Exception may be permitted for a period of up to three (3) years and may be renewed for successive three (3) year periods; provided, however, that at such time as the hardship or reason of necessity shall cease to exist, the Special Exception shall become null and void and said manufactured home shall be forthwith removed.
 - c. Such manufactured home shall be maintained in a safe and sanitary condition and shall comply with the Stevens County Sanitary Code and all other applicable adopted codes and procedures of Stevens County.
2. In the "R-1" Single-Family Residential or "V-1" Village District, 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 900 square feet.
 3. In the "RR" Rural Residential District, the erection and use of an accessory building or structure prior to the erection and use of a principal or main building or structure.

17-105 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.

17-106 Application: Written application for a variance, a special exception, or an appeal 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 variance, special exception or appeal.

17-107 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 application 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.

17-108 Public Hearing: 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 1,000 feet of the property for which the variance or special exception is being sought. On all applications, notice of the time and place of the public hearing shall be published once in the official County paper not less than 20 days prior to the date of such public hearing. In addition, for all applications for a variance or special exception all property owners within 1,000 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.

17-109 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.

17-110 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 (1) 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.

17-111 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 Stevens County, Kansas, to determine the reasonableness of any such order or determination within thirty {30} days of the rendering of the order or determination by said Board of Zoning Appeals

ARTICLE 18
ADMINISTRATION

Sections:

- 18-101 Enforcement
- 18-102 Zoning Certificate
- 18-103 Application for Zoning Certificate
- 18-104 Fees
- 18-105 Issuance of Zoning Certificate
- 18-106 Revocation of Certificate
- 18-107 Stop Order
- 18-108 Period of Validity
- 18-109 Certificate of Occupancy
- 18-110 Reports
- 18-111 Administrative Permit

18-101 Enforcement: It shall be the duty of the Zoning Administrator to enforce the provisions of these Regulations and to refuse to issue any 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 Stevens County, 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.

10-102 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 obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of these Regulations. No agricultural use or farm dwelling proposed to be established shall be required to pay any fee for said certificate.

18-103 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 certificates shall be kept on file in the Office of the Zoning Administrator.

18-104 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.

18--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 thereof, 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.

18-106 Revocation of 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 permit 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.

18-107 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. 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.

18-108 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 use is commenced. 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 certificate, regardless of the state of completion of the construction authorized by said 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.

18-109 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 Stevens County rules and regulations.

18-110 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.

18-111 Administrative Permit: A manufactured home on an individual lot may be authorized by the Zoning Administrator, 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 17 herein are followed.

ARTICLE 19
SPECIAL EVENTS

Sections:

- 19-101 Purpose and Intent
- 19-102 Special Event Defined
- 19-103 Special Events Not Requiring a Permit
- 19-104 Special Events Subject to an Administrative Permit
- 19-105 Special Events Subject to Governing Body Approval
- 19-106 Application and Fee

19-101 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.

19-102 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.
5. **Type 5.** Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades.

The term "special event" shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

19-103 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 zoning certificate, 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,

19-104 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 County 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, provided that all of the following performance standards are met:
 - a. An application is made and a fee paid in accordance with Section 19-106.
 - 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 19-103, 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 Sheriff, Fire chief of the appropriate Fire District, and County Engineer. 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 19-106.
 - 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 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.

19-105 Special Events Subject to Governing Body Approval: Any special event not meeting the criteria of Sections 19-103 or 19-104 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:

- A. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
- B. 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.
- C. The provision of traffic control or security personnel to increase the public safety and convenience.
- D. 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.

19-106 Application and Fee:

- A. 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:
 - 1. 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.

2. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
 3. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
- B. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of Kansas as a nonprofit organization. The fees shall be as established by the Governing Body by separate resolution.
- C. The Special Event Permit shall be posted on the site for the duration of the event.

ARTICLE 20
AMENDMENTS

Sections:

- 20-101 Who May Petition or Apply
- 20-102 Procedures for Consideration of Request for Amendments, Revisions or Changes
- 20-103 Referral of Amendments to Cities
- 20-104 Posting of Sign
- 20-105 Factors to be Considered
- 20-106 Traffic Studies
- 20-107 Limitations on Reapplication for Amendments

20-101 Who May Petition or Apply: Applications for amendments, revisions or changes in the Zoning District Boundary Maps in effect for Stevens County, Kansas, or for a Conditional Use Permit as authorized by Article 14, 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 the setting of any public hearing.

Applications for amendments, revisions or changes to the Zoning Regulations; the Zoning District Boundary Maps and/or Conditional Use Permits may also be made by the Planning Commission or the Governing Body; provided, such proposed amendments, revisions, changes, or Conditional Use shall first be submitted to the Planning Commission for public hearing, recommendation and report and the final decision is made by the Governing Body.

20-102 Procedures for Consideration of Request for Amendments, Revisions or Chances: All applications or requests for amendments, revisions or changes to the Zoning Regulations, the Zoning. District Boundary Maps or for a Conditional Use Permit shall be made to the Zoning Administrator on such forms as provided and acceptable to the Zoning Administrator. The payment of the application fee, as established by the Governing Body by separate resolution, shall be made at the time of the submission of the application. Immediately upon receipt of an application for rezoning or Conditional Use by the owner, 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. An application shall be deemed complete when the Zoning Administrator has received: a completed application form, any required development plan, the application fee, and such other documents necessary to process the application without further delay.

If the application concerns property located within the notification area of any city within Stevens County as specified in Section 20-103 herein then the application shall be submitted to that city as specified herein. Upon expiration of the review and comment period for said city as specified in Section 20-103, the Zoning Administrator may then process the application hearing by the Stevens County Planning Commission.

All such proposed applications for amendment, revisions or changes to the Zoning Regulations and/or for a Conditional Use shall be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing thereon and shall cause a written summary to be made of the proceedings. Notice of such hearing shall be published once in the official county newspaper at least 20 days prior to the date of the hearing. Said notice shall fix the time and place for such hearing, shall give the name and address of the applicant, and shall contain a statement regarding the proposed changes in regulations or restrictions, or in the boundary or classification of any zone or district, or the requested Conditional Use.

If the application is not a general amendment, revision or change to the Zoning Regulations, but is for a rezoning or Conditional Use Permit affecting specific property, the property affected shall be designated by legal description and a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed rezoning and/or Conditional Use shall be mailed by certified mail with return receipt at least 20 days before the public hearing to all owners of record of lands located within at least 1,000 feet of the area proposed to be altered; provided, said notice shall extend only 200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection in the office of the Zoning Administrator. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or Governing Body. The applicant shall provide a certified list of the owners of record of said lands at the time of the filing of the application.

In the case of an application by the Planning Commission or the Governing Body, all the above stated requirements shall be followed except:

1. No fee shall be required.
2. If the application is for an amendment or revision to the text of the Zoning Regulations, notice of the public hearing shall not be required to be mailed to all affected persons; therefore, a certified list of the owners of land shall not be required.

The Planning Commission shall hold the public hearing at the place and time so stated within the legal notice. The hearing may be adjourned from time to time, and at the conclusion of the same, the Planning Commission shall take action on the request by preparing a to either approve, approve with conditions as authorized by these Regulations, or disapprove the application by a majority of the members of the Planning Commission present and voting at the hearing. When the Planning Commission fails to make a recommendation on an application, the Planning Commission shall be deemed to have made a recommendation of disapproval. Any such hearing may, for good cause at the request of the applicant, or in the discretion of the Planning Commission, be continued.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, revision, change or Conditional Use Permit and the reasons therefore, the Governing Body may: 1) adopt such recommendation by resolution; 2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or 3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt, may revise or amend and adopt, or may disapprove such recommendation by resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. The proposed amendment, revision, change, or Conditional Use Permit, if approved with or without conditions, shall become effective upon publication of the adopting resolution.

If such amendment or Conditional Use Permit affects the boundaries of any zone or district, the resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon the official maps which has been incorporated by reference, the amending resolution shall define the change or the boundary as amended, shall order the official maps be changed to reflect such amendment or Conditional Use, shall amend the section of the resolution incorporating the same and shall reincorporate such maps as amended.

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment, supplement, change, or Conditional Use Permit, if a protest against an amendment, supplement, change or Conditional Use Permit is filed in the office of County Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of record of 20 percent or more of any property proposed to be rezoned, or by the owners of record of 20 percent or more of the total area required to be notified of the proposed amendment, supplement, change or Conditional Use of a specific property, excepting public streets and highways, the resolution of approval shall not be passed except by three-fourths majority vote of the Governing Body.

20-103 Referral of Amendments to Cities: In order to protect the area around all incorporated cities within Stevens County from untimely, premature, or inappropriate development, all proposed changes in a zoning district (rezoning) or requests for a Conditional Use Permit for all property within the designated notification area of all cities within Stevens 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 Stevens County. Such area shall not exceed that area a city would be able to include within its Zoning Ordinance as outlined in K.S.A. 12-715b, as amended. 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 Stevens County 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 Stevens County Planning Commission; or may appear before the Stevens County 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, 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.

20-104 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 read as follows:

REZONING PENDING
(Or)
CONDITIONAL USE PERMIT PENDING
Application Number _____
From _____ To _____
PUBLIC HEARING BEFORE THE
STEVENS COUNTY PLANNING COMMISSION
on
_____ (date) on _____ (time)

NOTE: Unauthorized Removal, Defacing, or Destruction of this Sign Punishable upon Conviction by Fine not exceeding \$100.00 and/or not more than thirty (30) days imprisonment.

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 all street frontages. Failure to comply with this requirement shall not deprive the Planning Commission of its jurisdiction or affect any decision, but may be due cause for the Planning Commission to refuse to hear the application or to adjourn the hearing or to require further notice.

20-105 Factors to be considered:

- A. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the 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 Planning Commission is based using the following guidelines:
1. Whether the change in classification would be consistent with the intent and purpose of these Regulations;
 2. The character and condition of the surrounding neighborhood and its effect on the proposed change;
 3. 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;
 4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
 5. 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;
 6. The suitability of the applicant's property for the uses to which it has been restricted;
 7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped;
 6. 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;
 5. 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;
 10. The recommendations of permanent or professional staff;

11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan;
 12. 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,
 13. Such other factors as may be relevant from the facts and evidence presented in the application.
- B. 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 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 Planning Commission may recommend approval of a Conditional Use, and the Governing Body may approve such Conditional Use, using the following factors as guidelines:

1. Whether approval of the Conditional Use would be consistent with the intent and purpose of these Regulations;
2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
3. 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;
4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
5. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped;
6. Whether the applicant's property is suitable for the proposed use;
7. The recommendations of permanent or professional staff;
8. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan;

9. 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,
10. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 14 of these Regulations), will not adversely affect the property in the area affected.
11. Such other factors as may be relevant from the facts and evidence presented in the application.

20-106 Traffic 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 Planning Commission or Governing Body, substantially change traffic patterns, or create traffic congestion, either the Planning Commission or Governing Body may require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such traffic study shall show that the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient manner and that no undue burden will be placed upon the existing public street system. The results of the traffic study 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.

20-107 Limitations on Reapplication for Amendments: Whenever an application for amendment, supplement, change, rezoning or Conditional Use Permit has been denied by the Governing Body, such application or one substantially similar shall not be reconsidered sooner than one (1) year after the said denial.

ARTICLE 21
INTERPRETATION, CONFLICT, REMEDIES AND PENALTY

Sections:

21-101 Interpretation and Conflict

21-102 Remedies Available

21-103 Penalty

21-101 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. Where the conditions or requirements imposed by the provisions of these Regulations are either more restrictive or less restrictive than comparable conditions or restrictions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall apply.

If any property is not given a zoning classification on the Zoning District Boundary Maps because of error or omission, such property shall be classified "AG" Agricultural until changed by amendment, unless authorized by these Regulations.

21-102 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, or other appropriate authority of Stevens County, 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.

21-103 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/or imprisonment for not more than six (6) months for each offense 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 22
MISCELLANEOUS

Sections:

22-101 Validity

22-102 Accrued Rights and Liabilities Saved

22-103 Severability

22-104 Effective Date

22-101 Validity: If any section, paragraph, subdivision, clause, phrase, or provision of these Regulations shall be adjudged invalid or held unconstitutional the same shall not affect 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.

22-102 Accrued Rights and Liabilities Saved: The repeal of the existing Zoning Regulations provided in Section 22-105 herein shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred there under, 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 or actions thereof.

22-103 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.

22-104 Effective Date: These Regulations, being designated as the "Zoning Regulations of Stevens County, Kansas," shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3301 through 12-3305.

RECEIVED
NOV 18 1996
BUREAU OF WATER

ENVIRONMENTAL SANITARY CODES

STEVENS COUNTY ENVIRONMENTAL COMPLIANCE
200 E. 6TH STREET
Hugoton, Kansas 67951

(316)-544-2541

July 1996

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SANITATION CODES OF STEVENS COUNTY, KANSAS

CHAPTER 1

ADMINISTRATIVE PROCEDURES

SECTION 1-1.0 AUTHORITY AND POLICY

- 1-1-1 Legal Authority. The Stevens County Sanitary codes are adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et. seq. or K.S.A. 12-3301 et. seq. as amended.
- 1-1.1 Declaration of Finding and Policy. The appointed Stevens County Commissioners find that the provision of adequate and reasonable control over environmental conditions in the county is necessary and desirable. A sanitation code establishes standards to eliminate and/or prevent the development of sanitary conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt and amend a sanitation code to provide current regulation of practices that affect health and safety.
- 1-1.3 Purpose. The purpose and intent of this chapter is to prescribe the Administrative procedures to be followed in administering this sanitation code or any amendments thereto.
- 1-1.4 Title. This code shall be known and referred to as the Stevens County Sanitation Code.
- 1-1.5 Applicability. The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto.
- 1-1.6 Effective Date. This code shall become effective _____

SECTION 1-2.0 DEFINITIONS: The following words, terms and phrases appear in more than one chapter of this Code and thus have general application and usage. Words, terms, and phrases appropriate or applicable to specific chapters within this Code may be found in that particular chapter.

- 1-2.1 Administrative Agency means the entity authorized by the Stevens County Commissioners to administer and implement the provisions of this code. The Administrative Agency for Stevens County is designated as the Stevens County Zoning & Sanitation Department.
- 1-2.11 Board of County Commissioners means the Board of County Commissioners of Stevens County, Kansas.
- 1-2.2 Administrative Rules means those rules and regulations contained in chapter one of this sanitation code which prescribe general procedures to be followed in the administration of the sanitation code adopted by the county.
- 1-2.3 Authorized Representative means any person who is designated by the Administrative Agency to administer the code.
- 1-2.4 Board of Health means the Stevens County Board of Health as in 12.5.(K.S.A. 65-201)
- 1-2.5 Health Officer means the County Health Doctor.
- 1-2.6 Hearing Officer means the individual, appointed by the Board of County Commissioners, to hear appeals from decisions made by the Administrative Agency relating to the enforcement and administration of this code. (Local Health Department K.S.A. 19-3701)
- 1-2.7 Person means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body Of other legal entity recognized by law as the subject of rights and duties.
- 1-2.8 Premise means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 1-2.9 State Department of Health means the Kansas Department of Health and Environment (KDH&E).

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES

- 1-3.1 Right of Entry. Representatives of the Administrative Agency shall have the power and authority to inspect for compliance with the County Sanitation Code.
- 1-3.11 Obstruction of Administrative Agency. Any representative of the Administrative Agency that is denied access to any premise for the purposes authorized in this code shall have authority to seek injunctive or legal action through District Court to insure access and compliance with this code.
- 1-3.2 PERMIT AND LICENSE
- 1-3.21 Application for Permits and Licenses. Every person required by this sanitation code to obtain a permit or license shall make application for such permit or license to the Administrative Agency.
- 1-3.22 Issuance of Permits and Licenses. After receipt of a complete application as required by this code, the Administrative Agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within 30 days of such receipt. If the permit or license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection.
- 1-3.23 Permit Nontransferable. No permit or license required by this sanitation code shall be transferable, nor shall any fees required and paid therefore be refundable.
- 1-3.24 Permit Revocation. All permits are subject to revocation for reasons of noncompliance or misrepresentation.
- 1-3.25 Standard Fees. The Administrative Agency shall establish a schedule of fees sufficient to recover direct and indirect costs of processing all permits, licenses, and inspections required by the code, and said fees shall be paid into the Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid. (K.S.A. 19-3702)

1-3.3 NOTICES, ORDERS, APPEALS

- 1-3.31 Notice of Violations. When the Administrative Agency determines that there has been a violation of any provision of this Code, notice of such violation shall be issued to the landowner. The notice shall:
- (1) be in writing;
 - (2) include a statement of why the notice is being issued;
 - (3) allow a reasonable period of time for performance of any work required by the notice; and,
 - (4) be properly served upon the owner or agent. Such notice shall be deemed properly served when a copy has been sent by registered mail to the last known address of the owner or agent.
- 1-3.32 Appeal for Hearing. Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this sanitation code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided such person shall file with the Administrative Agency within ten working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of such a petition, the Administrative Agency shall confer with the Hearing Officer and set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced no later than ten working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Administrative Agency may postpone the hearing for a reasonable time beyond such ten-day period, when in the Agency's judgment the petitioner has submitted justifiable reason for such postponement.

- 1-3.33 Report of Hearing. Within ten working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the Administrative Agency, The findings shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the Hearing Officer, the Administrative Agency shall consider the report and issue an order, confirming, modifying or withdrawing the notice or order, and shall notify the appellant in the same manner as is provided for in Section 1-3.31
- 1-3.34 Emergency Orders. Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, the Administrative Agency may issue an order reciting the existence of such an emergency, specifying action be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply immediately.

1-3.4 RECORDS

- 1-3.41 Permit Applications. Applications for permits or licenses required by this code shall be filed with the Administrative Agency.
- 1-3.42 Official Actions. A written record of all official actions taken on applications for permits and licenses required by this sanitation code shall be kept on file with the Administrative Agency.
- 1-3.43 Proceedings of Hearings, The proceedings of all hearings, including findings and decisions of the Hearing Officer, and a copy of every notice and order related thereto shall be filed with the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.5 GENERAL PROVISIONS

- 1-3.51 Enforcement Procedures. The County Attorney or County Counselor shall enforce the provisions of this code and other sanitation codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency. Actions of injunction, mandamus, and *quo warranto* may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.
- 1-3.52 Penalties. In addition to, and independently of, the enforcement procedures provided in section 1-3.51 herein, any violation of any provision of a sanitation code shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars for each offense. Each day's violation shall constitute a separate offense. (K.S.A. 19-3707)
- 1-3.53 Disclaimer of Liability. This code and other sanitation codes adopted shall not be construed or interpreted as imposing upon the county or its officials or employees (1) any liability or responsibility for damages to any property, or (2) any warranty" that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by code will function properly.
- 1-3.54 Separability. If any clause, sentence, paragraph, section or subsection of this code shall for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall *not affect*, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional and invalid. (K.S.A. 19-3708)
- 1-3.55 Waiver of Requirements. The Administrative Agency shall have the authority to grant exceptions for existing and unusual cases where compliance with the requirements of any section of this code is not feasible. The waiver must be requested in writing, must justify the exception, and must provide reliable data to show that such a waiver does not and will not harm the waters of the state nor create a nuisance. When these conditions are met, the Administrative Agency shall have the authority to waive the requirement by replying in writing. Administrative Agency can only address waivers of county requirements.

ON-SITE WASTEWATER MANAGEMENT

SECTION 2-1.0 PURPOSE AND INTENT. Sewage is a potential source of disease and water pollution, and a hazard to the health, safety, and welfare of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance and use of on-site wastewater systems, and the removal and disposal of materials from such facilities within the legal boundaries of Stevens County.

SECTION 2-2.0 APPLICABILITY. The provisions of this chapter shall apply to all unincorporated areas located in Stevens County, Kansas; Regardless of Acreage Size.

SECTION 2-3.0 DEFINITIONS

- 2-3.1 Domestic Wastewater means all water-borne wastes produced at family dwellings in connection with ordinary family living, and similar type wastewater produced at offices, churches, industrial and commercial firms, exclusive of storm water, foundation drains, and cooling water.
- 2-3.2 Industrial and Commercial Wastewater means any other liquid or water-borne wastes produced in connection with any industrial or commercial process or operation, other than domestic wastewater.
- 2-3.3 Public Wastewater System means a wastewater system that is used or designed to be used for the collection, treatment and discharge of domestic wastes or industrial or commercial wastes into a receiving water course of the state and has a valid permit from KDHE.
- 2-3.4 Private Wastewater System means any system which is not required to hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.
- 2-3.5 Alternative Wastewater System means a wastewater system other than a septic tank-soil absorption system that is used or designed to be used to collect, treat, hold or discharge domestic wastewater from residential, industrial or commercial property. This includes such systems as evapo-transpiration fields and mechanical treatment systems.
- 2-3.6 Septic System means a septic tank-soil absorption system used for the collection, treatment, and disposal of domestic wastewater.
- 2-3.7 Abandoned Wastewater System means an on-site wastewater system determined by the Administrative Agency to be a system:
- (1) in which the use has been permanently discontinued;
 - (2) Which is in a state of disrepair that it cannot be used to treat effluent, or it has the potential for transmitting effluent into the aquifer or both; or
 - (3) Which poses potential health and safety hazards.
- 2-3.8 Beneficial Use means the use of water for any of the following purposes: agriculture water; aquatic life; domestic water supply; groundwater recharge; industrial water supply; or recreation.
- 2-3.9 Sanitary Privy means a facility designed for the disposal of non-water carried wastes from the human body.
- 2-3.91 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human or animal excreta from privies, vaults, septic tanks, or private wastewater systems; and the transportation of such material to a point of final disposal.
- 2-3.92 Sewage means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemicals or other wastes from domestic, manufacturing or other forms of industry.

- 2-3.93 Subdivision means any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the streets, alleys, or other portions thereof intended to be dedicated for public use, and any redivision of lands.
- 2-3.94 Vaults/Holding Tanks means a water-tight receptacle for the retention of sewage either before, during, or after treatment.

SECTION 2-4.0 PROHIBITED PRACTICES

- 2-4.1 Use of Non-Approved Wastewater Systems. No person shall use, or cause to be used, any private wastewater system, or sanitary privy constructed after the adoption of this sanitation code until it has been inspected and approved by the Administrative Agency or if it:
- (1) has been enjoined as a public health nuisance by a court of competent jurisdiction; or
 - (2) fails to comply with the provisions of this sanitation code, and written notice thereof has been given by the Administrative Agency; or
 - (3) discharges inadequately treated wastes onto the surface of the ground, or waters of the state as defined in K.S.A.65-161(a); or
 - (4) causes vector breeding, produces offensive odors or any condition that is detrimental to health and comfort.
 - (5) Abandoned wastewater systems are not exempt from this chapter and shall be abandoned in accordance with 2-5.5.
- 2-4.2 Use of Private Wastewater Systems Within 400 Feet of Public Sewer. No private wastewater system shall be constructed within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property.
- 2-4.2a Existing Systems Located Within 400 Feet of Public Sewer, It is not mandatory for existing wastewater systems located within 400 feet of a public sewer to connect as long as the private wastewater system works satisfactorily. When the system fails, connection is mandatory if a gravity interconnection can be made or interconnection is economically viable.
- 2-4.3 Location of Private Wastewater Systems Within 50 Feet of Full/Flood Pool. No portion of a private wastewater system shall be located within 50 feet of a flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir unless written approval is obtained from the appropriate Administrative Agency.
- 2-4.4 Location of Private Wastewater Systems Within 50 Feet Of Water Supply Well, No portion of a private wastewater system shall be located less than 50 feet from a water supply well or water line from a water well. No sanitary sewer line, regardless of construction, shall be located less than 10 feet from a water well or a water line from a water well.
- 2-4.5 Only domestic sewage shall be directed to a private wastewater system.
- 2-4.6 Seepage pits or cess pools. No person shall construct, use, or cause to be used, any seepage pit, cess pool or rat-hole after adoption of this sanitation code.

SECTION 2-5.0 REQUIREMENTS FOR PRIVATE WASTEWATER SYSTEMS

- 2-5.1 Approval of Plans.
- (1) After adoption of this code no person shall develop any private wastewater system until the plans have been approved by the Administrative Agency.
 - (2) The administrative procedures, Construction Guidelines (KDHE Bulletin No. 4-2) and other references approved by the Kansas Department of Health and Environment and the Administrative Agency will be used as a guide for approving the plans for a private wastewater system.

- 2-5.2 Sanitary Service. No person shall engage in the cleaning of a private wastewater system or the transportation of wastewater to a disposal site unless he holds a valid system cleaners license from the Administrative Agency.
- 2-5.3 Contracting With Unlicensed Persons Prohibited. No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary services unless that person holds a valid license.
- 2-5.4 System Contractor. No contractor shall install, or modify a private wastewater system unless the landowner holds a valid permit from the Administrative Agency.
- 2-5.5 Disconnection and Abandonment of Systems. Abandoned wastewater systems shall be disconnected from buildings or facilities, pipes plugged, and receptacles dismantled or removed; and any void space in which such receptacles were contained shall be filled with soil. Before filling, receptacle contents shall be pumped out and disposed of in accordance with proper procedures. KDHE may have additional requirements if industrial or commercial wastes have been directed to the system.
- 2-5.6 Permit. No person shall construct or modify, or permit to be constructed or modified, any private wastewater system until a permit has been issued by the Administrative Agency.
- 2-5.7 Maintenance. .Alf persons responsible for the operation of a private wastewater system shall operate and maintain the system in conformity with standard operation procedures.
- 2-5.8 Suitable Site. No site shall be approved if:
- (1) connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-4.0 of this code, or;
 - (2) the site contains less than two acres of land exclusive of roads, streets, or other public rights-of-way or easements. This area requirement may be reduced to one acre if the property is served by an approved public water supply.
 - (3) the soil, topography, and geology do not meet the requirements set forth in section 2-5.92.
- 2-5.81 Platted Subdivisions. Subdivisions approved prior to the adoption of this code shall be exempt from lot size restrictions provided that the lot areas may not be reduced at any time after the adoption of this code.
- 2-5.9 Construction Approval All private wastewater systems developed or modified after the effective date of this sanitation code must be inspected and approved by the Administrative Agency for compliance with the approved plans; and no portion of the system shall be covered or made inaccessible to inspection prior to approval.
- 2-5.91 Proper Maintenance and Operation. All private wastewater systems shall be maintained in good working operation. Whenever the Administrative Agency shall find any private wastewater system malfunctioning, the owner and/or user shall be ordered to correct the condition.
- 2-5.92 Soil Topography and Geology. No private wastewater system which is dependent upon soil absorption for the disposal of wastewater, shall be constructed on any lot of any size unless minimum standards for percolation rates, soil profiles and depth to impervious rock or groundwater are met.

SECTION 2-7.0 ALTERNATIVE SYSTEMS

- 2-7.1 Approval of Plans. No person shall construct or modify any alternative wastewater disposal system until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency. Examples of alternative systems are stabilization ponds, privies, vaults, etc. The use of privies and other dry or chemical toilets will be allowed only as a temporary means of wastewater disposal.
- 2-7.2 Approval of Construction. No person shall use, or make available for use, any newly constructed or modified alternative system until the construction has been inspected by the Administrative Agency for compliance with approved plans.
- 2-7.3 Proper Maintenance. All alternative systems must be maintained in good working, sanitary conditions.
- 2-7.4 Vault Required in Certain Areas. In areas where the elevation of the groundwater is within four feet of the bottom of the pit, a watertight vault shall be provided.

2-7.5 Location of a Privy Within 50 Feet of a Private Water Well. No privy shall be constructed less than 50 feet from an existing well.

SECTION 2-8.0 SANITARY SERVICES

- 2-8.1 Permit Required. No person shall remove or transport any wastes from any wastewater system or privy, unless that person holds a valid permit from the Administrative Agency. All permits issued will be subject to annual renewal.
- 2-8.2 Contracting With Non-Permitted Persons Prohibited. No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary service unless that person holds a valid permit.
- 2-8.3 Minimum Standards for Service Equipment. All equipment used for rendering of sanitary service shall be of watertight construction and maintained in good working condition. This ensures that all materials removed from private wastewater systems or privies will be transported to an approved point of disposal without spillage of the waste.

SECTION 2-9.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT

- 2-9.1 Platted Subdivisions. After adoption of this sanitation code no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency and comply with all Stevens County Zoning Regulations.

WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT

The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all water supplies, other than Public Water Supplies in Stevens County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

- 3-1.1 Area of Applicability. This chapter shall apply to all unincorporated land located in Stevens County, regardless of acreage.

SECTION 3-2.0 COMPLIANCE REQUIRED

After the effective date of this code, no person shall construct any public, non-public, or private water supply that does not comply with the requirements of this code.

SECTION 3-3.0 DEFINITIONS

- 3-3.1 Domestic Uses means the use of water by any persons or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, or for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.
- 3-3.2 Potable Water means water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming with the latest drinking water standards.
- 3-3.3 Pump Installer means any contractor, firm, partnership, association, or corporation who shall install pumps, treat or otherwise service any water well or any system directly connected to a water well, such as the distribution system, to the first connection up to and including the water pressure tank.
- 3-3.4 Public Water Supply, means a system that has at least ten service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year (K.S.A. 65162a). All public water supplies must obtain a permit from KDHE.
- 3-3.5 Non-public Water Supply means a water supply used for domestic purposes serving two to nine residential units (rental or under separate ownership).
- 3-3.6 Private Water Supply means a water supply used for domestic purposes which serves not more than one dwelling on a piped system.
- 3-3.7 Abandoned Water Well means a water well determined by the Administrative Agency to be a well:
- (1) in which the use has been permanently discontinued, or;
 - (2) in which pumping equipment has been permanently removed;
 - (3) which is in a state of disrepair that it cannot be used to supply water, or it has the potential for transmitting surface contaminants into the aquifer or both;
 - (4) which poses potential health or safety hazards; or
 - (5) which is such a condition it cannot be placed in active or inactive status.
- 3-3.8 Water Well Contractor means an individual, firm, partnership, association, or corporation who shall construct, reconstruct or treat a water well. The term shall not include:
- (1) An individual constructing, reconstructing, or treating a water well located on land owned by the individual when the well is used by the individual for farming, ranching, or agricultural purposes or for domestic purposes at the individual's place of abode;
 - (2) An individual who performs labor or services for a licensed water well contractor at the contractor's direction and under the contractor's supervision.
- 3-3.9 Active Well is a water well which is an operating well used to withdraw water, monitor or observe groundwater conditions.

- 3-3.91 Inactive Status is a water well which is not presently operating but is maintained in such a way it can be put back into operation with a minimum of effort.
- 3-3.92 Groundwater is the part of subsurface water which is in the zone of saturation.
- 3-3.93 Reconstructed Water Well is an existing well that has been deepened or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater.

SECTION 3-4.0 REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES

- 3-4.1 Permit. No person shall develop or lease any water supply subject to regulations of this code until a permit has been obtained from the Administrative Agency.
- 3-4.2 Approved Plans. No permit to develop a non-public water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency. References approved by the State Department shall be used as a guide by the Administrative Agency in reviewing and approving plans for non-public water supplies.
- 3-4.3 Special Considerations for Non-Public Water Supplies. All non-public water supplies which serve two to nine service connections shall:
- (1) have an initial and at least an annual total coliform analysis; and,
 - (2) have an initial chemical analysis for nitrates; and,
 - (3) have other tests as may be required to verify the satisfactory condition of the water supply.

SECTION 3-5.0 REQUIREMENTS FOR PRIVATE WATER SUPPLIES

- 3-5.1 Permit. No person shall drill, develop or construct any private water supply well on any premise subject to the regulations of this code until he/she has obtained a permit from the Administrative Agency.
- 3-5.2 Approved Plans. No permit to construct or develop a private water supply on premises subject to the regulations of this code shall be issued until the plan showing the location and construction of the supply has been approved by the Administrative Agency.
- 3-5.3 Use Limitations. No permit for drilling a well for private water supply shall be issued to any person when in the discretion of the Administrative Agency the property can be served at a reasonable cost by a public water supply, or when the water supply constitutes a significant health risk.

SECTION 3-6.0 MINIMUM STANDARDS FOR ALL GROUND WATER SUPPLIES

- 3-6.1 Location. All wells used as sources of water for water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table 1. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

TABLE I
Minimum Separation Distance Between Nonpublic Water Supply
Wells and Sources of Pollution

| Source of Pollution | Minimum Separation* | Recommended Separation |
|---|---------------------|------------------------|
| Subsurface absorption field for Septic tank effluent ----- | 50 ft. | >100 ft. |
| Pity Privy ----- | 50 ft. | >100 ft. |
| Septic Tank ----- | 50 ft. | >100 ft. |
| Barnyards, Stables, Manure Piles, Animal Pens, etc. ----- | 50 ft. | >100 ft. |
| Streams, Lakes and Ponds ----- | 50 ft. | >100 ft. |
| Sewer lines, not constructed of cast iron or Other equally tight construction ----- | 50 ft. | >100 ft. |
| Sewer lines, constructed of cast iron or other Equally tight construction----- | 10 ft. | >10 ft. |

*As required by K.A.R. 28-10-101

3-6.2 Construction. All wells that are to serve as a source of private or non-public water shall be constructed in accordance with State Administrative Regulations included under 28-30-6.

3-6.3 Plugging of Abandoned Wells. All water wells that are considered to be abandoned shall be plugged by the landowner or water well contractor in accordance with State Administrative Regulations included under 28-30-7.

3-6.4 Appeals. Requests for exception to any of the foregoing rules and regulations, As set out within this Chapter 3, shall be submitted to the Administrative Agency in writing and shall contain all information relevant to the request.

(1) Requests shall specifically set forth why such exception should be considered.

(2) The Administrative Agency may grant exceptions when geologic or hydrologic conditions warrant an exception. However, no exception shall be granted without a prior written concurrence from KDH&E. Appeals from the decision of the Administrative Agency/Sanitarian shall be made To the District Court who, after due consideration, may affirm, reverse, or modify the decision.

Bulletin 4-2 Requirements and Recommendations

| Directive | Citation/ Page | Required or Recommended Standard |
|---|-----------------------------|--|
| INTRODUCTION | | |
| All domestic wastewater shall be discharged to an approved sewage collection system or an approved lagoon, septic system, or alternative system. | Page 1; K.A.R. 28-5-6 | Required |
| Wastewater from a home shall be discharged to a properly designed and maintained septic tank-soil absorption field or wastewater pond, an approved alternative treatment and disposal system, or a permitted sewage treatment plant. | Page 1 | Required |
| Seepage pits, cesspools, and dry wells (rat holes) are not permitted. | Page 1 | Required |
| Industrial or commercial wastewater (from shops, manufacturing, car washes, etc.) is not permitted to be discharged to an onsite soil absorption system, so it shall not be mixed with domestic wastewater. | Page 1 | Required |
| WASTEWATER FLOWS | | |
| Surface runoff from roofs and paved areas, subsurface drainage from footing drains and sump pumps, and cooling water are not domestic wastewater and must be excluded from soil absorption systems. Such water may be used to maintain operating water level in wastewater ponds. | Page 2 | Required |
| Design flow is estimated by multiplying the number of household bedrooms by 150 gallons per day (gpd). This is based on 75 gallons per person per day for two people in each bedroom. This also assumes at some water using appliances such as clothes washer, dishwasher, water softener, etc. | Page 2 | Required |
| Adjustments should be made for a water softener, which may increase water use by as much as 10 gallons per capita per day or possibly more where water is very hard. | Page 2 | Recommended |
| SITE & SOIL EVALUATION | | |
| Four feet of aerated soil below the bottom of the absorption field is necessary. | Page 2 | Required |
| In sandy soil, it is recommended that as much vertical separation as possible be provided. | Page 2 | Recommended |
| Soil must absorb the septic tank effluent, treat the wastewater, and transmit treated wastewater away from the soil absorption areas. | Page 2 | Required |
| A site and soil evaluation should be completed in order to locate the area to be used for the absorption field, to verify the soil characteristics, and to size the system. | Page 3 | Recommended |
| Slopes steeper than 20% are not recommended for lateral field installations. | Page 3 | Recommended |
| The range of values for each of several properties that cause the soil to be placed in slight, moderate, and severe limitation rating for soil absorption systems is shown in Table 1. | Pages 2 & 3 (Table 1) | Required when a soil evaluation is conducted |
| The wastewater system area should be chosen prior to any construction on a site and should be an integral part of the home site design and development. | Page 3 | Recommended |
| A soil profile analysis is highly recommended to ensure suitability of the area and to establish the loading rate so that adequate space is available for the absorption field and its replacement. | Page 3 | Recommended |
| The soil profile should be analyzed to a depth of at least four feet below the bottom of the absorption area or at least six feet below the surface. | Page 3 | Recommended |
| At least three soil profile pits should be dug surrounding the area to establish the range of soil characteristics that are present on the site, and to determine the best location for the absorption field. | Page 3 | Recommended |
| Recommended loading rates are based on soil texture, structure and consistence information. | Pages 3 & 4 (Table 2) | Required when Recommended loading rates are used |
| System design should be based on the most limiting soil texture found in the first four feet of soil below the bottom of the proposed absorption lateral. | Page 4 | Recommended |
| It is highly recommended that the absorption field and an equal area reserved for future use be marked and fenced so they will not be disturbed during construction. | Page 4 | Recommended |

Bulletin 4-2 Requirements and Recommendations

| Directive | Citation/ Page | Required or Recommended Standard |
|--|---|--|
| If a site plan is prepared, setback distances to property lines, wells, surface water and buildings must be checked and included. | Page 4 | Required |
| Where evaporation substantially exceeds precipitation, as in central and western Kansas, a reduction in soil absorption area may be used when the soil is well suited to wastewater absorption. A well suited soil has medium to coarse texture, percolation rates less than 45 minutes per inch and wastewater loading rates of 0.5 gallons per square foot per day or more. | Page 3 (Table 3) | Recommended |
| For marginal, high clay, soil that has low loading rates, no reduction should be used regardless of location in Kansas. | Page 4 | Recommended |
| The procedure for doing a percolation test is described in Appendix A (page 14). Use loading rate and absorption field recommendations in Table 4, or use another method specified by the local sanitary code. | Pages 4 & 5 (Table 4) | Recommended |
| Minimum required and recommended separation distances for private wastewater systems are given in Table 5. Structures and boundaries to consider include easements, buildings, property lines, utilities, wells, water lines, surface water courses, and components of the wastewater disposal system. | Pages 4 & 5 (Table 5) | Required |
| Twenty-five feet is required between an onsite wastewater system and a public potable water line. | Page 4 (Table 5) and KDHE guidelines for public water supplies. | Required |
| 100 feet is required between an onsite wastewater system and a public water supply well or suction line. | Page 4 (Table 5) and K.A.R. 28-30-8(a) | Required |
| When lot dimension, topography, or soil condition make maintaining the required 50 feet separation distance between a wastewater lagoon and a property line or dwelling foundation impossible, a written variance from the affected property owners shall be obtained and filed with deeds. | Page 4 (Table 4; footnote 10) | Required |
| When limiting properties occur in the soil profile, a variation of conventional laterals, wastewater ponds or alternative treatment systems may be used to compensate for the limiting condition. Variations and alternatives that may be considered are summarized in Table 6. When possible, sites with these restrictive conditions should be avoided due to higher cost, larger land area, and greater maintenance requirements for the alternatives systems. | Page 4 (Table 6) | Recommended |
| SEPTIC TANK | | |
| The septic tank is sized so that wastewater flow through the tank takes at least 24 hours even with sludge and scum accumulation. | Page 6 | Recommended |
| Septic tanks are designed to handle all the daily flow a household will normally produce and must have sufficient capacity for the minimum recommended volume of at least two times the daily wastewater flow. | Page 6 | Required |
| Septic tank capacities -- <ul style="list-style-type: none"> • Table 7 gives minimum and recommended capacities for sizing septic tanks. • Septic tank capacities are based on the number of household bedrooms. For each additional bedroom, add 300 gallons to the minimum value and 450 gallons to the recommended value. • Septic tank capacity (gallons) is the volume held by the tank below the liquid level (invert of the outlet pipe). • The minimum tank size is 1,000 gallons. | Page 6 (Table 7) | Required |
| Septic tank effluent filters are highly recommended. | Page 6 | Recommended |
| If two compartment tanks or two tanks in series are used, the first compartment shall be sized to contain from one-half to two-thirds of the total tank capacity. | Page 6 | Required |
| Total tank capacity should be sized to retain at least two-to-three times the total daily wastewater flow as shown in Table 7. | Page 6 | Recommended |

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| Tanks shall never be closer than 50 feet from any water supply. Greater distances are preferred if possible. | Page 6 | Required |
| A 100 foot separation is required if the water source serves a public water supply. | Page 6 | Required |
| The septic tank shall not be located closer than 10 feet from any building, in swampy areas, or in areas located within the 100 year flood plain. | Page 6 | Required |
| There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an onsite wastewater system. | Page 6 | Required |
| To avoid damage to the onsite wastewater system, heavy equipment should not have to cross any portion of the system when servicing the septic tank. | Page 6 | Recommended |
| A sketch of the wastewater disposal system as constructed, showing measurements should be made and delivered to the homeowner, and filed with the permit. Figure 3 shows an example septic system sketch. | Pages 6 & 8 (Figure 3) | Recommended |
| All abandoned or unused septic tanks, cesspools, seepage pits or other holes that have received wastewater shall be emptied and plugged following procedures described in K-State Research & Extension bulletin MF-2246. | Page 6 | Required |
| SEPTIC TANK DESIGN/CONSTRUCTION SPECIFICATIONS | | |
| General Requirements Regardless of the Construction Material | | |
| Structural design -- <ul style="list-style-type: none"> • The septic tank including all extensions to the surface shall be watertight to prevent leakage into or out of the tank. • The tank shall be structurally sound and made of materials resistant to corrosion from soil and acids. • Steel tanks are not acceptable. | Page 7 Paragraph A | Required |
| Liquid depth and inside length -- <ul style="list-style-type: none"> • Septic tank liquid depth must be at least three feet but shall not exceed six-and-one-half feet. • The effective inside length of tanks shall not be less than one-and-a-half nor greater than four times the effective inside width. | Page 7 Paragraph B | Required |
| The minimum tank capacity is two times the daily wastewater flow using 150 per bedroom or 1,000 gallons, whichever is larger. | Page 7 Paragraph C | Required |
| Tanks sized three times daily flow are recommended. | Page 7 Paragraph C | Recommended |
| Tanks sized three times daily flow shall be required when garbage disposals are | Page 7 Paragraph C | Required |
| Support -- <ul style="list-style-type: none"> • The top of all tanks shall be designed and constructed to support a Minimum uniform load of 400 lbs. per square foot plus a 2,500 lb. axle load. • When buried more than two feet, the tank, especially the top, shall support an additional 100 lbs. per square foot for each foot of soil or portion thereof in excess of two feet. | Page 7 Paragraph D | Required |
| if the tank is placed in an area subject to any vehicular traffic, it shall be certified to meet H-20 highway loading by a Kansas licensed structural engineer | Page 7 Paragraph E | Required |
| Space above liquid line for scum is required for that portion of the scum that floats above the liquid. | Page 7 Paragraph F | Required |
| Liquid depth -- <ul style="list-style-type: none"> • For vertical sidewall tanks, the distance between the top of the tank and the outlet invert should be 15% of the liquid depth with a minimum of seven inches. • In horizontal, cylindrical tanks, an area equal to approximately twelve and one-half (12 1/2) percent of the total volume should be provided above the liquid line. This condition is met if the space above the liquid level (distance from outlet invert to top of tank) is 15% of the tank diameter. | Page 7 Paragraph F | Recommended |

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| Sewage lines carrying solids from the source to the tank should have sufficient slope to maintain velocities that keep solids moving. For household size lines, a slope of between one percent (118 inch per foot) and two percent (114 inch per foot) is usually best. | Page 8 Paragraph G | Recommended |
| The last 15 feet of sewer line preceding the tank shall not slope more than two percent (1/4 inch per foot). | Page 8 Paragraph G | Required |
| The inlet and outlet baffle or tee and compartment baffle should extend above the liquid level to one inch below the top of the tank. | Page 8 Paragraph H | Recommended |
| The invert of the inlet pipe shall be located at least three inches above the invert of the outlet when the tank is level. | Page 8 Paragraph I | Required |
| The septic tank or pumping tank inlet shall be a sanitary tee, elbow or long sweep elbow with low head inlet or baffle to direct incoming sewage downward and prevent flow from disturbing the floating scum layer. | Page 8 Paragraph J | Required |
| The septic tank or pumping tank inlet should extend eight inches below the liquid level, but should not penetrate deeper than 20% of the liquid depth. | Page 8 Paragraph J | Recommended |
| The outlet tee or baffle should generally extend below the liquid surface a distance equal to 35% of the liquid depth. For horizontal, cylindrical tanks, this distance should be reduced to 30 percent of liquid depth. | Page 8 Paragraph K | Recommended |
| Inlet and outlet openings shall be designed and constructed to be water tight for at least a 20-year life of the system. | Page 8 Paragraph L | Required |
| Two compartment tanks- <ul style="list-style-type: none"> • The dividing baffle shall extend from bottom of the tank to at least six Inches above the liquid line. • The opening in the dividing baffle may be any shape and shall be at least two inches minimum dimension with a total area of at least 12 square inches. • The baffle opening is to be centered 35% of liquid depth (30% for Cylindrical tanks) below the liquid level. | Page 8 Paragraph M | Required |
| Septic tank openings and attachments - <ul style="list-style-type: none"> • Septic tanks shall have an access manhole with 20 inches minimum Dimension for each compartment. • If the manhole does not extend to surface grade, a small diameter (at least one-and-a-half inch diameter) pipe shall extend to surface from the cover to mark the location of the manhole. This pipe shall not penetrate the lid of the tank. • Inspection risers at least 6 inches in diameter shall extend to surface grade centered over the inlet and outlet tees. • All below grade attachments to the tank, connections, riser, extensions and lid shall be water tight. • When any opening larger than eight inches extends to the surface, that opening shall be child and tamper resistant. This can be accomplished with lids weighting at least 65 pounds, locks, or anchors that are not removable without special tools. | Page 8 Paragraph N | Required |
| The sewer line from the house to the tank, all fittings and pipe in the tank, all extensions to the surface from the tope of the tank and the first 10 feet exiting the tank shall be schedule 40 pipe or heavier. | Page 8 Paragraph O | Required |

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| Septic tank design - <ul style="list-style-type: none"> • Septic tanks shall be designed for at least a 20-year life. They shall be designed and constructed to withstand extremes in loads resulting from adverse conditions without excessive deflection, deforming, creep, cracking or breaking. • Change in shape shall be limited to 5%. • Loads shall be based on 62.4 pounds per cubic foot for water and water saturated soil. • Top loads for design shall be in uniform 400 pounds per square foot plus 2,500 pound axle point load. • If the tank will be placed deeper than two feet or subject to vehicular traffic over the tank, a design by a Kansas licensed structural engineer shall be done for the specific conditions. | Page 9 Paragraph P | Required |
| SEPTIC TANK DESIGN/CONSTRUCTION SPECIFICATIONS - Special Considerations for Concrete Tanks | | |
| Figure 2 shows the dimensions or a typical precast concrete septic tank. | Page 7 (Figure 2) | Required |
| If the tank will be placed deeper than two feet or subject to vehicular traffic over the tank, a design by a Kansas licensed structural engineer shall be done for the specific conditions. | Page 7 (Figure 2, footnote 20) | Required |
| Concrete design mix -- <ul style="list-style-type: none"> • The concrete design mix shall be for a compressive strength of at least 4,000 lbs. per square inch at 28 day cure. • The water-cement ratio shall not exceed 0.45. | Page 9 Paragraph A | Required |
| Baffles or other interior concrete units shall not be used for precise or poured in place concrete septic tanks unless they are cast or built into the tank wall at the time the tank is constructed | Page 9 Paragraph B | Required |
| Air entrainment additives shall be added to five percent volume. | Page 9 Paragraph C | Required |
| Other chemical admixtures are encouraged to reduce water content, improve placement in forms | Page 9 Paragraph C | Recommended |
| Concrete tanks and lids shall receive proper care during the hydration (hardening) period by: <ol style="list-style-type: none"> 1. monitoring and controlling temperature of the concrete and gradients (i.e., maintain 50 to 90 degrees Fahrenheit for conventional cure and up to 140 degrees Fahrenheit under low pressure steam cure); and 2. monitoring and controlling humidity to prevent adverse moisture loss from fresh concrete (i.e., prevent or replenish loss of essential moisture during the early relatively rapid state of hydration). | Page 9 Paragraph D | Required |
| Reinforcing steel -- <ul style="list-style-type: none"> • Reinforcing steel shall be placed as designed by a Kansas licensed Structural engineer to ensure floor, wall, and top do not crack from moisture, frost, soil load, water load, axle load, or other stresses. Loads as specified above shall be used for the design condition. • Reinforcing steel shall be covered by a minimum of one inch of concrete and placed within plus or minus one-quarter (1/4) inch. | Page 9 Paragraph E | Required |
| A monolithic pour is the preferred construction procedure. | Page 9 Paragraph F | Recommended |

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| <p>Two-piece tanks -</p> <ul style="list-style-type: none"> • Very large tanks that are cast in two pieces and assembled in the field shall meet the same structural strength standard as specified • Two piece tanks shall have permanently sealed structurally sound joints and shall be water tested after assembly. • A Kansas licensed structural engineer shall determine if the tank meets the strength specification. | Page 9 Paragraph F | Required |
| <p>Additional corrosion resistance measures --</p> <ul style="list-style-type: none"> • In areas of high sulfate water (greater than 250 mg/L), additional corrosion resistance measures is appropriate. Recommended measures include: <ul style="list-style-type: none"> ◦ ASTM C150 Type II cement (moderate sulfate resisting); ◦ ASTM C150 Type V cement (high sulfate resisting); or ◦ coating interior concrete surfaces above the water line. + Coatings that provide additional protection of the concrete include asphalt, coal tar, or epoxy. The product used should be acid resistant and provide a moisture barrier coating for the concrete. | Page 9 Paragraph G | Recommended |
| Corrosion resistance products must not bleed into the water. | Page 9 Paragraph G | Required |
| Manufacturers are strongly urged to follow guidelines and meet standards of American Concrete Institute, National Precast Concrete Association, and American Society for Testing and Materials. Manufacturers should identify and advertise their products that meet applicable standards. | Page 9 Paragraph H | Recommended |
| <p>SEPTIC TANK DESIGN/CONSTRUCTION SPECIFICATIONS '7 Special Considerations for Fiberglass, Fiberglass Reinforced Polyester, and Polyethylene Tanks</p> | | |
| All tanks shall be sold and delivered completely assembled. | Page 9 Paragraph A | Required |
| Tanks shall be structurally sound and support external forces as specified above when empty and internal forces when full. Tanks shall not deform or creep resulting in deflection more than five percent in shape as a result of loads imposed. | Page 9 Paragraph B | Required |
| Tanks and all below grade fittings and connections shall be water tight. | Page 9 Paragraph C | Required |
| <p>SEPTIC TANK PLACEMENT SPECIFICATIONS</p> | | |
| Avoid causing compaction in the lateral field during placement of the septic tank. | Page 9 Paragraph A | Required |
| <p>Unsuitable natural soil -</p> <ul style="list-style-type: none"> • Tanks shall be placed on a bed of at least four inches of sand, pea gravel, or crushed non-corrosive granular material. • Material shall be no larger than two inches in diameter. • Bed depth shall be at least four times the largest material diameter. | Page 9 Paragraph B | Required |
| <p>Access manholes and inspection openings --</p> <ul style="list-style-type: none"> • Access manholes should be at surface grade. Where top of the tank must be more than 12 inches below surface grade, a watertight extension collar shall be added to raise the cover. • inspection openings placed over inlet and outlet tees or baffles shall be at least six inches in diameter and extend to the surface. | Page 10 Paragraph C | Required |
| Septic tanks should not be placed into the water table (including perched or seasonal). | Page 10 Paragraph D | Recommended |
| Plastic tanks shall not be used in high or seasonally high water tables unless precautions are taken to drain groundwater. | Page 10 Paragraph D | Required |
| Septic tanks shall be watertight. | Page 10 Paragraph E | Required |

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| Precast one piece tanks are best tested for watertightness at the plant before delivery. | Page 10 Paragraph E | Recommended |
| Two piece tanks that are assembled on-site must be tested following placement but before back filling. | Page 10 Paragraph E | Required |
| The tank hole shall provide ample space around the tank for access to do compaction. Backfill shall be in uniform, compacted layers not exceeding two feet thick and surround the tank. | Page 10 Paragraph F | Required |
| Because of potential soil collapse, compaction should be done from the surface without entering trenches deeper than five feet. | Page 10 Paragraph E | Recommended |
| ABSORPTION FIELD SIZE | | |
| The wastewater design flow is based on 150 gallons per day per bedroom. | Page 10 | Required |
| Loading rate is determined from the soil profile, from the percolation test rate, or by using another method as specified in the local code. | Page 11 (Table 2, pg 4 or Table 4, pg 5) | Required |
| The soil absorption area is calculated by dividing the wastewater flow in gallons per day by the loading rate (gallons per day per square foot). | Page 11 | Required |
| Length of laterals -- <ul style="list-style-type: none"> • The maximum gravity lateral run shall not exceed 100 feet and preferably should be less than 60 feet. • If a lateral is supplied from the center, the total length shall not exceed 200 feet (100 feet to each side) and a maximum of 120 feet is preferred. • Lateral systems on level sites with all laterals on the same elevation shall be connected at each end with a level manifold or connector pipes as shown in Figure 3 so there are no dead ends. | Pages 8 & 11 (Figure 3) | Required |
| Step down or serial distribution as shown in Figure 4 is recommended for sites that slope one-and-a-half (1 'A) percent or more and/or result in more than six inches difference in cover for a level lateral system. | Page 10, 11 & 12 (Figure 4) | Recommended |
| Adjacent absorption field trenches should be separated by at least six feet of undisturbed soil. Table 8 shows the minimum spacing for trench widths ranging from 18 to 36 inches. Individual trenches should be constructed on contour with the surface grade and with a level trench bottom to keep the trench cover a uniform thickness. | Pages 11 & 12 (Table 8) | Recommended |
| A minimum of six inches of rock or gravel shall be placed in the trench under the distribution pipe, followed by enough gravel to cover the pipe by two inches | Page 12 | Required |
| The soil cover over the trench should not be less than six inches to provide adequate water holding capacity for grass nor more than 12 inches to maximize water and nutrient use by vegetation. Generally, the total trench depth should be as shallow as possible, but not less than 18 inches. | Page 12 | Recommended |
| Perforated distribution pipe shall be used and, where pressure is not required, 4- inch diameter pipe is adequate. See standard lateral trench design and dimensions shown in Figure 5. | Page 12 | Required |
| When a shallow in-ground lateral system is used, the shallow, rock filled trench shall be covered with a synthetic geotextile barrier material (at least three ounce nylon or five ounce polypropylene nonwoven filter fabric) before the lateral and interval between laterals is covered with topsoil brought to the site. | Page 12 | Required |

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| <p>At-grade lateral systems -</p> <ul style="list-style-type: none"> • The rock lateral shall be covered with barrier material before the lateral and interval space is covered with topsoil and brought to the site. • The at-grade lateral requires tilling the soil strip under the lateral on a level contour. • A pressure dosing system shall be included as a part of the at-grade design. • Orifices in the pipe shall be sized and spaced to evenly distribute flow throughout the lateral system. • If the area is too large to pressurize the entire system, a multizone design and sequencing valve shall be used to dose zones in sequence. | Page 12 | Required |
| <p>When an at-grade lateral and pressure dosing system is used, the distribution lateral line pressure should not exceed five feet of head.</p> | Page 12 | Recommended |
| <p>The use of an effluent filter on the septic tank outlet is strongly encouraged to prevent solids from plugging the absorption field, prolong the life of the absorption field, improve performance of the system, and help reduce the strength of wastewater effluent.</p> | Page 12 | Recommended |
| ABSORPTION FIELD MATERIAL SPECIFICATIONS | | |
| <p>Rigid PVC or corrugated polyethylene plastic pipe --</p> <ul style="list-style-type: none"> • All materials used in the plumbing, wastewater line, and lateral fields shall meet standards specified by ASTM (American Society for Testing and Materials). • In gravity lateral pipes, perforations are circular, 1/2 inch diameter and are placed at the four and eight o'clock positions on the pipe circumference. • In no circumstance is slotted pipe acceptable as the narrow slot openings plug easily. | Page 12 | Required |
| <p>Porous media for the trench -</p> <ul style="list-style-type: none"> • Crushed stone or washed gravel is commonly used. • The media gradation shall be three-quarter (%) inches to two inches in diameter, with the smaller sizes preferred to reduce masking of the infiltration surface. • Rock having a hardness of three or more on the Moh's Scale of Hardness is required. • Larger diameter and smaller diameter material, or soft aggregate such as calcite limestone are not acceptable and shall not be used. • Fines shall not exceed five percent by volume. | Page 12 | Required |
| <p>Fines --</p> <ul style="list-style-type: none"> • Fines should be eliminated as much as possible. • Unwashed material is generally unacceptable. | Page 12 | Recommended |
| <p>Gravel less chambers are good choices for laterals when suitable rock or gravel is not locally available, is expensive, or access to the site is restricted.</p> | Page 12 | Recommended |
| <p>Recycled tire chunks are a suitable substitute for rock. 90% of the pieces should be one-half (") to four inches in size with no fines.</p> | Page 13 | Recommended |
| <p>Wire strands shall not extend more than one-half (1/2) inch from recycled tire pieces.</p> | Page 13 | Required |
| <p>Cover for porous media -</p> <ul style="list-style-type: none"> • The porous media shall be covered with a filter fabric (at least three ounce nylon or five ounce polypropylene) before backfilling to prevent soil from sifting through the media. • Traditional untreated building paper or three inch layer of straw are not recommended. • Filter fabric is required when tire pieces are used as the porous media. • Materials relatively impervious to air and moisture are not permitted. | Page 13 | Required |

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| FIELD CONSTRUCTION SPECIFICATIONS | | |
| Protection of the absorption field area -- Heavy equipment, such as loaded trucks, should be kept away from the absorption field by marking the site. Excessive equipment or foot traffic can compact even relatively dry soils. • Construction should not proceed when wet soil can be rolled out into a soil wire one-quarter (1/4) inch in diameter or smaller without falling apart. • Before beginning construction, contours should be determined and level lateral locations should be marked by flags or stakes on the contour. | Page 13 | Recommended |
| Excavation and leveling of trenches - • Trenches shall not be excavated deeper than the design depth or wider than the design width. • Following excavation, the trench sides and bottom shall be raked to remove any smearing and graded to assure a bottom with no more than one inch difference in elevation along the entire lateral length or the complete field for a level system. • The lateral pipe and rock cover shall not vary more than one inch in elevation along the lateral length using a surveyor level or laser. • The trench bottom should then be immediately covered with at least six inches of rock or the chamber. | Page 13 | Required |
| Placement of distribution pipes - • Place pipes carefully on the rock and level with perforations at four o'clock and eight o'clock. • Place rock around and over the pipe to a cover depth of at least two inches. | Page 13 | Recommended |
| Placement of barriers and backfill - • Filter fabric or other barrier shall be placed to protect from soil movement into the rock. • Earth backfill shall be carefully placed to fill the trench cavity. • The backfill shall be mounded above the trench about 20 percent of the soil fill height to allow for settling. | Page 13 | Required |
| MAINTAINING ONSITE WASTEWATER SYSTEMS | | |
| Minimum annual maintenance requirements -- • Check the sludge and scum in the tank to determine pumping requirements; tanks need to be pumped regularly depending on wastewater flow and tank size (often three to five years). • Check the baffles or tees to ensure they are intact, secure, and in good condition. • Check the tank and soil absorption area monthly for indications of leaks or failure. • Check observation ports in each lateral. • Check effluent filter and clean as needed. • A maintenance file should be kept by the owner for easy reference and for information when ownership changes. | Page 13 | Recommended |
| WASTEWATER STABILIZATION PONDS | | |
| Applicability-- • Wastewater ponds (lagoons) should be considered for individual household wastewater where soil conditions have severe limitations for conventional lateral absorption field systems. • Single family wastewater ponds should not be considered if septic tank-lateral field systems are feasible. • Wastewater ponds are especially applicable on sites with very restrictive permeability, high clay subsoil (i.e., slow percolation rates), or shallow bedrock where adequate area is available. | Page 14 | Recommended |

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| Requirements - <ul style="list-style-type: none"> • All private wastewater ponds must be non-discharging • All private wastewater ponds must be fenced. • Maintenance is required to remove vegetation at the water's edge, to mow vegetation on embankments, and to remove trees that will shade the pond. | Page 14 | Required |
| ALTERNATIVE SYSTEMS GUIDELINES | | |
| Counties have the authority to grant a variance for alternative systems | Page 14 | Recommended |
| No private onsite wastewater system shall have a surface discharge | Page 14 | Required |
| APPENDIX A - Conducting a Percolation Test | | |
| The purpose, a brief description, materials needed, and procedure are provided in Appendix A. | Pages 14&15 | Recommended |
| All test holes shall be the same size to help ensure consistency in results. | Page 15 | Required |
| APPENDIX B -- Sources of Additional Information | | |
| Appendix B - <ul style="list-style-type: none"> • K-State Extension & Research bulletins • Other standards related to onsite wastewater system materials and procedures | Page 16 | Recommended |