

MEMORANDUM

TO: PLANNING STAFF and PLANNING COMMISSION
RE: RECOMMENDATIONS FOR MINOR TEXT AND FORMATTING CHANGES TO DRAFT ZONING REGULATIONS SCHEDULED FOR PUBLIC HEARING IN SEPTEMBER
DATE: September 17, 2008

These recommendations are a culmination of review comments from the following county departments, personnel or agencies: county engineer, engineering staff, zoning & codes, director of environmental health, county extension, county counselor, and county planning resource coordinator. They are presented in the hopes of incorporation into the draft Zoning Regulations before final public hearing and formulation of recommendation by the Planning Commission.

Document Formatting:

The Zoning Regulations are Chapter XII in the County Code. Our recommendation is that all references to 'this Resolution' be modified to read 'this Article' and that the formatting of the document be revised to reflect that the Zoning Regulations are an Article out of a Chapter in the County Code. For illustrative purposes see the text box below:

ARTICLE 3
Section 12-301 Introductory Provisions
(a) Official Title
(b) Authority
(1)
(i)
a.

Another general formatting recommendation is that each Section begins with a table of content. This would improve the readability of the Zoning Regulations and be a helpful navigation tool for long sections in the Regulations.

The recommendations that follow are presented section-by-section for comparison with the draft Zoning Regulations on the September Planning Commission agenda.

ARTICLE SECTION 12-301: INTRODUCTORY PROVISIONS

Our recommendation is that the language used in the subsections in this Section be updated and made current as was recommended by the consultants (Duncan Associates) who prepared the 1999 Diagnostic Report of the county's Zoning Regulations.

■ SECTION 1-4 (a) 'TITLE' SHOULD BE REVISED TO 'OFFICIAL TITLE'

"This Resolution shall be known as the Douglas County Zoning Resolution." (RE: draft Zoning Regulations)¹

- Recommended replacement text: **"The official title of this Article is the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas". For convenience, it is referred to throughout this document as the "Zoning Regulations".**

¹ Reader's note: Presentation style for recommendations is: header followed by text from draft Zoning Regulations followed by recommendations unless otherwise noted.

■ ~~SECTION 1-2~~ (b) APPLICABILITY

"This Resolution shall apply to the unincorporated territory of Douglas County, Kansas."
(RE: draft Zoning Regulations)

- Recommended replacement text: "This Article shall apply to all development activity, public and private, with in the unincorporated territory of Douglas County, Kansas."

■ ~~SECTION 1-3~~ (c) PURPOSE

"The zoning regulations and districts as herein established have been made in accordance with a land use study plan, to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Douglas County, Kansas, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities by regulating the location and use of buildings, structures, and land for trade, industry, and residence, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated territory of Douglas County, Kansas."
(RE: draft Zoning Regulations)

- Recommendation: The Purpose statement of the existing Zoning Regulations was written to create purpose for zoning the entire county in 1966. Current planning practice, based on land use law reviews, is to tie the Purpose statement in Zoning Regulations to the adopted Comprehensive Land Use Plan. Our recommendation is that this subsection be revised to be similar to the Purpose statement drafted by Duncan Associates for Lawrence's Development Code which creates the connection between the Zoning Regulations and Horizon 2020.
- Recommend replacement text:
"The Zoning Regulations are intended to protect the public health, safety, and general welfare of the citizens of Douglas County through the implementation of the Comprehensive Land Use Plan adopted jointly by Douglas County and the City of Lawrence, known as 'Horizon 2020', and other applicable plans adopted by the Board of County Commissioners, hereinafter collectively referred to as the "Comprehensive Plan."

■ ~~SECTION 1-4~~ (d) 'INTERPRETATION' SHOULD BE REVISED TO 'GENERAL RULES OF INTERPRETATION'

"In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Resolution to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Resolution shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Resolution is not shown as being in a zoning district, the classification of such property shall be classified " A (Agricultural) until changed by amendment to the Zoning District Map. In the event that the language in this Resolution is unclear or clarification is necessary, the Planning Director is authorized to make an interpretation of the Resolution." (RE: draft Zoning Regulations)

- Recommendation: Our recommendation is that this section be updated in text and content to include the same types of general rules as were recommended by Duncan Associates to be part of the draft revisions to the Zoning Regulations. This would mean adding subsections that address how to read the Zoning Regulations : numbering style, meaning and intent, tenses and usage, fractions, conjunctions,

headings illustrations and text, references to other regulations, current versions and citations, lists and examples, delegation of authority, and public officials and agencies. These are important to the understanding of the Zoning Regulations but, are not 'substantial' revisions to the Regulations. The planning staff's recommended text grants the authority to make interpretations to clarify unclear language to the Planning Director. County Staff and the County Counselor believe this authority should rest with the Director of Zoning & Codes.

→ **Recommended Additional Text:**

"(d). General Rules for Interpretation of Regulations

(1) Meaning and Intent

The language of the Zoning Regulations shall be read literally. Regulations are no more or less strict than stated. Words used in the Zoning Regulations have the standard dictionary definition unless they are defined in Article 14 (Definitions). Words in Article 14 have the specific meaning assigned, unless the context expressly indicates another meaning.

(2) Tenses and Usage

- (i) Words in the singular include the plural and the reverse is true.
- (ii) Words used in the present tense include the future tense and the reverse is true.
- (iii) The words "shall", "will", "shall not", and "may not" are mandatory
- (ix) The word "may" is permissive.
- (x) When used with numbers, "up to x", "not more than x", and "a maximum of x", all include x.

(3) Fractions

(i) Minimum Requirements

When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number.

(ii) Maximum Limits

When a regulation is expressed in terms of maximum limits, any fraction shall be disregarded and only the smallest applicable whole number shall be considered.

(4) Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- (i) "And" indicates that all connected items or provisions apply;
- (ii) "Or" indicates that the connected items or provisions may apply singularly and in combination.

(5) Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of the Zoning Regulations and any heading, drawing, table, figure, or illustration, the text controls.

(6) References to Other Regulations

All references in the Zoning Regulations to other County, State, or Federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the County for enforcement of any State, or Federal regulations.

(7) Current Versions and Citations

All references in the Zoning Regulations to other County, State, or Federal regulations refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, the Zoning Regulations requirements for compliance are no longer in effect.

(8) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use "including", "such as", or similar terms are intended to provide examples only. They are not to be construed as complete or exhaustive lists of all possibilities.

(9) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer, staff or employee of the County to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of the Zoning Regulations expressly prohibit such a delegation.

(10) Public Officials and Agencies

All employees, public officials, boards, and agencies to which references are made are those of Douglas County unless otherwise expressly stated.”

■ **SECTION 1-5 (e) ‘VALIDITY’ SHOULD BE REVISED TO ‘CONFLICTING PROVISIONS’**

“If any section, paragraph, subsection, clause, phrase, or provision of this Resolution shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 1-5.01 All resolutions or parts of resolutions in conflict herewith are hereby repealed.”
(RE: draft Zoning Regulations)

→ Recommendation: Our recommendation is to update the language in this section without altering the meaning of the section.

→ Recommended replacement text:

“If any portion of the Zoning Regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from the Zoning Regulations and in no way affects the validity of any other portion of the Zoning Regulations.”

~~“SECTION 1-5.01 All resolutions or parts of resolutions in conflict herewith are hereby repealed.”~~
[Delete in this location. This language will be added to the end of the adopting resolution.]

■ **SECTION 1-6 (f) TRANSITIONAL PROVISIONS²**

→ Recommendation and revisions to draft text: Our recommendations are to the language of this section without altering the meaning of the section. Recommended revisions are shown in **bold underlined text** or with ~~strike-outs~~.

~~“SECTION 1-6.01~~

(1) APPLICATIONS SUBMITTED BEFORE THE EFFECTIVE DATE

Any use or development activity for which a complete application was submitted to the Planning Office or County Zoning and Codes Office before the effective date **of this Article or any amendment hereto** and pending approval on the effective date may, at the applicant’s option, be reviewed under the terms of the previous zoning regulations **in effect at the time of application**. If approved, such uses or development activities may be carried out in accordance with the standards in effect at the time of application. Any re-application for an expired permit shall meet the ~~standards~~ **Zoning Regulations** in effect at the time of re-application.

~~SECTION 1-6.02~~

(2) PERMITS ISSUED BEFORE THE EFFECTIVE DATE

Any use or development activity for which a permit was duly issued before the effective date may be competed in conformance with the issued permit and other applicable permits and conditions, and such regulations that were in effect at the time the permit was issued, even if such use or development activity does not fully comply with the provision of these revised zoning regulations. If the use or development activity is not commenced or completed in accordance with the applicable permit terms the director of the department responsible may, upon receipt of a written request and payment of the required fee, grant one 6-month time extension. If the use is not commenced or completed within the time allowed under the original permit or extension then the use or development activity shall be completed or occupied only in strict compliance with the requirements of the revised regulations.”

■ **Article Section 12-302: GENERAL PROVISIONS, DISTRICTS, AND DISTRICT MAPS**– Recommend

² Draft Zoning Regulations text is not displayed twice. It is only shown under recommendations and revisions.

**reordering sections to match order presented in section : "DISTRICTS,
ZONING MAP, AND GENERAL PROVISIONS"**

■ **SECTION 2-4 (a) DISTRICTS ESTABLISHED**

"In order to regulate and restrict the location of trades, industries, 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 or Residential Development Parcel areas and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the unincorporated territory of Douglas County is hereby divided into the following zoning districts:

"A"	Agricultural District
"A-1"	Suburban Home District
"R-1"	Single Family Residential District
"BL"	Lake Oriented Business District
"BN"	Neighborhood Business District
"BG"	General Business District
"U-LDI"	Unincorporated Low Demand Industrial District
"U-IL"	Unincorporated Light Industrial District
"U-IH"	Unincorporated Heavy Industrial Districts
"U-GPI"	Unincorporated General Public and Institutional Use District
"V-C"	Valley Channel District
"F-W"	Floodway Overlay District
"F-F"	Floodway Fringe Overlay District
"AR"	Agricultural Residential Overlay District"

(RE: draft Zoning Regulations)

→ **Recommendation and revised text:** Our recommendations address terminology and content and are shown in **bold underlined text** or with ~~strike-outs~~. There needs to be a clear distinction made between the zoning district map designations that are to remain from those that renamed or are new districts. Our recommendation is to use a table to present this information. There is no need for hyphenated districts with "U" for unincorporated, as all districts in these regulations apply to the unincorporated area, making the distinction unnecessary.

"Zoning Districts are created ~~In order to regulate and restrict the location of trades~~ **businesses,** industries, **rural residences,** and the location of buildings **non-agricultural structures** 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 or Residential Development Parcel areas and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings,~~ **and to create density and dimensional standards for development of these uses in** the unincorporated territory of Douglas County.

Zoning Districts Map designations in effect prior to December XX, 2008, are converted as follows: ~~is hereby divided into the following zoning districts:~~

"A"	Agricultural District
"A-1"	Suburban Home District
"R-1"	Single Family Residential District
"BL"	Lake Oriented Business District
"BN"	Neighborhood Business District
"BG"	General Business District
"U-LDI"	Unincorporated Low Demand Industrial District
"U-IL"	Unincorporated Light Industrial District
"U-IH"	Unincorporated Heavy Industrial Districts
"U-GPI"	Unincorporated General Public and Institutional Use District
"V-C"	Valley Channel District
"F-W"	Floodway Overlay District
"F-F"	Floodway Fringe Overlay District
"AR"	Agricultural Residential Overlay District

Previous Map Designation	New Map Designation
A (Agricultural)	A (Agricultural)
A-1 (Suburban Home Residential)	A-1 (Residential Subdivisions)
R-1 (Single-Family Residential)	R-1 (Single-Family Residential)
B-1 (Neighborhood Business)	BN (Neighborhood Business)
B-2 (General Business)	BG (General Business)
B-3 (Limited Business)	BL (Lake-Oriented Business)
I-1 (Limited Industrial)	U-IL IL (Light Industrial)
I-2 (Light Industrial)	
I-3 & I-4 (Heavy Industrial)	U-IH IH (Heavy Industrial)
V-C (Valley Channel)	A (Agricultural)
F-W (Floodway)	FW (Floodway)
F-F (Floodway Fringe)	FF (Floodway Fringe)

* table shown above is entirely new

Zoning Districts Map designations in effect after December XX, 2008, are as follows:

Zoning District Map Designations
A (Agricultural)
A-1 (Residential Subdivisions) * closed district ³
R-1 (Single-Family Residential) * closed district.
BN (Neighborhood Business)
BG (General Business)
BL (Lake-Oriented Business)
U-LDI ILD (Low Demand Industrial) ⁴
U-IL IL (Light Industrial)
U-IH IH (Heavy Industrial)
U-GPI GPI (General, Public, & Institutional Use)
AR (Agricultural Residential Overlay) ⁵
FW (Floodway Overlay)
FF (Floodway Fringe Overlay)

* table shown above is entirely new

■ **SECTION 2-2 (b) DISTRICT MAP ESTABLISHED**

"Such land and the district classification thereof, shall be as shown on the map designated as the "Zoning District Map of Douglas County, Kansas", dated and signed by the Chairperson of the Board of County Commissioners and the Clerk of Douglas County, upon adoption. Such map or maps shall be marked "Official copy of zoning district map incorporated into zoning regulations by adoption of a resolution of the Board of County Commissioners on the _____ day of _____, 19____," and filed in the office of the County Clerk or such other public office as may be designated by the Board of County Commissioners.

This Zoning District Map, and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this Resolution as if fully described herein. Said Map shall be available for public inspection in the Office of the County Clerk or such other public office as may be designated by the Board of County Commissioners, and any later alterations of this Map adopted by amendment as provided in this Resolution shall be similarly dated, filed, promptly noted on the Map, and made available for public reference.

³ Closed Districts are carried over from the previous Zoning Regulations for properties currently zoned this designation. The district is not open for the rezoning of new property into this district.

⁴ District letters revised to match other Industrial Districts – '**ILD**' instead of 'LDI'

⁵ AR District is not recommended by county staff. Certificate of Survey layer on GIS maps provides this information.

The "Floodplain Overlay Districts Map" established in Article 11 shall be read in conjunction with the "Zoning District Map." The development standards established by the Floodplain Management Regulations shall apply in addition to the underlying zoning district restrictions for land within the regulatory flood plain.

The "F-W" Floodway and "F-F" Floodway Fringe Overlay District boundaries are established in Article 11." (RE: draft Zoning Regulations)

→ **Recommendation and revised text:** Our recommendations are to terminology and content, and are shown in **bold underlined text** or with ~~strike outs~~.

~~"Such land and the district classification thereof, shall be as shown on the map designated as the "Zoning District Map of Douglas County, Kansas", dated December XX, 2008, and signed by the Chairperson of the Board of County Commissioners and the Clerk of Douglas County, upon adoption. Such map or maps shall be marked "Official copy of zoning district map incorporated into zoning regulations by adoption of a resolution of the Board of County Commissioners on the _____ day of _____, 19-20", and filed in the Zoning and Codes Office of the County Clerk or such other public office as may be designated by the Board of County Commissioners and shall be maintained by the Director of Zoning & Codes in accordance with K.S.A.12-753.~~

This Zoning District Map, and all notations, dimensions, references, **data, and other information shown thereon, is adopted and made a part of the Zoning Regulations as fully as if it were included in the pages of the Zoning Regulations,** and symbols shown thereon, pertaining to such districts shall be as much a part of this Resolution as if fully described herein. Said Map shall be available for public inspection in the Office of the County Clerk or such other public office as may be designated by the Board of County Commissioners, **Zoning and Codes Office** and any later alterations of this Map adopted by amendment as provided in this Resolution **to the Zoning Regulations** shall be similarly dated **and on file** filed, promptly noted on the Map, and made available for public reference.

The "Floodplain Overlay Districts Map" established in Article 11 **Section 12-311** shall be read in conjunction with the "Zoning District Map". The **flood protection standards and regulations** development standards established by the Floodplain Management Regulations shall apply in addition to the underlying zoning district restrictions for land within the regulatory flood plain **floodplain**.

The "F-W FW" Floodway and "F-F FF" Floodway Fringe Overlay District boundaries are established in Article 11 **Section 12-311** **Actual ground location of the regulatory floodway and regulatory floodway fringe boundaries shall require field verification prior to development using the elevation reference marks provided on the FEMA maps."**

■ **SECTION 2-3 (c) ZONING DISTRICT MAP**⁶

→ **Recommendation and revised text:** Our recommendations are to terminology and content, not context and are shown in **bold underlined text** or with ~~strike outs~~.

~~"Prints of the official Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for Douglas County, shall be made available to the public for a fee, as determined from time to time, to defray the cost of printing. In each calendar year any changes in the permitted uses, zoning district boundaries, zoning regulations, and classifications affecting such map, shall be revised to show district boundary changes such changes once after the publication of the resolution adopting the change has been published in the official newspaper."~~

■ **SECTION 2-4 (d) INTERPRETATION OF ZONING DISTRICT BOUNDARIES SHOULD BE REVISED TO 'LOCATION AND INTERPRETATION OF ZONING DISTRICT BOUNDARIES'**⁷

⁶ Draft Zoning Regulations text is not displayed twice. It is only shown under recommendations and revisions.

⁷ Draft Zoning Regulations text is not displayed twice. It is only shown under recommendations and revisions.

→ Recommendation and revised text: Our recommendations are to terminology and content, not context and are shown in **bold underlined text** or with ~~strike-outs~~.

~~“SECTION 2-4.01 {paragraph under (d)}~~ A district name or letter-number combination shown on the **Zoning District Map** indicates that the **Zoning Regulations** pertaining to the district designated **zoning district** by that name or letter-number combination extend throughout the **whole entire area in of** the unincorporated territory of the county within the jurisdiction of ~~this Resolution~~ **the Zoning Regulations contained within** ~~bounded by the district boundary lines shown by within which~~ such name or letter-number combination is shown or indicated, except as otherwise provided by this section.

~~SECTION 2-4.02.01 {second paragraph under (d)}~~ Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map or Flood Plain Overlay Districts Map, both incorporated and made a part of this ~~Article Resolution~~, the following rules shall apply:

SECTION 2-4.02.01

(1) In cases where a boundary line is given a position within an **easement for road right-of-way street** or ~~alley~~, navigable or non-navigable stream, it shall be deemed to be in the center of the **easement for road right-of-way street, alley, or stream**, and if the actual location of such **easement for road right-of-way street, alley, or stream** varies slightly from the location as shown on the **Zoning District Map**, then the actual location shall control.

SECTION 2-4.02.02

(2) In cases where a boundary line is shown as being located a specific distance from an **street easement for road right-of-way line** or other physical feature, this distance shall control.

SECTION 2-4.02.03

(3) 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. Distances shown adjoining or coincident with a railroad, ~~it~~ shall be deemed to be in the center of the railroad right-of-way. Distances shown as measured from a railroad shall be measured from the center of the designated track.

SECTION 2-4.02.04

(4) In cases where the Floodway or Floodway Fringe Overlay District boundaries are in dispute, the County Zoning Administrator **Director of Zoning and Codes** shall make the necessary interpretation. In cases where the interpretation is contested, the Board of Zoning Appeals, upon written application, shall resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. Sections **12-311(c) 44-3** and **12-311(d) 44-4** provide additional information regarding the Floodplain Overlay Districts and the Floodplain Overlay District Maps.

SECTION 2-4.02.05

(5) In unsubdivided property, unless otherwise indicated, the district boundary line on the Maps accompanying and made a part of this ~~Resolution~~ **Article** shall be determined by the use of the scale contained on such Map.

■ **(e) GENERAL PROVISIONS**

→ Recommendation and revised text: Our recommendations are to terminology and content, not context and are shown in **bold underlined text** or with ~~strike-outs~~.

Except as hereinafter provided:

SECTION 2-5.01

(1) PERMITTED USES.

All land, buildings or part thereof shall be used only for a use permitted in the district in which the land or building is located.

SECTION 2-5.02

(2) BUILDING PERMITS

No building shall be erected, converted, constructed, enlarged, altered, repaired, reconstructed, moved or structurally altered changed,⁸ nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located, without a building permit.

~~This Article~~ No regulations shall not apply to the use of land a building or premises used strictly for agricultural purposes. A building permits application must be obtained from is not required for an agricultural building if an agricultural building exemption has been submitted to the Douglas County Zoning and Codes Office in accordance with Home Rule Resolution 07-4-3.

SECTION 2-5.03

(3) DENSITY AND DIMENSIONAL HEIGHT, AREA AND BULK STANDARDS.

No building shall be erected, converted, constructed, enlarged, altered, repaired, or reconstructed, moved or structurally altered for the district in which the building is located; except in conformity with the height, area, or bulk density and dimensional standards, listed in Article 5 Section 12-305 for the district in which the building is located.

SECTION 2-5.04

(4) EASEMENT FOR ROAD RIGHT-OF-WAY.

No building shall be constructed erected, enlarged, altered, repaired, reconstructed, or moved, to occupy land within the planned required public road⁹ right-of-way of any existing or future street shown on the officially adopted major thoroughfare plan having jurisdiction in the area in question of the classification of the public road abutting the property line.

SECTION 2-5.05

(5) MINIMUM YARDS, PARKING AND OPEN SPACE.

The minimum yards, and parking spaces, and open spaces required by this Resolution Article for each and every any building existing at the time of the passage of this Resolution Article; or for any building hereafter erected, shall not be encroached upon or considered as required yard or open parking space for any another building, nor shall any lot or Residential Development Parcel (RDP)* land area used for residential purposes be reduced below the minimum requirements of this Resolution Article.

SECTION 2-5.06

(6) BUILDINGS.

Every building hereafter erected or structurally altered after the passage of this Article shall be located on a platted lot or RDP parcel of land as herein defined within the County Code, Section 11-113(d) of the Subdivision Regulations. In and, except as hereinafter provided, in no case shall there be more than one main principal building on one lot or RDP a platted lot or a parcel of land use for residential purposes.

SECTION 2-5.07

(7) ACCESSORY BUILDINGS.

No accessory building shall be constructed upon a platted lot or RDP parcel of land not used for agricultural purposes until the construction of the main principal building has been actually commenced passed final building inspection. No accessory building shall be used unless the main principal building on the platted lot or RDP parcel of land is occupied as a residence also being used. However, an accessory structure which exist alone on a RDP as a result of a Certificate of Survey process, may continue to be used until the RDP has transferred to different ownership. A cellar or basement may be used as a dwelling for 12 months prior to completion of the dwelling of which it is a part. The use of an accessory building on a Residential Development Parcel, that pre-existed the creation of the Residential Development Parcel through the filing of a Certificate of Survey, shall be regulated as a non-conforming use of a building (see section 12-308).

⁸ The revisions are based on specific language in Building Code.

⁹ Add definition to the Zoning Regulations for required public road right-of-way referencing Section 11-110(d) of the County Code, Subdivision Regulations.

~~SECTION 5.08~~

~~(8) SANITATION AND WATER SUPPLY. WASTEWATER DISPOSAL, SOLID WASTE AND WATER SUPPLY~~

Those areas not served by approved public utilities shall adhere to the following ~~provisions~~ **regulations**:

~~SECTION 2-5.08.01.~~

(i) SEWAGE DISPOSAL SYSTEMS. The discharge of sewage into seepage pits, abandoned wells, cisterns, streams or upon the surface of the ground shall be prohibited. Individual sewage lagoons meeting the requirements of the State Department of Health are permitted. Individual **on-site sewage management systems** ~~septic tank lateral systems~~ may not be constructed upon lots of less than 3 contiguous acres which are not encumbered by floodplain. Plans for a proposed ~~septic lateral system~~ **on-site sewage management system** shall be approved by the Health Authority. Written standards are available at the Lawrence-Douglas County Health Department. ~~in a manual form.~~

In no case shall treated or untreated sewage, or the effluent from an **on-site sewage management** ~~septic tank or lateral system~~ be permitted to drain directly or indirectly into a ditch or stream, nor shall it be allowed to surface or run or drain across any other adjacent land. The system may be inspected by the Health Authority at any stage in construction.

~~SECTION 2-5.08.02.~~

~~(ii) DISPOSAL OF GARBAGE, RUBBISH AND REFUSE.~~

4-1. Disposal of garbage, rubbish and refuse shall be permitted only in a designated public or private dump which is located and maintained in compliance with County Zoning Regulations and in such a manner that health hazards and offensive odors are not produced. ~~Dead animals may not be disposed in any Public dump.~~

2-2. The discarding, dropping, throwing or storing of litter, **appliances, vehicles, or other trash** in roads, ditches, **abandoned wells, intermittent streambeds,** streams, or other bodies of water, ~~whether on public or private property,~~ shall be prohibited.

~~SECTION 2-5.08.03~~

(iii) PUBLIC WATER SUPPLIES. All public water supply systems shall be subject to inspection and sampling by the Health Authority at any reasonable time and shall be constructed, maintained and operated in a manner which does not constitute a health hazard. Water systems yielding samples containing coliform bacterial or other demonstrable surface contaminants shall be considered unsafe for drinking purposes and **shall be considered a public** health hazard. ~~to the public.~~

~~SECTION 2-5.08.04~~

(iv) PRIVATE WATER SUPPLIES. Where connection is not to be made to municipal or approved communal potable water system, no residence shall be built unless provision is made for a safe and adequate supply of drinking water that has been approved by the Douglas County Health Department.

■ **ARTICLE 3 SECTION 12-303 ZONING DISTRICTS**

- **Recommendations:** Our recommendations address primarily the 1966 text and many of our recommendations are to: reword, simplify, or update terminologies used in the purpose statements of each district. The other recommended changes to subsections under each zoning district are primarily to the formatting and reference numbers used. In some Districts [A-1, R-1, IL, and IH] subsections have been recommended to be relocated under "Supplemental Density And Dimension Requirements", which is section 12-305(c) also to improve the organization of the Zoning Regulations. Recommendations in Districts ILD and IL are made to because some of the information include in these district regulations and purpose statements belong in the "Use Specific Standards", section 12-306, of the Zoning Regulations.

- Our recommendation is that the 'V-C' Valley Channel District and the proposed 'AR' Agricultural Residential Overlay District both be deleted from this update to the Zoning Regulations. A separate memo is being prepared to provide supporting for county staff's recommendation.

■ **SECTION 3-1 (a) A (AGRICULTURAL) DISTRICT**

- Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

~~"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the "A" Agricultural District. The purpose of this~~ **the "A" Agricultural District** ~~is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The district is also intended for purposes of protecting watersheds and water supplies to provide for spacious development, to protect forest areas, and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development."~~

SECTION 3-1.01

(1) PERMITTED USES.

A building or premises **property** shall be used only for the purposes shown in the Permitted Use Table in ~~Article 4~~ **Section 12-304.**

SECTION 3-1.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in ~~Article 12.~~ **Section 12-312.** of this Resolution

SECTION 3-1.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in ~~Article 12.~~ **Section 12-312.**

SECTION 3-1.04

(4) ~~HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS~~

~~Height, area, and bulk requirements~~ **Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2).** ~~shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.~~

SECTION 3-1.05

(5) ~~SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS~~

~~Supplementary Height, area, and bulk requirements~~ **Density and Dimensional requirements are contained in Section 12-305(c)**

SECTION 3-1.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in ~~Article 4~~ **Section 12-304** with an asterisk and the pertinent section of ~~the Resolution~~ **this Article** is referenced in the column to the **far** right labeled 'Use Standards'.

■ **SECTION 3-2 (b) "A-1" (SUBURBAN HOMES) (RESIDENTIAL SUBDIVISIONS) DISTRICT**

- Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

~~"The regulations set forth in this article or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the "A-1" Suburban Home District. The purpose of this~~ **the "A-1" Residential Subdivisions District** ~~is to provide for single family residential development of a suburban character together with appropriate public and semi-public buildings, public recreational facilities and accessory uses normally~~

compatible with residential development of this type, where due to a lack of readily accessible municipal service facilities it is desirable to prevent premature uncontrolled residential development. This district is located to insure development of land not served by approved public sewer facilities will be on a low density basis.

Platting for residential purposes in the unincorporated portions of Douglas County is no longer possible, per the 2007 Subdivision Regulations with the exception of Minor Subdivisions for previously platted properties and Major Subdivisions for any property that was previously zoned A-1, but not platted.. No new lands will be zoned to the A-1 District. The standards listed below will apply only to lands which were zoned A-1 prior to the effective date of the Subdivision Regulations, ~~Jan 1, 2007~~ **December 31, 2006.**"

SECTION 3-2.01

(1) PERMITTED USES.

A building or ~~premises~~ **property** shall be used only for the purposes shown in the Permitted Use Table in Article 4 **Section 12-304.**

SECTION 3-2.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. **Section 12-312.** of this Resolution

SECTION 3-2.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. **Section 12-312.**

SECTION 3-2.04

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

~~Height, area, and bulk requirements~~ **Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2).** shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.

SECTION 3-2.05

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

~~Height, area, and bulk requirements~~ **Density and Dimensional requirements** are contained in Article 5 **Section 12-305(c)** and in addition, the following regulations shall apply:

SECTION 3-2.04.01. ~~The minimum side yard requirement for any main building other than a single-family dwelling shall be thirty (30) feet. {moved to section 12-305(c)}~~

SECTION 3-2.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 **Section 12-304** with an asterisk and the pertinent section of the Resolution **this Article** is referenced in the column to the **far** right labeled 'Use Standards'.

■ SECTION 3-3 (c) R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT

→ **Recommendation and revised text:** Our recommendations are shown in **bold underlined text** or with strike-outs.

~~"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the "R-1" Single-Family Residential District.—The purpose of~~ **the "R-1" Single-Family Residential District** is to provide for single-family residential development of relatively more spacious character together with such public buildings, schools, churches, public recreational facilities accessory uses, as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of high character and contains vacant land considered appropriate for such development in the future.

Rezoning and platting for residential purposes in the unincorporated portions of Douglas County is no longer possible, per the 2007 Subdivision Regulations with the exception of Minor Subdivisions for previously platted properties and Major Subdivisions for any property that was previously zoned R-1, but not platted. No new lands will be zoned to R-1. The standards listed below will apply only to lands which were zoned R-1 prior to the effective date of the Subdivision Regulations, ~~Jan 1, 2007~~ **December 31, 2006.**"

~~SECTION 3-3.01~~

(1) PERMITTED USES.

A building or premises property shall be used only for the purposes shown in the Permitted Use Table in Article 4 **Section 12-304.**

~~SECTION 3-3.02~~

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. **Section 12-312.** of this Resolution

~~SECTION 3-3.03~~

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. **Section 12-312.**

~~SECTION 3-3.04~~

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements **Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2).** shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.

~~SECTION 3-3.05~~

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements **Density and Dimensional requirements** are contained in Article 5 **Section 12-305(c).** and in addition, the following regulations shall apply:

~~SECTION 3-3.04.01~~ The minimum side yard requirement for any main building other than a single family dwelling shall be twenty five (25) feet. (moved to section 12-305(c))

~~SECTION 3-3.06~~

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 **Section 12-304** with an asterisk and the pertinent section of the Resolution **this Article** is referenced in the column to the far right labeled 'Use Standards'.

■ ~~SECTION 3-4~~ **(d) BN (NEIGHBORHOOD BUSINESS) DISTRICT**

→ Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike outs.

"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article, are the regulations in the BN (Neighborhood Business) District. The purpose of this **the "BN" (Neighborhood Business) District** is to provide ~~primarily~~ for retail shopping and personal service uses to be developed either as a unit or in individual parcels, **to serve the needs of nearby residential neighborhoods, township residents and rural home occupations. The district is intended for application along collector roads and county routes.**"

~~SECTION 3-4.01~~

(1) PERMITTED USES.

A building or premises property shall be used only for the purposes shown in the Permitted Use Table in Article 4 **Section 12-304.**

SECTION 3-4.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. Section 12-312. of this Resolution

SECTION 3-4.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. Section 12-312.

SECTION 3-4.04

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2). shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.

SECTION 3-4.05

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements Density and Dimensional requirements are contained in Article 5 Section 12-305(c)

SECTION 3-4.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 Section 12-304 with an asterisk and the pertinent section of the Resolution this Article is referenced in the column to the far right labeled 'Use Standards'.

■ SECTION 3-5 (e) (BL) LAKE-ORIENTED BUSINESS DISTRICT

→ Recommendation and revised text: Our recommendations are shown in bold underlined text or with strike-outs.

~~"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the "BL", Lake Oriented Business District. This district is designed to permit and to encourage the design and grouping of retail activities and services, in areas defined by comprehensive plans, of certain retail activities and services that are intended primarily to serve, and be dependent upon, on the motoring public principally in association with the recreational lakes in the County. the needs and users of the recreational lakes and outdoor recreational activities in the County. The district is intended for application along major collector or arterial roads."~~
The purpose of the "BL", Lake Oriented Business District This district is designed to permit and to encourage the design and grouping of retail activities and services, in areas defined by comprehensive plans, of certain retail activities and services that are intended primarily to serve, and be dependent upon, on the motoring public principally in association with the recreational lakes in the County. the needs and users of the recreational lakes and outdoor recreational activities in the County. The district is intended for application along major collector or arterial roads."

SECTION 3-5.01

(1) PERMITTED USES.

A building or premises property shall be used only for the purposes shown in the Permitted Use Table in Article 4 Section 12-304.

SECTION 3-5.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. Section 12-312. of this Resolution

SECTION 3-5.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. Section 12-312.

SECTION 3-5.04

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2). shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.

SECTION 3-5.05

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements Density and Dimensional requirements are contained in Article 5 Section 12-305(c)

SECTION 3-5.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 Section 12-304 with an asterisk and the pertinent section of the Resolution this Article is referenced in the column to the far right labeled 'Use Standards'.

SECTION 3-6 (f) BG (GENERAL BUSINESS) DISTRICT

→ Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the BG (General Business) District. The purpose of **the "BG" (General Business) District** is to provide sufficient **commercial** space in appropriate locations for a wide variety of business, commercial, and miscellaneous service **uses** activities, particularly along certain existing major thoroughfares **principal arterials and other county routes** where a general mixture of commercial and **personal** service activity **uses** now exists; but, which uses are **do not include:** characterized by extensive warehousing, frequent heavy trucking **traffic activity**, **the** open storage of materials, **equipment, or merchandise**, or the nuisance factors of dust, odor, and noise associated with manufacturing. **The district is intended for application along arterial roads and highways** "

SECTION 3-6.01

(1) PERMITTED USES.

A building or premises **property** shall be used only for the purposes shown in the Permitted Use Table in Article 4 Section 12-304.

SECTION 3-6.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. Section 12-312. of this Resolution

SECTION 3-6.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. Section 12-312.

SECTION 3-6.04

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2). shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.

SECTION 3-6.05

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements Density and Dimensional requirements are contained in Article 5 Section 12-305(c)

SECTION 3-6.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 **Section 12-304** with an asterisk and the pertinent section of the Resolution **this Article** is referenced in the column to the **far** right labeled 'Use Standards'.

SECTION 3-7 U-LDI (g) ILD (UNINCORPORATED LOW-DEMAND INDUSTRIAL) DISTRICT

→ Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the U-LDI (Unincorporated Low-Demand Industrial) District. The purpose of this **the "ILD" Low Demand Industrial District** is to provide sufficient space **for low-impact, low-demand industrial use sites** in appropriate locations for industrial uses which **that are appropriate for industrial uses, which** require very little **minimal or no public** infrastructure or public **municipal** services. **The district is intended for application along arterial roads and highways.**" {use criteria moved to Use Specific Criteria}

→ Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

SECTION 3-7.01

(1) PERMITTED USES.

A building or premises **property** shall be used only for the purposes shown in the Permitted Use Table in Article 4 **Section 12-304**.

SECTION 3-7.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. **Section 12-312.** of this Resolution

SECTION 3-7.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. **Section 12-312.**

SECTION 3-7.04

4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements **Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2).** shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.

SECTION 3-7.05

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements **Density and Dimensional requirements** are contained in Article 5 **Section 12-305(c)**

SECTION 3-7.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 **Section 12-304** with an asterisk and the pertinent section of the Resolution **this Article** is referenced in the column to the **far** right labeled 'Use Standards'.

SECTION 3-7.07 LOW-DEMAND DEVELOPMENT CRITERIA

To be considered 'low-demand' a development must be located on a hard surfaced road and must be able to be served with septic system, rather than utilizing a lagoon. {criteria moved to Section 12-306}

■ **SECTION 3-8 U-IL (h) (UNINCORPORATED LIGHT INDUSTRIAL) DISTRICT**

→ Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the U-IL (Unincorporated Light Industrial) District. The purpose of this **the "IL" Light Industrial District** is to **primarily** provide sufficient space in appropriate **areas and** locations, usually in planned industrial subdivisions, for certain types of business and manufacturing **uses that are compatible with less-intense commercial and residential uses.** relatively free from offense, in modern, landscaped buildings, to make available more attractive locations for these businesses and factories, **The district is also intended to provide** and to provide opportunities for employment closer to residences with corresponding reduction of **that reduce** travel time from home to work. **The district is intended for application along arterial roads and highways.** This district is intended primarily for light manufacturing, fabricating, service industries, warehousing, and wholesale trade and distributing in areas with access by major thoroughfares railroads in either central or outlying locations." {use criteria moved to Section 12-306}

"Typical light industrial uses include, but are not limited to, the following: Manufacturing/production of chemical products such as pharmaceuticals, cosmetics, pottery and porcelain products; food and beverage products; metals and metal products; textiles, such as carpet, bedding and yarn; wood and paper products; building materials storage and sales; commercial animal raising; wholesale greenhouses; industrial vocational training school; truck or freight transfer terminal; and other similar uses which are relatively free from offense." {criteria moved to Section 12-306}

SECTION 3-8.01

(1) PERMITTED USES.

A building or premises **property** shall be used only for the purposes shown in the Permitted Use Table in Article 4 **Section 12-304.**

SECTION 3-8.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. **Section 12-312.** of this Resolution

SECTION 3-8.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. **Section 12-312.**

SECTION 3-8.04

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements **Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2).** shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein, and in addition, the following regulation shall apply:

SECTION 3-8.04.01 Whenever any building in the IL (Light Industrial District adjoins or abuts upon a residential district, such building shall not exceed two stories nor 35 feet in height, unless it is set back one foot from all required yard lines for each foot of additional height above 35 feet. {moved to section 12-305(c)}

SECTION 3-8.05

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements **Density and Dimensional requirements** are contained in Article 5 **Section 12-305(c)**

SECTION 3-8.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 **Section 12-304** with an asterisk and the pertinent section of the Resolution **this Article** is referenced in the column to the **far** right labeled 'Use Standards'.

■ **SECTION 3-9 U-IH (i) (UNINCORPORATED HEAVY INDUSTRIAL) DISTRICT**

→ Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

~~"The regulations set forth in this article, or set forth elsewhere in this Resolution, when referred to in this article are the regulations in the U-IH (Heavy Industrial) District. This~~ **The purpose of the "IH" Heavy Industrial District is to primarily intended for general and high-impact industrial uses, including large-scale or specialized industrial operations requiring good transportation access, ready access to public facilities and services. This district is incompatible with residential and low-intensity commercial uses.** ~~provides for industrial operations of all types. The district, in general, would be protected from intrusion by commercial uses, signs, and dwellings. The district is intended for application along arterial roads and highways."~~

SECTION 3-9.01

(1) PERMITTED USES.

A building or premises **property** shall be used only for the purposes shown in the Permitted Use Table in Article 4 **Section 12-304**.

SECTION 3-9.02

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. **Section 12-312** of this Resolution

SECTION 3-9.03

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. **Section 12-312**.

SECTION 3-9.04

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

~~Height, area, and bulk requirements~~ **Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2).** ~~shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein, and in addition, the following regulation shall apply:~~

SECTION 3-9.04.01. ~~On the side of a lot adjoining a residential district, there shall be a side yard of not less than 25 feet. {moved to section 12-305(c)}~~

SECTION 3-9.04.02. ~~When a lot abuts upon a residential district, a rear yard of not less than 25 feet is required. {moved to section 12-305(c)}~~

SECTION 3-9.04.03 ~~Grain elevators, gas holders, coal bunkers, oil cracking towers, and other similar structures may exceed 125 feet in height, but whenever any building or structure in the U-IH (Unincorporated Heavy Industrial) District adjoins or abuts upon a residential district, such building or structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet. {moved to section 12-305(c)}~~

SECTION 3-8.05

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Height, area, and bulk requirements **Density and Dimensional requirements** are contained in Article 5 **Section 12-305(c)**

SECTION 3-8.06

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 **Section 12-304** with an asterisk and the pertinent section of the Resolution **this Article** is referenced in the column to the **far** right labeled 'Use

Standards’.

■ **SECTION 3-10 (U-GPI (UNINCORPORATED GENERAL, PUBLIC AND INSTITUTIONAL USES) DISTRICT**

→ Recommendation and revised text: Our recommendations are shown in **bold underlined text** or with strike-outs.

~~“The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article are the regulations in the U-GPI (Unincorporated General Public and Institutional Uses) District. The~~ **purpose of the “GPI”, General, Public and Institutional Use District** ~~is a special purpose base district primarily intended to accommodate institutional, public, and quasi-public uses. The District regulations~~ **requirements and standards for uses in this district** ~~are designed to offer maximum flexibility for patterns of uses within the district, while ensuring that uses and development patterns are compatible with adjoining land uses. The district is intended for application along collector or arterial roads.”~~

~~SECTION 3-10.01~~

(1) PERMITTED USES.

A building or premises property shall be used only for the purposes shown in the Permitted Use Table in Article 4 **Section 12-304.**

~~SECTION 3-10.02~~

(2) PARKING REGULATIONS REQUIREMENTS

The parking regulations for permitted uses are contained in Article 12. **Section 12-312.** of this Resolution

~~SECTION 3-10.03~~

(3) OFF-STREET LOADING REGULATIONS REQUIREMENTS

The off-street loading regulations for permitted uses are contained in Article 12. **Section 12-312.**

~~SECTION 3-10.04~~

(4) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

~~Height, area, and bulk requirements~~ **Density and Dimensional requirements are contained in the Table in Section 12-305(b)(2).** ~~shall be as set forth in the chart of Article 5, which chart, and all notations and requirements shown therein shall be a part of this Resolution and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described herein.~~

~~SECTION 3-10.05~~

(5) SUPPLEMENTARY HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REGULATIONS REQUIREMENTS

Supplementary Height, area, and bulk requirements **Density and Dimensional requirements are contained in Section 12-305(c)**

~~SECTION 3-10.06~~

(6) USE SPECIFIC STANDARDS

Use Specific Standards are noted in the Permitted Use Table in Article 4 **Section 12-304** with an asterisk and the pertinent section of ~~the Resolution~~ **this Article** is referenced in the column to the far right labeled ‘Use Standards’.

■ **SECTION 3-11 V-C (VALLEY CHANNEL) DISTRICT**

→ Recommendation: The V-C (Valley Channel) and V-P (Valley Plain) Districts were created in the original 1966 Zoning Regulations that were adopted for the entire unincorporated areas of the County. The basis for these districts was the 1951 flood and the conveyance requirements established as the standards in these districts was based on the flows of the Kansas and Wakarusa Rivers in the early 1960s.

In 1981, when Douglas County entered into the FEMA floodplain program and adopted the maps and study prepared by FEMA, the ‘V-P’ Valley Plain District was removed from the Zoning Regulations. [This

is why the current regulations is missing an 'Article 15'. That was the V-P district Article in the Regulations.] The 'V-C' Valley Channel District was retained as a precaution because the community was new to the floodplain program and some interest groups raised concerns with the accuracy of the FEMA study. Our recommendation is to delete this district and to rezone the lands currently zoned "V-C" to the "A" district with the publication of the new Zoning District Map.

~~The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article are the regulations in the V-C (Valley Channel) District. The purpose of this district is to prevent, in those areas subject to periodic or potential flooding, such development as would result in a hazard to health or safety, and to insure the general public will not be forced to expend exorbitant funds to remedy flood problems.~~

~~SECTION 3-11.01~~

~~Premises in the Valley Channel District shall not be filled with any material nor shall any structure be built that will cause an obstruction to the conveyance of a flow of 220,000 cubic feet per second in the Kansas River, measured at Lecompton, Kansas; and to the conveyance of a flow of 36,000 cubic feet per second in the Wakarusa River measured at U.S. Highway 59, that are necessary to insure said flows in the respective rivers, and such areas shall be designated as lying within encroachment limits, and only those uses specified in the Permitted Use Table in Article 4 shall be permitted. (Where this SECTION conflicts with the Flood Plain Management Regulations, Article, 11 the more restrictive standards shall apply.)~~

~~SECTION 3-11.02 PERMITTED USES~~

~~A building or premises shall be used only for the purposes shown in the Permitted Use Table in Article 4. The following uses are permitted within the V-C District:~~

- ~~1. Farm, truck garden, orchard, plant nurseries, provided that no farm shall be operated publicly or privately for the disposal of garbage, rubbish, or offal.~~
- ~~2. Grazing.~~
- ~~3. Hunting and fishing unless prohibited by other ordinances or laws.~~
- ~~4. Public or private commercial recreational facilities and structures, provided such structures conform to the requirements of this SECTION SECTION 11 and Article 6 of this Resolution.~~
- ~~5. Preserves, reservations and other similar open uses.~~
- ~~6. Any use accessory to those permitted by right on the balance of a lot, a portion of which is zoned in the Valley Channel District.~~
- ~~7. No building for human habitation shall be permitted in any case. This regulation shall not apply to any structure used as a farm dwelling, provided a minimum area of 5 acres per dwelling unit is provided.~~

~~SECTION 3-11.03 PARKING REGULATIONS~~

~~The parking regulations for permitted uses are contained in Article 12 of this Resolution.~~

~~SECTION 3-11.04 OFF-STREET LOADING REGULATIONS~~

~~The off-street loading regulations for permitted uses are contained in Article 12 of this Resolution.~~

~~SECTION 3-11.05 HEIGHT, AREA AND BULK REGULATIONS~~

~~Height and area requirements shall be as set forth in the chart of Article 5.~~

~~SECTION 3-11.06 USE SPECIFIC STANDARDS~~

~~Use Specific Standards are denoted in the Permitted Use Table in Article 4 with an asterisk and the pertinent SECTION is referenced in the column to the right labeled 'Use Standards'.~~

~~SECTION 3-11.07 VALLEY CHANNEL AND FLOODPLAIN OVERLAY DISTRICTS WARRANTY~~

~~SECTION 3-11.07.01 DESIGNATION OF VALLEY CHANNEL AND FLOOD PLAIN OVERLAY DISTRICTS.~~

~~The designating of only part of the Douglas County as a Valley Channel or as a part of the regulatory flood plain~~

shall in no way constitute a finding or warranty by Douglas County or any agency or employee thereof that any part of the County not so designated is free from flood hazards.

SECTION 3-11.07.02 — GRANTING OF BUILDING PERMITS IN THE VALLEY CHANNEL OR FLOOD PLAIN OVERLAY DISTRICTS. ~~The granting of a building permit for the erection, moving in, altering, or enlarging of any building or structure in a Valley Channel or regulatory flood plain shall not constitute a representation or warranty of any kind or nature by the Douglas County or any agency or employee thereof; of the practicability or safety of any action or improvement described by such permit and shall create no liability upon or course of action against the County or any agency or employee thereof for any damage that may result pursuant thereto.~~

SECTION 3-11.08 PROHIBITED USES

~~The removal of top soil, or damming or relocating of any water course shall not be permitted except with the approval of the Planning Commission.~~

■ SECTION 3-12 (k) OVERLAY ZONING DISTRICTS

- ➔ Recommendation and proposed text: Our recommendation is for this section to begin with an introduction to describe what an overlay zoning district is and how it is used in the Zoning Regulations. The proposed text was modeled after the Lawrence Development Code text prepared by Duncan Associates.

“The purpose of “Overlay Zoning Districts” is to provide a tool for addressing special development situations or accomplishing special zoning goals. Overlay districts are a layer of additional performance standards or requirements that are added to, or “overlaid” on top of, the requirements in the base or underlying Zoning district. These standards or additional requirements apply in addition to or, in some cases, in place of the requirements of the underlying Zoning District.”

- ➔ Recommendation and revised text: Our recommendation for revision in this section are minor: remove the dash and revise the article reference. These are shown in **bold underlined text** with strike-outs.

~~SECTION 3-12.01(k)(1) FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS~~

~~The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article are the regulations in the F-W (Floodway) and F-F (Floodway Fringe) Overlay Districts. The provisions **development standards** for the F-W **FW** (Floodway) and F-F **FF** (Floodway Fringe) Overlay Districts are contained in Article 44 **Section 12-311** Flood Plain Management Regulations.~~

- ➔ Recommendation: The purpose of this district has been explained to us as providing a method or means of tracking the revisions made to land divisions on a county map for the purpose of identifying where and when the Certificate of Survey process has been used to divide property in the unincorporated area of the County. A GIS map layer can accomplish the same goal and has already been developed by County staff. This overlay district is presented as an ‘automatic’ mapping change to the Zoning Map when a Certificate of Survey is filed at the Register of Deeds. Rezoning land is not an ‘automatic’ process.

~~SECTION 3-12.02 — AR (AGRICULTURAL RESIDENTIAL) OVERLAY DISTRICT~~

~~The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article are the regulations in the AR (Agricultural Residential) Overlay District. The method of subdividing land in the unincorporated portions of the County for residential purposes was revised with the adoption of the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County in 2006. Residential land divisions are created through the Certificate of Survey process rather than through the rezoning and platting process; therefore, the land divisions created through a Certificates of Survey are not reflected on the zoning or plat maps. The AR Overlay District was created to accurately reflect the existing land use.~~

■ Article 4 **SECTION 12-304** Permitted **USE TABLE**

Provided separately.

- Recommendation and proposed text: Our recommendation is for this section to include the same key provided to the Use Table as if provided in the Lawrence Development Code because the Use Table itself is modeled off the Use Table in the Development Code.

“(a)The Use Table in section 12-304(b) lists the principal uses allowed within each of the Zoning Districts. The symbols used in the Use Table are defined in the following paragraphs.

(1) [P] Permitted Uses

A “P” indicates that a use is permitted by-right, subject to compliance with all other applicable local, state and federal regulations, including the requirements of the Zoning Regulations.

(2) [C] Special Uses

An “C” indicates that a use is allowed only if reviewed and approved in accordance with the Conditional Use procedures of Section 12-307.

(3) [A] Accessory Uses

An “A” indicates that a use is permitted as accessory to a principal use, subject to compliance with all other applicable local, state and federal regulations, including the requirements of the Zoning Regulations.

(4) Uses Not Allowed

A cell containing a dash (–) indicates that the listed use is not allowed in the respective Zoning District.

(5) Use-Specific Standards

Many allowed uses, whether permitted by-right or by a Conditional Use, are subject to compliance with use-specific standards and conditions. These standards and conditions are indicated by bracketed numbers (for example, “[1]”) or by specific cross-references to other applicable standards. Bracketed numbers refer to conditions that immediately follow the use table.

(6) Unlisted Uses

If an application is submitted for a use that is not listed in the use table of this section, the Director of Zoning and Codes is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use, using the interpretation criteria of Section 12-307(f). If no similar use determination can be made, the Director of Zoning and Codes shall initiate an amendment to the text of the Zoning Regulations to clarify where such uses will be allowed.”

{Review of the Use Table is not complete Bold text shows existing uses; blue text added uses or comments to the Planning Commission’s draft table. Distribution of uses to Zoning Districts has is not complete on this table.}

TABLE 5-1.01 PERMITTED USE TABLE

KEY: [P] = permitted use [S] = special use [A] = accessory use [-] use not allowed *= use standards apply

Uses	Zoning Districts (former district name)										Use Standards
	A A	A-1 A-1	R-1 R-1	BN B-1	BL B-3	BG B-2	LDI --	IL I-1 & I-2	IH 1-3 & I-4	GPI --	
Use Category: AGRICULTURE AND AG-RELATED											
Farm	P	P*	P*		–	P*					Reference County Resolution 08-25 for interpretation of Agricultural Use
Truck Garden	P	P	P	P	–	P					Delete archaic term. Use covered in Farm Stand
Orchard or Nursery for growing of trees and shrubs	P	P	P	P	–	P					Greenhouse permit as an accessory structure
Orchard or Nursery for propagation of trees and shrubs	P	P	P	P	–	P					Greenhouse permit as an accessory structure
Raising for sale: birds, bees, rabbits, other animals, or fish or other creatures	P	P*	–	–	–	P*					Delete ‘or other creatures’; too general.
Temporary stands for seasonal sale of products raised on the premises	P	P*	P*	P*	–	P*					Std: no retail or wholesale business office or store is permanently located on the site. SEE FARM STAND.
Hospital or clinic with open pens, runs, or kennels for large or small animals	P*	–	–	–	–	P*					Std: not greater than 5 acres; pens located no closer than 100' to lot lines; open pens, runs, cages or kennels 100' or further from side/rear lot lines Separate sewage systems for hospital, clinic, or residence
Hospital or clinic completely enclosed within a building for small animals	P*	–	–	–	–	P*					Std: all treatment, runs, and boarding facilities are completely enclosed in building. No objectionable odors on outside and building soundproofed to prevent detectible sound on outside
Grain storage structure	P	–	–	–	–	–					Reference 12-305(b) exception to height
Farmer’s Market	C*			P	P	P				P	Reference Use Standard that applies
Fruit and Vegetable Stand	P	P*	P*	P	P	P				P	Reference Use Standard that applies
Agritourism	C*										Reference Use Standard that applies
Value-Added Agricultural Business	C*										Reference Use Standard that applies
Retail Nursery											Reference Use Standard that applies
Commercial Greenhouse	P										Reference Use Standard that applies
Livestock Sales											Reference Use Standard that applies
Concentrated Animal Feeding Operation											Reference Use Standard that applies

TABLE 5-1.01 PERMITTED USE TABLE

KEY: [P] = permitted use [S] = special use [A] = accessory use [-] use not allowed *= use standards apply

Uses	Zoning Districts (former district name)										Use Standards
	A A	A-1 A-1	R-1 R-1	BN B-1	BL B-3	BG B-2	LDI --	IL I-1 & I-2	IH 1-3 & I-4	GPI --	
Commercial Slaughtering and/or processing											Reference Use Standard that applies
Commercial Dog Kennel	P*										Std: any open pens, runs, cages or kennels shall be located 200' from side and rear lot lines.
Commercial Riding Stable and or arena	P*										Std: any buildings for keeping of animals shall be located at least 200' from side and rear lot lines.
Fireworks stand, permanent or temporary	P*	-	-	-	-	-					Std.= when approved by the County Commission
Use Category: RESIDENTIAL											
Single-family-dwelling	P*	P*	P*	P*	-	-					* need definition for Residential Dwelling. Std: dwelling on a land division created in conformance with Subdivision Regulations in effective on 12/20/06 or dwelling on land division created through exemption section of Subdivision Regulations in effect on 12/20/06 and division was recorded as plat of survey, deed, or affidavit of equitable interest in Register of Deeds office on or before 06/01/05 or met requirements of HR-05-6-5 and filed at Register of Deeds office between 06/1/05 and 12/31/06.
Guest House											Reference Use Standard that applies
Mobile home as an accessory use to a farm	A*	-	-	-	-	-					Std: for occupancy by family member related by blood, marriage or legal adoption to occupant of principal farm residence; located 150' from another dwelling; sewer and water not separate from principal residence (?)
Residential Design Manufactured Home	P*	P*	P*	P*	-	P*					Stds: min. body width =22'; min. roof pitch = 2.5' to 12 running inches; siding = wood, masonry, composition or finished aluminum lap siding or other mat'l normally found on site built house. Main floor ≤ 20" above finished grade; on irregular sites, side closest to grade not less than 20" above grade at top of foundation wall; attachment to foundation or basement.
Rural Home Occupations [Type I]	P*	P*	P*		-						Reference Use Standard that applies
Rural Home Business Occupation [Type II]											Reference Use Standard that applies
Transitional Home Occupation [Type III]											Reference Use Standard that applies
Group Home											Reference Use Standard that applies
Bed & Breakfast Establishments											Reference Use Standard that applies
Boarding or Rooming House											Recommend this use be deleted – not used in County in 42 years

TABLE 5-1.01 PERMITTED USE TABLE

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Uses	Zoning Districts (former district name)										Use Standards
	A A	A-1 A-1	R-1 R-1	BN B-1	BL B-3	BG B-2	LDI --	IL I-1 & I-2	IH 1-3 & I-4	GPI --	
Caretaker residence											Reference Use Standard that applies
Accessory Uses and Structures											Reference Use Standard that applies
Churches, parish halls, temples, convents and monasteries	P*	P*	P*	P*	-	P*					Std: site plan required In A-1, min. frontage of 350' w/ access to major thoroughfare or collector road and min of 3 acre lot. In R-1, minimum lot area is 30,000 sq ft.
Mobile Home Park											Reference Use Standard that applies
Use Category: COMMUNITY FACILITIES											
Fairgrounds (public)											Reference Use Standard that applies
Fraternal and Service Club											Reference Use Standard that applies
Colleges and schools, public or private	P*	P*	P*		-						Std: site plan required; required to have a curriculum and conditions with teaching conducted equivalent to a public school
Public or government buildings											Reference Use Standard that applies
Township Hall or Road Maintenance Building											Reference Use Standard that applies
Rural Water District Office or Pump Station											Reference Use Standard that applies
Rural Fire Station											Reference Use Standard that applies
Wastewater Treatment Plant											Reference Use Standard that applies
Community Lagoon											Reference Use Standard that applies
Water Treatment Plan											Reference Use Standard that applies
Cemeteries, public or private											Reference Use Standard that applies
County Club	P*	P*	-	-	-	-					Reference Use Standard that applies * need to define county club and ancillary facilities to a country club
Child care home, provider is occupant	P*	P*	P*		-						Reference Use Standard that applies
Child care home, non-occupant provider	P*	P*	P*		-						Reference Use Standard that applies
Child-care center	P*	P*	P*		-						Reference Use Standard that applies
Non-profit, non-governmental, public recreational facilities and community buildings	P*	-			-						Reference Use Standard that applies * need definitions for public recreational facilities and community buildings
Non-profit libraries, museums, or art galleries, and community buildings owned or operated by public agencies		P*	P*								Std: site plan required
Railroad right-of-way, sidings and auxiliary facilities for track operations	P*	P*	P*								Reference Use Standard that applies * need to define this as not including passenger stations, freight terminals, switching yards, repair shops or roundhouses, powerhouses, interlocking towers, and fueling, sanding and

TABLE 5-1.01 PERMITTED USE TABLE

KEY: [P] = permitted use [S] = special use [A] = accessory use [-] use not allowed *= use standards apply

Uses	Zoning Districts (former district name)										Use Standards
	A A	A-1 A-1	R-1 R-1	BN B-1	BL B-3	BG B-2	LDI --	IL I-1 & I-2	IH I-3 & I-4	GPI --	
											watering stations.
Use Category: PARK, RECREATIONAL AND SPORTS											
Public parks or playgrounds,	P*	P*	P*		–						Reference Use Standard that applies
Golf course (public or private); not operated as a business	P*	P*	P*		–						Std: need to provide additional category for driving range, putting green and other commercial golf course operations
<u>Mini-golf or putt-putt</u>											<u>Reference Use Standard that applies</u> <u>* need to define golf course as excluding mini- or putt-putt golf</u>
Passive Recreation											Reference Use Standard that applies
Active Recreation											Reference Use Standard that applies
Nature Preserve											Reference Use Standard that applies
Participant Sports, Indoor											Reference Use Standard that applies
Participant Sports, Outdoor											Reference Use Standard that applies
Entertainment and Spectator Sports											Reference Use Standard that applies
Campgrounds											Reference Use Standard that applies
<u>Recreational Facility, privately or commercially operated</u>											<u>Reference Use Standard that applies</u>
<u>Race Track</u>											<u>Reference Use Standard that applies</u>
Use Category: MEDICAL FACILITIES											
<u>Hospice House</u>											<u>Reference Use Standard that applies</u>
<u>Hospital</u>											<u>Horizon 2020 refers to LMH as providing services for entire county. Do not have water and wastewater abilities to serve hospital in unincorporated area.</u>
Convalescent Care , <u>Elderly Housing</u> Nursing Home											Reference Use Standard that applies
Use Category: RELIGIOUS ASSEMBLY											
<u>Church or other place of Worship</u>											<u>Reference Use Standard that applies</u>
Religious Institution											Reference Use Standard that applies <u>* What is this?</u>
Use Category: TRANSPORTATION FACILITIES OR RELATED USES											
Airport (Public) and landing field											Reference Use Standard that applies
Airstrip, Private											Reference Use Standard that applies
Heliport											Reference Use Standard that applies

TABLE 5-1.01 PERMITTED USE TABLE

KEY: [P] = permitted use [S] = special use [A] = accessory use [-] use not allowed *= use standards apply

Uses	Zoning Districts (former district name)										Use Standards
	A A	A-1 A-1	R-1 R-1	BN B-1	BL B-3	BG B-2	LDI --	IL I-1 & I-2	IH 1-3 & I-4	GPI --	
Railroad Right-of-way or sidings											Reference Use Standard that applies
Temporary on-site signs advertising leasing, hiring, or sale of a building or premises	P	P	P								Reference Use Standard that applies
Use Category: ACCESSORY USES											
Accessory identification sign for advertising of products raised on the premises	P*	-	-	-	-	-					Std: not to exceed 30 sq ft in area <u>* need separate use category to address outdoor advertising signs, billboards, or similar.</u> Standards in current regs: max. area of 300 sq ft; permit advertising on both sides; located minimum 25' from public right-of-way and no closer than 100' to any road, highway or road intersection; mounted on a single pole, minimum ground clearance to bottom of sign = 12'; electric serve to sign by underground wiring; min. spacing between outdoor advertising signs of 1500'
Accessory farm storage , open or enclosed for materials, products or equipment	P*	-	-	-	-	-					Reference Use Standard that applies
Accessory building, including but not limited to <u>detached single-family</u> garage, servants quarters, guest house	P*	P*	P*		-						<u>Std: applies to guest house, garage, accessory building/structure</u> <u>* need definition for accessory bldg/structure</u>
Accessory uses, including but not limited to home swimming pool, home barbeque grilling area, church sign or reader board	P*	P*	P*		-						Reference Use Standard that applies Std: identification sign allowed but limited to ≤ 30 sq ft
Temporary building, uses of which is incidental to construction operations of sale of lots during development being conducted on the same or adjoining tract or subdivision		P*	P*		-						Std: incidental to construction of buildings or sale of lots on same or adjacent tract or in same subdivision; removal required upon construction completion or abandonment, or after 2 years from time of erection whichever occurs first
Radio Antenna											Reference Use Standard that applies
<u>Residential Wind Turbine, accessory to farm residence</u>											<u>Reference Use Standard that applies</u>
Use Category: INDUSTRIAL											
Mining, Excavation, or Extraction of minerals or raw materials											Reference Use Standard that applies

TABLE 5-1.01 PERMITTED USE TABLE

KEY: [P] = permitted use [S] = special use [A] = accessory use [-] use not allowed *= use standards apply

Uses	Zoning Districts (former district name)										Use Standards
	A A	A-1 A-1	R-1 R-1	BN B-1	BL B-3	BG B-2	LDI --	IL I-1 & I-2	IH I-3 & I-4	GPI --	
Sand Dredging											Reference Use Standard that applies
Top soil removal											Reference Use Standard that applies
Railroad Accessory Items	-	-	-		-						Reference Use Standard that applies
Warehousing	-	-	-	-	-						Reference Use Standard that applies
Wholesale Merchandising	-	-	-	-	-						Reference Use Standard that applies
<u>Contractor Office, Sales without outdoor storage</u>											Reference Use Standard that applies
Contractor Office <u>with</u> Sales <u>equipment storage yard</u>	-	-	-	-	-						Reference Use Standard that applies
Asphalt Plant	-	-	-	-	-						Reference Use Standard that applies
Vehicle Repair or Servicing	-	-	-	-	-						Reference Use Standard that applies
Light Manufacturing & Production	-	-	-	-	-						Reference Use Standard that applies
General Manufacturing & Production	-	-	-	-	-						Reference Use Standard that applies
Food Storage Locker	-	-	-	-	-						Reference Use Standard that applies
<u>Sanitary Land Fill</u>											Reference Use Standard that applies
<u>Salvage Yard or Junk Yard</u>											Reference Use Standard that applies
Use Category: BUSINESS [RETAIL SALES AND PERSONAL SERVICES]											
Commercial Dog Kennel	-	-	-	-	-						Reference Use Standard that applies
Restaurant	-	-	-	-	-						Reference Use Standard that applies
Drive-in Restaurant	-	-	-	-	-						Reference Use Standard that applies
Automobile Sales	-	-	-	-	-						Reference Use Standard that applies
Motel/ Hotel	-	-	-	-	-						Reference Use Standard that applies
Gas & Fuel Sales	-	-	-	-	-						Reference Use Standard that applies
<u>Professional and Business Offices</u>	-	-	-	-	-						Reference Use Standard that applies
<u>Offices and Research Facilities</u>											Reference Use Standard that applies
Personal Services	-	-	-	-	-						Reference Use Standard that applies
Bank/ <u>or other</u> Financial Institution	-	-	-	-	-						Reference Use Standard that applies
Retail Store <u>General Merchandise Store</u>	-	-	-	-	-						Reference Use Standard that applies
Contractor Sales	-	-	-	-	-						Reference Use Standard that applies
Exterior Storage	-	-	-	-	-						Reference Use Standard that applies
<u>Convenience Store, with or without fuel sales</u>	-	-	-	-	-						Reference Use Standard that applies
Boat Storage	-	-	-	-	-						Reference Use Standard that applies
Auto/Vehicle/RV Storage	-	-	-	-	-						Reference Use Standard that applies
Mini-Storage Facility	-	-	-	-	-						Reference Use Standard that applies
Truck/Trailer Storage	-	-	-	-	-						Reference Use Standard that applies
Commercial Riding Stable	-	-	-	-	-						Reference Use Standard that applies

TABLE 5-1.01 PERMITTED USE TABLE

KEY: [P] = permitted use [S] = special use [A] = accessory use [-] use not allowed *= use standards apply

Uses	Zoning Districts (former district name)										Use Standards
	A A	A-1 A-1	R-1 R-1	BN B-1	BL B-3	BG B-2	LDI --	IL I-1 & I-2	IH 1-3 & I-4	GPI --	
Firework Stand	-	-	-	-	-						Reference Use Standard that applies
Adult Entertainment	-	-	-	-	-						Reference Use Standard that applies
Farm Implement Repair Service	-	-	-	-	-						Reference Use Standard that applies
Sales Barn											Reference Use Standard that applies
Use Category: UTILITIES											
Power Generation Plant	-	-	-	-	-						Reference Use Standard that applies
Telecommunication Tower	-	-	-	-	-						Reference Use Standard that applies
Major Utilities	-	-	-	-	-						Reference Use Standard that applies
Minor Utilities	-	-	-	-	-						Reference Use Standard that applies
	P*	P*	P*		-						Std: when approved by county commission
Water wells and pumping of sand and water	P*	-	-	-	-	-					* std requirement should be CUP * needs a definition of what water well is in this context
Water Tower	-	-	-	-	-						Reference Use Standard that applies
Radio, Television, Microwave Tower	-	-	-	-	-						Reference Use Standard that applies
Relay Station	-	-	-	-	-						Reference Use Standard that applies
Use Category: RECYCLING FACILITIES											
Large Collection											Reference Use Standard that applies
Small Collection											Reference Use Standard that applies
Processing											Reference Use Standard that applies
Use Category: TEMPORARY BUSINESS USES											
Batch plant for concrete, asphalt or cement											Reference Use Standard that applies
Construction Building or Materials Yard											Reference Use Standard that applies
Real Estate Tract Sales Office											Reference Use Standard that applies
Flea Market or Swap Meet											Reference Use Standard that applies
Concerts, Musical Performances, Plays or other Performing Arts Performances											Reference Use Standard that applies
Circus or Carnival											Reference Use Standard that applies
Movie or Video filming											Reference Use Standard that applies

ARTICLE 5- SECTION 12-305 HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REQUIREMENTS

→ Recommendation and proposed text: Recommended revisions to this section were prepared and submitted in December '07 to the planning department by the Director of Zoning and Codes and the Planning Resource Coordinator. The response was that these revisions would be incorporated into the draft Zoning Regulations. Our recommendation is for the suggested changes to be incorporated into this draft document. Our recommendations are shown in **bold underlined text** or with ~~strike-outs~~.

SECTION 5-4 (a) BASE SETBACK LINES

~~The standards in this SECTION do not apply where a larger easement for right-of-way has been established for the future widening of a street or major thoroughfares upon which a lot or Residential Development Parcel abuts as stated in SECTION 5-3.05~~

~~Setback provisions regulate the proximity of a portion of a building or structure to a public road or way.~~

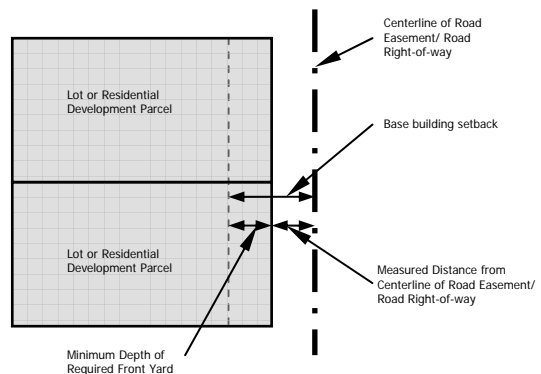
~~SECTION 5-1.01 Base Setback Lines are established parallel to the center line of all public highways, roads, streets and ways as follows:~~

Federal or State Highway or Principal Arterial Road with a raised median	75'	PLUS Required Minimum Depth of Front Yard based on Zoning District in which property is located. Table in SECTION 5-2.02 contains the required minimum front yard per Zoning District and classification of road that is fronted (access is taken from).
Federal or State Highway or Principal Arterial Road without a raised median	60'	
Minor Arterial	50'	
Major Collector Road	40'	
Minor Collector Road	35'	
Local Road	35' or 75' from the center of a cul-de-sac	

The proximity of a portion of a building or structure to a public street or way is regulated by setback provisions.

(a)(1) Base Setback Line

The base setback line regulates the minimum location that a building or structure can be located from a public road easement/ road right-of-way. The base setback line is a line that runs parallel to the front lot/ parcel line and is coincident with a road easement/right-of-way line for the full width of a lot or parcel. The base setback line is measured from the centerline of public road easement/right-of-way to a parallel line established by the Zoning District for the minimum depth of the required front yard. This measurement takes into consideration both the classification of road access is taken from and the Zoning District in which the lot or parcel is located.



Base Building Setback Line [for all Lots or Parcels]		
<u>Classification Of Road Property Has Frontage On And Takes Access From</u>	<u>Measured Distance From Centerline Of Road Easement/Right-Of-Way Line</u>	
<u>Federal or State Highway or Principal Arterial Road with a raised median</u>	<u>75 feet</u>	<u>PLUS – Required Minimum Depth of Front Yard based on Zoning District in which Lot or Parcel is located. [See Table, Section 12- 305(b)(2) for required minimum front yard per Zoning District]</u>
<u>Federal or State Highway or Principal Arterial Road without a raised median</u>	<u>60 feet</u>	
<u>Minor Arterial Road</u>	<u>50 feet</u>	
<u>Major Collector Road</u>	<u>40 feet</u>	
<u>Minor Collector or Local Road</u>	<u>35 feet or 70 feet from center point of a cul-de- sac</u>	

■ **SECTION 5-2 (b) HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REQUIREMENTS**

- Recommendation and proposed text: The revised wording adopted by HR Resolution 08-38 on 09-15-08 has been incorporated into this section of the Zoning Regulations.

Height, area, and bulk requirements for the various districts shall be as indicated in the chart in Section 5-2.02 **12-305(b)(2)** together with other height, area, and bulk requirements contained in ~~this Resolution~~ **the Zoning Regulations.**

SECTION 5-2.01

- (1)** The minimum lot sizes listed in any Zoning District of less than one (1) acre are applicable only where an approved sanitary sewer system is available and the lot was legally established prior to the adoption of the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS (effective **December 31, 2006** Jan 1, 2007).

THE FOLLOWING TABLE IS NEW. IT WAS ADOPTED 09-15-08, PUBLISHED ON 09-18-08

Article	District	Max. Feet in Height	Max. Height in Stories	Min. Depth of Front yard in Ft.	Min. Width of Side yard in Ft. (2 required)	Min. Depth of Rear Yard in Ft.	Min. Lot/Parcel Area Per Family in Acres or Sq. Ft.	Min. Lot / Parcel Area in Sq. Ft.	Min. Lot/ Parcel Width at road right-of-way or road easement line (in Feet) ¹	90% of Min. Lot/ Parcel Width (in feet)	Min. Depth of Lot/ Parcel in Feet
6	"A" Agricultural	35	2 ½	50*	10	30	3 acres *	3 acres *	250*	225	250
				75**			3 acres**	3 acres**	330**	297	250
				100***			5 acres***	5 acres***	500-660***	450-594	250
				150****			10 acres****	10 acres****	1320****	1188	300
7	"A-1" Suburban Home Residential	35	2 ½	50*	10	30	3 acres *	3 acres *	250*	225	250
				75**			3 acres**	3 acres**	330**	297	250
				100***			5 acres***	5 acres***	500-660***	450-594	250
				150****			10 acres****	10 acres****	1320****	1188	300
8	"R-1" Single Family Residential	35	2 ½	25	10	30	10,000	10,000	75	N/A	120
9	"B-1" Neighborhood Business	35	2 ½	40	Dwellings: 10	30	15,000	15,000	75	N/A	125
					Other bldgs: 20		--			N/A	
9A	"B-3" Limited Business	25	2	50	50	50	43,560	87,120	150	N/A	125
10	"B-2" General Business	45	3	40	Dwellings: 10	30	15,000	15,000	75	N/A	75
					Other bldgs: 20		--			N/A	
11	"I-1" Limited Industrial	45	2	50	20	30	--	43,560	150	N/A	200
12	"I-2" Light Industrial	55	4	25	10	Dwellings: 30	15,000	15,000	75	N/A	125
						Other bldgs: 20	--	7,500	75	N/A	100
13	"I-3" & "I-4" Heavy Industrial	--	--	25	10	20	--	15,000	100	N/A	150
14	"V-C" Valley Channel	35	2 ½	50	15	50	5 Acres	5 Acres	300	N/A	300
28	"F-W" Floodway	-- SAME AS UNDERLYING ZONING DISTRICT REGULATIONS --									
	"F-F" Floodway Fringe	-- SAME AS UNDERLYING ZONING DISTRICT REGULATIONS --									

- * Property which takes access from and has the required frontage on a Local road
 ** Property which takes access from and has the required frontage on a Minor Collector road
 *** Property which takes access from and has the required frontage on a Major Collector or Minor Arterial road
 **** Property which takes access from and has the required frontage on a Principal Arterial road

¹ When an Access Restriction Agreement has been approved by the County Engineer the Minimum Lot Width/Parcel Width Requirement may be reduced per that executed agreement upon the filing of the Agreement at the Register of Deeds.

■ **SECTION 5-3 (c) SUPPLEMENTAL HEIGHT, AREA, AND BULK DENSITY AND DIMENSIONAL REQUIREMENT**

→ Recommendation and revised text: Our recommendations address formatting and the outmoded/outdated language of the 1966 text. The recommendations reword, simplify, or update terminologies used. Our recommendations are shown in **bold underlined text** or with ~~strike-outs~~.

"The regulations set forth in this section qualify or supplement the **zoning** district regulations requirements appearing elsewhere in this Resolution **this Article**, with the exception of such regulations as exempts land being used for agricultural purposes."

SECTION 5-3.01

(1) MODIFICATION OF HEIGHT REGULATIONS-REQUIREMENTS

SECTION 5-3.01.01.

(i) Except in an Airport Hazard District, ~~The~~ height regulations as prescribed in this **Article** Resolution shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, flag poles, grain elevators, monuments, ornamental towers and spires, radio and television antennas, silos, smoke stacks, stage towers or scenery lofts, tanks, or water towers and standpipes.

SECTION 5-3.01.02.

(ii) Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when the required side and rear yards are each increased by at least ~~one~~ **1** foot for each ~~one~~ foot of additional building height above the height regulations for the district in which the building is located.

SECTION 5-3.01.03.

(iii) Whenever any building in the U-IL (Unincorporated Light Industrial) District adjoins or abuts upon a residential district **residentially developed property**, such building shall not exceed ~~two stories nor~~ 35 feet in height, unless it is set back ~~one~~ **1** foot from all required yard lines for each foot of additional height above 35 feet.

SECTION 5-3.01.04

(iv) Grain elevators, gas holders, coal bunkers, oil cracking towers, and other similar structures may exceed 125 feet in height, but whenever any building or structure in the U-IH (Heavy Industrial) District adjoins or abuts upon a residential district **residentially developed property**, such building or structure shall not exceed 50 feet in height unless set back ~~one~~ **a** foot from all required yard lines for each foot of additional height above 50 feet.

SECTION 3-8.04.01

(v) In the IL District:

Whenever any building in the IL (Light Industrial) District adjoins or abuts upon a **residentially developed property** district, such building shall not exceed ~~two stories nor~~ 35 feet in height, unless it is set back one foot from all required yard lines for each foot of additional height above 35 feet.

SECTION 3-9.04.03

(vi) In the IH District:

Grain elevators, gas holders, coal bunkers, oil cracking towers, and other similar structures may exceed 125 feet in height, but whenever any building or structure in the U-IH (~~Unincorporated~~ Heavy Industrial) District adjoins or abuts upon a **residentially developed property** district, such building or structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet.

SECTION 5-3.02

(2) MODIFICATION OF AREA REGULATIONS

SECTION 5-3.02.01 ~~Whenever a lot abuts upon a public alley, one-half of the alley width may be considered a portion of the required yard.~~

SECTION 5-3.02.02.

(i) Every part of a required yard shall be open to the sky except as authorized by this ~~article~~ section and ordinary projections of sills, belt courses, ~~window air conditioning units,~~ chimneys, cornices, and ornamental features which may project ~~to a distance not to exceed 24 inches~~ 2 feet into a required yard.

SECTION 5-3.02.03

(ii) In the event that a lot is to be occupied by a group of two or more related buildings to be used for institutional, ~~hotel or motel,~~ or group housing purposes, there may be more than one main principal building on the lot-site when such buildings are arranged around a court having direct ~~street access to a public road.~~ ; 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 one-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 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three-story buildings.~~
- ~~3). Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.~~

SECTION 5-3.02.04

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

SECTION 5-3 (d) ACCESSORY BUILDINGS AND STRUCTURES

Except as herein provided, no accessory building shall project beyond a required yard line along ~~any a road or into a dedicated easement.~~

SECTION 5-3.01.

(1) Filling Gas and Fuel station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 25 feet from road ~~lines~~ right-of-way lines.

SECTION 5-3.02

(2) An ornamental fence or wall not more than ~~three and one-half feet~~ 42 inches in height may project into or enclose any required front or side yard to a depth from the ~~street~~ road right-of-way line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of ~~seven~~ 7 feet.

SECTION 5-3.03

(3) Accessory, open, and uncovered swimming pools and home barbecue grills may occupy a required rear yard; provided they are not located closer than ~~five~~ 5 feet to the rear property ~~lot or Residential Development Parcel~~ line nor closer than ~~three~~ 3 feet to a side property ~~lot or Residential Development Parcel~~ line or within a dedicated easement.

SECTION 5-3.04

(4) Accessory buildings which are not part of the main principal building, ~~although they may be connected by an open breezeway,~~ may be constructed in a rear yard provided, such accessory building does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than ~~five~~ 5 feet to the rear property ~~lot~~ line or closer than ~~three~~ 3 feet to a side property ~~lot~~ line. Accessory buildings within a Residential Development Parcel must comply with the required setbacks for the District.

SECTION 5-3.05

(5) A mobile home, when permitted as an accessory use, building or structure according to the provisions of ~~these regulations~~ **this Article**, shall be used exclusively for residential purposes and shall not be used for as a storage building. A mobile home may be used as a construction office or tract office, provided it has been approved as a Temporary Business Use according to the provisions of Section **12-307(b) of this Article**. ~~7-2 of this Resolution.~~

■ **SECTION 5-4 (e) FRONT YARDS**

Where a permanent easement for road right-of-way has been established for the future widening or opening of a ~~street or major thoroughfare~~ **public road** upon which a lot or ~~Residential Development~~ parcel abuts, then the depth of a front or side yard shall be measured from such ~~official~~ **road easement** line to the nearest line of the building, rather than from the base setback line as described in Section ~~5-4~~ **12-305(a)**

→ Recommendation and revised text: Our recommendations address formatting and the outmoded/ outdated language of the 1966 text. The recommendations reword, simplify, or update terminologies used. Our recommendations are shown in **bold underlined text** or with ~~strike-outs~~.

SECTION 5-4.01

(1) On through lots, the required front yard shall be provided ~~on~~ **from** each road.

SECTION 5-4.02.

(2) Open, unenclosed porches, ~~platforms~~ **decks**, or paved terraces, not covered by a roof or canopy and which ~~do not extend above~~ **no higher than** the level of the first floor of the building, may extend or project into the front and side yard not more than ~~six (6)~~ **6** feet.

■ **SECTION 5-5 (f) SIDE YARDS**

→ Recommendation and revised text: Our recommendations address formatting and the outmoded/ outdated language of the 1966 text. The recommendations reword, simplify, or update terminologies used. Our recommendations are shown in **bold underlined text** or with ~~strike-outs~~.

SECTION 5-5.01 ~~Where dwelling units are erected above business structures in business districts, no side yards are required except such side yard as may be required in the district regulations for a business or industrial building.~~

SECTION 5-5.02

(1) For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

SECTION 5-5.03

(2) The minimum depth of side yards for ~~a any main~~ **principal** building other than a single-family dwelling in R-1 (Single-Family Residential) or ~~U-GPI (Unincorporated General Public and Institutional Use)~~ Districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case, the depth of that yard shall be as ~~is~~ required in Article ~~5-2.02~~ **Section 12-305(b)(1)** for the district in which the building is located.

SECTION 5-5.04

(3) The minimum side yard requirement for ~~a any main~~ **principal** building other than a single-family dwelling in the A-1 Zoning District shall be ~~thirty (30)~~ **30** feet.

SECTION 5-5.05

(4) On the side of a lot within the ~~U-IH~~ District which adjoins a ~~residential~~ **residentially developed property** district, there shall be a side yard of not less than 25 feet.

SECTION 3-2.04.01

(5) In the A-1 District:

The minimum side yard requirement for any main building other than a single-family dwelling shall be ~~thirty (30)~~ **30** feet.

SECTION 3-3.04.01

(6) In the R-1 District:

The minimum side yard requirement for any main building other than a single-family dwelling shall be ~~twenty-five (25)~~ **25** feet.

SECTION 3-9.04.01.

(7) In the IH District: On the side of a lot adjoining a residentially **developed property** district, there shall be a side yard of not less than 25 feet.

■ **SECTION 5-6 (g) REAR YARDS**

→ Recommendation and revised text: Our recommendations address formatting and the outmoded/ outdated language of the 1966 text. The recommendations reword, simplify, or update terminologies used. Our recommendations are shown in **bold underlined text** or with ~~strike-outs~~.

SECTION 5-6.01

(1) Open or lattice-enclosed fire escapes, ~~outside~~ **exterior** 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 ~~five (5)~~ **5** feet, but only where the same are so placed as not to obstruct light and ventilation.

SECTION 5-6.02

(2) In the IH District:

When a lot located within the ~~U-IH~~ District abuts upon a residential district **residentially developed property**, a rear yard of not less than 25 feet is required.

■ **SECTION 5-7 (h) CORNER VISIBILITY**

→ Recommendation and revised text: Our recommendation is to present this section in a clearer manner.

Our recommendations are shown in **bold underlined text** or with ~~strike-outs~~.

~~"No sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three (3) feet above the established road grade, shall be erected, planted, or maintained within the area of a corner property that is included between the lines of the intersecting roads and a straight line connecting them at points twenty (20) feet from the intersection of the road lines." [existing code language]~~

"No fence, wall, hedge, landscaping, sign, or other material or structure that will obstruct vision between a height of 3 feet and 10 feet shall be erected, planted, placed, or maintained within the triangular area formed by an imaginary line starting at the point of intersection of road right-of-way lines and extending 25 feet from the point of intersection along the right-of-way lines. This visibility triangle requirement may be increased by the County Engineer when it is deemed necessary for traffic safety."

■ **ARTICLE 6 SECTION 12-306 USE SPECIFIC STANDARDS**

→ Recommendation and revised text: Our recommendations are to present this section in alphabetical use order. Formatting and the outmoded/ outdated language of the 1966 text have also been addressed. The recommendations reword, simplify, or update terminologies used. Our recommendations are shown in **bold underlined text** or with ~~strike-outs~~

■ **SECTION 6-14 (a) ACCESSORY MOBILE HOME**

One or more mobile homes shall be allowed as an accessory use to a farm so long as:

- (1) They are occupied by a family related by blood, or marriage, to the occupant of the main dwelling, or by a person or persons employed on the farm.
- (2) The mobile home must be at least 150 feet from another dwelling and must be provided with a water supply and sanitary sewer facilities,
- (3) The mobile home may not be used as a rental income property.
- (4) Mobile homes shall not be located within the ~~FW F-W~~ or ~~FF F-F~~ Overlay Districts.
- (5) A mobile home, when permitted as an accessory use, building or structure according to the provisions of these regulations, shall be used exclusively for residential purposes and shall not be used for a storage building.
- (6) A mobile home may be used as a construction office or tract office, provided it has been approved as a Temporary Business Use according to the provisions of Section 12-306(). ~~7-2 of this Resolution.~~

■ **SECTION 6-34 (b) ACCESSORY USES AND STRUCTURES**

(1) **In the A District.**

Accessory open or enclosed storage of farm materials, products, or equipment, accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos and other accessory buildings and uses, including but not limited to: accessory private garages, guest houses, and swimming pools.

(2) **In the A-1 District.**

Accessory buildings and uses including but not limited to accessory private garages, guest houses, swimming pools, accessory storage and accessory off-street parking and loading spaces.

(3) **In the R-1 District.**

Accessory buildings and uses including, but not limited to accessory private garages, guest houses, swimming pools, accessory storage, and accessory off-street parking and loading spaces.

(4) **In the BL District.**

Accessory buildings and uses to include accessory residential uses.

■ **SECTION 6-7 (c) ADULT ENTERTAINMENT BUSINESS OR SEXUALLY ORIENTED BUSINESS**

The types of uses included under this category are subject to regulation through review, approval and adoption of a Conditional Use Permit. the operation of an adult entertainment business requires commercial or industrial zoning in addition to the approval of a Conditional Use Permit. Adult Entertainment Businesses shall include, but not be limited to, the following: Aadult arcades, adult media outlet, adult cabarets, adult motion picture theaters, adult retail establishment, adult theaters, escort agencies, nude model studios, and sexual encounter centers.

~~6-7.01~~

(1) LOCATION AND OPERATIONAL REQUIREMENTS

The following development standards provide location and operational requirements which shall be adhered to and complied with and certified as to their existence when making application for a Conditional Use Permit for the operation of an adult entertainment business. A Conditional Use Permit ~~cannot~~ **shall not** be granted if these standards are not met:

- (i) ~~4)~~ Adult entertainment businesses shall not be located within 1,000 feet of any other adult entertainment business, or within 1,000 feet of any residence, residential zoning, church, school, park or playground, or any other area where large numbers of individuals under the age of 18 regularly attend or congregate. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property lines of applicant's premises to the nearest point on the property line of the residence, school, church, park or playground.
- (ii) ~~2)~~ Adult entertainment businesses proposed for any building, structure, or open space shall meet all requirements of this and other county, state and health regulations pertaining to buildings and structures; parking; zoning; signage; and on-site and off-site improvements; as provided in the

other applicable ordinances, resolutions and regulations of the ~~Unincorporated Territory of Douglas~~ County, Kansas.

- (iii) ~~3)~~ The interior of an adult entertainment business shall be adequately lighted (as defined in **Section 12-306(c)(1)(vi)** ~~subsection f below~~) and constructed so that every portion thereof, with the exception of restrooms, is readily visible to the clerk or other supervisory personnel from the counter or other regular station where payment is made for the stock in trade, fare, or live entertainment offered in such establishment. Private or semi-private viewing rooms or booths are prohibited.
- (iv) ~~4)~~ The lobby or entrance area of an adult entertainment business shall be designed to minimize the obstruction of sidewalks or pedestrian paths during operating hours and to prevent the interior of the establishment from being viewed from the exterior. Exterior lighting shall be provided at a minimum of ~~two (2)~~ **(2)** foot-candles of illumination at the entrance and in the parking lot.
- (v) ~~5)~~ All sexually oriented graffiti shall be prohibited. Any existing sexually oriented graffiti shall be immediately removed from the interior or exterior of a building uses for adult entertainment business or of a vacant building formally used for such purpose upon adoption of this regulation.
- (vi) ~~6)~~ All areas within an adult business shall be illuminated at a minimum of ~~one and one-fourth (1.25)~~ **1.5** foot-candles, minimally maintained and evenly distributed at ground level.
- (vii) ~~7)~~ No materials that graphically depict "specified anatomical activities" or "specified anatomical areas", or that are characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" shall be permitted in restrooms.
- (viii) ~~8)~~ All live entertainment shall take place in an area which is at least ~~two (2)~~ **2** feet ~~(2')~~ above the primary level of the customer floor level and at least ~~six (6)~~ **6** feet from all members of the public and which is separated by a rail or other physical barrier designed to obstruct any contact between any entertainer and the public.
- (ix) ~~9)~~ The names and telephone numbers of the principal owner and manager of the adult entertainment business shall be legibly written or printed and posted in a visible, unobstructed place viewable from the front door of the establishment. This information shall be kept current so the constituents or general public know whom to contact in case of an emergency.
- (x) ~~10)~~ Illegal activities shall not be permitted to occur on the premises. All measures necessary to eliminate illegal activities on the premises shall be taken as soon as they are known to exist.
- (xi) ~~11)~~ All Adult Entertainment Businesses shall permit law enforcement and code enforcement officers to inspect the premises at anytime without advance notice during normal business hours.
- (xii) ~~12)~~ All Adult Entertainment Businesses shall comply with all laws regarding the protection of minors from harmful materials.
- (xiii) ~~13)~~ All Adult Entertainment Businesses shall take all necessary & reasonable measures to control patrons' conduct which results in disturbances; vandalism; criminal activity; or crowd control problems which occur inside or outside the premises; traffic control problems; or the creation of a public or private nuisance; or the obstruction of another business's property.

SECTION 6-7.02

(2) EXPANSION OF USE

Any substantial enlargement of the use area shall be subject to compliance with the adult entertainment business operation and locational standards set forth in this section, prior to such alteration or expansion. Any non-conforming adult entertainment business proposed to be substantially enlarged shall first be required to obtain a Conditional Use Permit.

SECTION 6-7.03

(3) CRIMINAL OFFENSE

The violation of any law, which is a criminal offense for which the operator or owner of an adult entertainment business is convicted, shall be cause for immediate and automatic suspension and or revocation of the conditional use permit authorizing the establishment and operation of the adult entertainment business.

■ SECTION 6-9 (d) AGRICULTURAL USES

Agricultural uses include: farms, truck gardens, orchards, vineyards, or nurseries for growing or propagation of plants, trees and shrubs, ~~and including the~~ raising for sale of birds, bees, rabbits, ~~or other~~

animals, or fish ~~or other creatures~~, and including temporary stands for seasonal sale of products raised on the farm property premises.

The following condition applies to agricultural uses in any district with the exception of the U-IH District:

(1) **In IH Districts.**

- (i) ~~The commercial slaughtering and processing of large animals, such as horses, cows, pigs, sheep or goats shall not~~ **may** be conducted on the premises **after approval of a site plan for this use. This use is not permitted in any other zoning district.**
- (ii) **The operation of a commercial animal feeding operation may be conducted on a property only after approval of a site plan for this use. This use is not permitted in any other zoning district.**

(2) **In A-1, R-1 , BN, Districts.**

- (i) Minimum site lot area of 5 acres is required for the raising for sale of birds, bees, rabbits, ~~or other animals, or~~ fish ~~or other creatures~~ in the A-1 District for any property platted since the **after** adoption of the previous County Zoning Resolution, ~~September 23, 1966. Provided that The~~ keeping or raising of such animals **for sale of birds, bees, rabbits, other animals, or fish** shall not be permitted on any lot whose area is reduced to less than five **5 acres in area.** ~~by lot split, minor subdivision or replat.~~
- (ii) The raising for sale of birds, bees, rabbits, or other animals, ~~or fish or other creatures~~ to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors is prohibited.

(3) **VC District**

~~Permitted Agricultural uses include farm, truck garden, orchard, plant nurseries, grazing, provided that no farm shall be operated publicly or privately for the disposal of garbage, rubbish or offal. {A portion of this was added to a new use, "DUMP, PUBLIC OR PRIVATE"}~~

■ **SECTION 6-41 (e) AGRITOURISM**

Agritourism uses must occur on a property which is being operated as a farm or ranch and require approval with a Conditional Use Permit. Typical uses include hayrack rides, corn mazes, and seasonal festivals. Admission fees may be charged and goods may be sold which were raised on the farm or other farms. In addition, incidental retail sales of an associated nature may also be permitted. The type and amount of incidental retail sales which are permitted will be determined during the CUP process; however, the area utilized for the incidental retail products may not exceed 25% of the entire customer sales area.

■ **SECTION 6-10 (f) ANIMAL HOSPITAL OR CLINIC**

SECTION 6-10.01

(1) HOSPITAL OR CLINIC FOR LARGE ANIMALS

- (i) A hospital or clinic for large animals shall be located on a parcel or lot containing ~~five (5)~~ **5** acres or more.
- (ii) All buildings, structures, or pens for large animals shall be located at least 100 feet from any lot lines and open pens, runs, cages or kennels for small animals shall be located at least 100 feet from any side or rear lot lines.
- (iii) A separate on-site sewage disposal system shall be required for hospital or clinic and for a single-family residence.

SECTION 6-10.02

(2) HOSPITAL OR CLINIC FOR SMALL ANIMALS (dogs, cats, birds, and the like)

- (i) That such hospital or clinic and any treatment rooms, cages, pens, or kennels be maintained within a completely enclosed building with soundproof walls, and that such hospital or clinic be operated such a way as to produce no objectionable odors outside its walls.
- (ii) A separate on ~~lot sewage disposal~~ **on-site sewage management** system shall be required for hospital or clinic and for a single-family residence.

■ **SECTION 6-26 (g) BED AND BREAKFAST ESTABLISHMENTS**

(1) **BED AND BREAKFAST HOME.**

A Bed and Breakfast with 3 or fewer guest bedrooms may be operated as an incidental use to the Principal Use of an owner-occupied structure.

(2) **BED AND BREAKFAST ESTABLISHMENT.**

A Bed and Breakfast establishment with 4 or more guest bedrooms is required to have a full-time resident manager or owner on the site and must be licensed by the State of Kansas to do business.

■ **SECTION 6-39 (h) CARETAKER/WATCHMAN'S RESIDENCE**

(1) **standards in the U-IL district.**

(i) Residence may be detached or within the principal structure. May not be greater than 960 sq. ft. in area.

(ii) **The caretaker/watchman** living in the residence must be employed on the premises.

■ **SECTION 6-15 (i) CHURCHES, PARISH HALLS, OTHER RELIGIOUS ASSEMBLY**

Buildings for religious assembly, including churches, parish halls, temples, convents and monasteries are subject to the following conditions:

(1) **In the A-1 district.**

(i) Principal means of access in the A-1 District shall be from a ~~major thoroughfare or collector~~ **or higher classification road;** street.

(ii) Minimum site area of **3 acres with rural water meter or 5 acres without a rural water meter;**

(iii) ~~required with a~~ **Minimum frontage shall be based on the classification of road accessed.** of 350 feet in the A-1 District.

(2) **In the R-1 district.**

(i) Principal means of access in the R-1 District shall be from a ~~major thoroughfare or collector~~ **or higher classification road;** street.

(ii) Minimum site area in the R-1 District is ~~30,000 sq. ft.~~ **3 acres with rural water meter or 5 acres without a rural water meter;**

(iii) **Minimum frontage shall be based on the classification of road accessed.**

■ **SECTION 6-11 (j) COMMERCIAL DOG KENNEL**

Any open pens, runs, cages or kennels shall be located at least 200 feet from any side or rear lot lines.

■ **SECTION 6-12 (k) COMMERCIAL RIDING STABLE**

Any buildings for keeping of animals shall be located at least 200 feet from any side or rear lot lines.

■ **SECTION 6-27 (l) DAY CARE HOME**

(1) A day care home involves the care of 12 or fewer individuals.

(2) A Day Care Home must be an accessory use to an occupied residence in which the occupant is the primary provider of the care, not including the care of members of the provider's own family.

■ **SECTION 6-28 (m) DAY CARE CENTER**

(1) The care of 13 or more individuals. Typical uses include: day care centers for children or adults, preschools, play groups, kindergartens not operated by public schools, and other establishments offering care to groups of children or adults for part or all of the day or night, with specific exclusion of temporary or seasonal religious or school activities.

(2) A wall or fence at least 4 feet in height must be maintained between any play area and any other property.

■ **(n) DUMP, PUBLIC OR PRIVATE**

No dump shall be operated publicly or privately for the disposal of garbage, rubbish or offal.

■ **SECTION 6-41 (o) ENTERTAINMENT AND SPECTATOR SPORTS**

(1) **Standards that apply all Districts in which the use is permitted.**

Entertainment and Spectator Sports conducted within an enclosed building with a capacity of 200 or less people. Typical uses include small theaters, reception and meeting halls.

(2) Standards that apply in the U-GPI, BL and BG Districts.

Entertainment and Spectator Sports generating an attendance of 201 or more people such as theaters, large exhibition halls, field houses, stadiums and sports complexes.

■ **SECTION 6-17 (p) EXTERIOR STORAGE**

Material storage yards, in connection with retail sales of products where storage is incidental to the approved occupancy of a store, is permitted provided:

- (1) All products and materials used or stored are in a completely enclosed building, or enclosed by a masonry wall, fence, or hedge, not less than six (6) feet in height. Storage of all materials and equipment shall not exceed the height of the wall.
- (2) Storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls, fence or hedge, but not including storage of heavy equipment, such as road-building or excavating equipment.

■ **SECTION 6-4 (q) FARM IMPLEMENT REPAIR SERVICE**

- (1) Sales shall be restricted to repair service and replacement parts.
- (2) Open and enclosed storage ~~must~~ shall meet the minimum yard requirements of the district in which it is located.
- (3) Open storage ~~must~~ shall be screened from adjacent public roads and adjoining properties by a view-reducing wall, fence or landscaping material.
- (4) Farm implement repair service operating at an established facility to which implements are brought for repair ~~would require~~ requires registration as a home occupation or location within a zoning district in which this is a permitted use.
- (5) Farm implement repair service provided by traveling to a ~~on~~ site, rather than operating at an established facility, may operate with out a Conditional Use Permit.

■ **SECTION 6-8 (r) FIREWORKS STAND SALES**

A permit must be obtained from the Douglas County Zoning and Codes Office for any fireworks ~~stand~~ sales operation within the unincorporated area of Douglas County. The fireworks ~~stand~~ sales shall only ~~may operate only~~ on the times and dates listed on the permit. In addition to obtaining a ~~the~~ permit the following conditions apply:

- (1) No shooting of fireworks shall be permitted within ~~one hundred (100)~~ 100 feet of the fireworks stand.
- (2) A temporary stand shall be located at least ~~twenty-five (25)~~ 25 feet from road or highway right-of-way.
- (3) Off-street parking must be provided for employees and customers.
- (4) Weeds and grass must be cut back within ~~one hundred (100)~~ 100 feet of the stand.
- (5) The stand may not be located in any area where its proximity to other explosive or flammable materials will create safety hazards.
- (6) Temporary identification or advertising signs shall be placed as authorized in writing on the permit.
- (7) The temporary stand and signs shall be removed on or before the 8th day of July.
- (8) Sale or other distribution of fireworks, under the permit, shall be limited to fireworks authorized under the laws of the State of Kansas, with the exception that the sale or other distribution of fireworks known as 'bottle rockets' is prohibited.

■ **SECTION 6-36 (s) FRUIT AND VEGETABLE FARM STAND**

{change in name recommended by County Extension}

Stand for the seasonal sale of products raised on the premises.

(1) A-1 and R-1 Districts.

No retail or wholesale business office ~~of~~ or store shall be permanently maintained on the property.

■ **SECTION 6-37 (t) FILLING GAS AND FUEL STATIONS**

(1) Standards that apply in the U-IL District

Filling stations (gas stations) are permitted in U-IL Districts that are 20 acres or greater in area.

■ **SECTION 6-33 (u) GROUP HOME**

A Group Home is any dwelling occupied by not more than ~~10 ten (10)~~ persons, including ~~8 eight (8)~~ or fewer persons with a disability who need not be related by blood or marriage and not to exceed ~~2 two (2)~~ staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by ~~1 one (1)~~ or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits ~~1 one (1)~~ or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment.

■ **SECTION 6-32 (v) GUEST HOUSE**

- (1) A guest house contains living quarters in a detached accessory building.
- (2) No kitchen facilities or separate utility meters are permitted and the guest house may not be rented or otherwise used as a separate dwelling.

■ **(w) HOME OCCUPATIONS {new section header proposed}**

SECTION 6-24

(1) RURAL HOME OCCUPATIONS

Rural Home Occupations include incidental and accessory home occupation uses that can be conducted wholly within the dwelling unit and that are ancillary to the primary residential use of the property. Rural home occupations are uses that are incidental and accessory to the primary residential use, and as such, are activities that are compatible with residential or farm activities.

SECTION 6-24.01

(i) Standards

Type I Rural Home Occupations are subject to the following standards:

- a. The operator of a home occupation must reside on the site of the home occupation.
- b. A Rural Home Occupation shall not occupy more than 50% of the gross square footage of the principal dwelling unit.
- c. No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission that is perceptible beyond the property lines of the subject parcel.
- d. There shall be no visible evidence of the conduct of a Rural Home Occupation, other than a permitted sign. All equipment, materials, goods and vehicles shall be stored indoors or otherwise completely screened from view of adjacent parcels and rights-of-way.
- e. A maximum of ~~two (2)~~ **(2)** non-resident employees (as defined in ~~Article 14~~ **Section 12-315**) shall be allowed.
- f. No inventory of products shall be displayed or sold on the premises other than what has been produced on the premises.
- g. The home occupation activity shall be conducted wholly within the dwelling unit.
- h. A maximum of one sign shall be permitted with a Rural Home Occupation. Signs shall be restricted to a maximum of ~~two (2)~~ **(2)** square feet in area, and shall not be illuminated. Signs shall be mounted flat against the main face of the dwelling or at the driveway entrance to the premises where the home occupation is conducted. If placed at the driveway entrance, the sign shall not be located on the road right-of-way.
- i. Rural Home Occupation signs shall contain no commercial message other than the name of the business and its hours of operation. For purposes of this provision, 'commercial message' means any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

- j. No off-street parking spaces shall be provided exclusively for a Rural Home Occupation. Parking spaces required for the primary residential use will need to serve the needs of the Rural Home Occupation.
- k. Fine Art Instruction Classes are limited to no more than 6 students at one time.
- l. Typical Rural Home Occupations include offices, fine art studio or instruction, personal services, crafts, or offices.

SECTION 6-21.02

(ii) Prohibited uses

The following uses are expressly prohibited as Rural Home Occupations. This list of prohibited uses is not intended as an exhaustive list. Other uses will be prohibited based on their inability to comply with all applicable standards of this Section.

- a. Auto and other vehicle repair;
- b. Funeral homes;
- c. Medical or dental clinics or hospitals;
- d. Renting of trailers, cars, or other equipment;
- e. Restaurants;
- f. Tourist homes;
- g. Contractor's equipment and material storage.

SECTION 6-21.03 USE

(iii) PERMIT APPLICATION AND APPROVAL PROCESS

Rural Home Occupations must be registered with the Director of Zoning and Codes County Zoning Administrator. The approval process is an administrative procedure. The application form is available from the Douglas County Zoning and Codes Office. Upon receipt by the Zoning and Codes office of a completed application form, the compliance of the requested occupation will be reviewed with the conditions in this section. A Rural Home Occupation Use permit will be issued for a use if it is found to be compliant with the conditions and standards in this Section. The Rural Home Occupation use permit is valid for a period of twelve months from the date of issuance.

To renew the permit, a renewal application form must be filed at the County Zoning and Codes Office. Renewal of a Use Permit for the same use can be requested either by mail or in person. It is the responsibility of the Rural Home Occupation business owner to annually renew the use permit. The fees charged for the initial permit and for the renewal permit are based on a separate Fees and Enforcement Policy resolution adopted by the County Commission.

SECTION 6-22

(2) RURAL HOME BUSINESS OCCUPATIONS

Includes certain incidental and accessory home business occupations that can be conducted within the dwelling unit, or within an accessory building, that is ancillary to the primary residential use of the property. Such occupations are service-oriented or involve production of materials for sales off premises. Rural Home Business Occupations are uses that are incidental and accessory to the primary residential use, and as such, are activities that are compatible with residential or farm activities. These uses are permitted only in the A (Agricultural) district.

SECTION 6-22.01

(i) STANDARDS

Rural Home Business Occupations shall be subject to the following standards:

- a. A maximum of 4 ~~four~~ (4) Nonresident Employees (as defined in Section 3-1.57.1) shall be allowed with a Rural Home Business Occupation;
- b. The home business activity shall be conducted ~~within~~ the dwelling unit or within an accessory building that is no greater than 3,600 square feet in gross area. (An accessory structure in use by a rural home business occupation on August 16, 2000, for a use permitted in section 19-6.2 ~~C~~ is not subject to the maximum size limitation of 3,600 square foot. The use or use area existing on August 16, 2000 can not be enlarged or expanded under the Rural Home Business Occupation regulations);
- c. The majority of work related to agricultural implement repair or grading and earthwork activities must be conducted off premises;

- d. No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission from a dwelling or accessory structure that is perceptible beyond the property lines of the subject parcel;
- e. All equipment, materials, and vehicles used for the home occupation shall be stored indoors or otherwise completely screened from view of adjacent parcels and rights-of-way;
- f. No inventory of products shall be displayed or sold on the premises other than what has been produced on the premises;
- g. A minimum site area of ~~five (5)~~ 5 acres is required for all home business occupations established after August 16, 2000.
- h. The site must have direct access to a public road.
- i. A maximum of one sign shall be permitted with a Rural Home Business Occupation. Signs shall be restricted to a maximum of ~~four (4)~~ 4 square feet in area, and shall not be illuminated. Signs shall be mounted flat against the main face of the dwelling or accessory building or at the driveway entrance to the premises where the home business occupation is conducted. If placed at the driveway entrance, the sign shall not be located on the road right-of-way;
- j. Rural Home Occupation signs shall contain no commercial message other than the name of the business and its hours of operation. For purposes of this provision, "commercial message" means any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, or other commercial activity;
- k. Outdoor storage buildings, and off-street parking spaces established after August 16, 2000, shall be located at least 50 feet from all property lines and public rights-of-way, or screened by landscaping or buildings so as not to be visible from off-site.
- l. A minimum of one parking space shall be provided for each non-resident employee, based on the maximum number of employees present at any one time.
- m. All parking spaces shall be located a minimum of 50 feet from property lines and public rights-of-way, and shall be screened by landscaping, a fence, or buildings so it is not visible from the public rights-of-way or from adjacent residences.

SECTION 6-22.02

(ii) PROHIBITED USES

The following uses are expressly prohibited as Rural Home Business Occupations. This list of prohibited uses is not intended as an exhaustive list. Other uses will be prohibited based on their inability to comply with all applicable standards of this Section.

- a. Auto and other vehicles repair (except as noted above);
- b. Funeral homes;
- c. Medical or dental clinics or hospitals;
- d. Renting of trailers, cars, or other equipment;
- e. Restaurants;
- f. Tourist homes;
- g. Exterior storage of Contractor's equipment and material;

SECTION 6-22.03

(iii) Use Permit

Rural Home Business Occupations must be registered with the **Director of Zoning and Codes** ~~County Zoning Administrator~~. A Use Permit will be issued for the Home Business Occupation upon verification that the applied for use is compliant with the requirements of this Section.

The registration and approval process is an administrative procedure. The application form, available from the County Zoning and Codes Office, must be filled out and submitted to the **Director of Zoning and Codes** ~~County Zoning Administrator~~. Upon submittal of a completed application, the Zoning and Codes Office will verify the requested use is compliant with the provisions of this Section. The ~~use~~ permit is valid for twelve months.

This is an annual registration and permit process. It is the responsibility of the Rural Home Business owner to annually renew the ~~Use~~ Permit. After initial registration and issuance of a ~~use~~ permit, the renewal of the registration and of the ~~use~~ permit may be either by mail or in person. Fees for the initial registration and ~~use~~ permit and for renewal of the registration and ~~use~~ permit are based on a separately adopted Fees and Enforcement Policy Resolution by the County

Commission.

The Use Permit issued is for the registered use and for the current owner of the real estate at the described location on the use permit. The use permit is non-transferable. If a business owner does not currently own the real estate on which the Rural Home Business Occupation is conducted, an affidavit of equitable interest or a copy of a lease evidencing a leasehold interest can be submitted as a substitute for fee simple ownership of the real estate.

SECTION 6-23

(3) TRANSITIONAL HOME OCCUPATIONS [this section not reformatted until questions answered.]

NEED TO DETERMINE WHAT WILL BE DONE WITH THE ONE REMAINING OCCUPATION, IF IT CAN BE BROUGHT INTO COMPLIANCE THIS SECTION IS NOT REQUIRED. If not, the entire Section 7-5 will be transferred here.

(i) Purpose

To provide for the registration and scheduled elimination of temporary, transitional and non-traditional Home Occupations that existed in Douglas County on August 16, 2000.

(ii) Permitted Uses

- a Transitional home occupation uses are those uses that fall in one or more of the following categories:
- b Rural Home Occupation uses which exceed either or both the number of employees or the gross square footage requirements of Section 49-6.4:
- c Rural Home Business Occupation uses which exceed the maximum number of employees or the minimum site area requirement of Section 49-6.2:
- d A use that was in existence on August 16, 2000, as a home occupation which does not meet the requirements for a Rural Home Occupation or a Rural Home Business Occupation.

(iii) Registration Required

- a A Home Occupation that does not fall under Section 49-6.4 or Section 49-6.2, but falls in one of the categories listed in sub-section (B) of this Section shall be allowed to continue for a limited period under the provisions of this Section, provided that the property owner shall register the use at the County Zoning & Codes Office by December 31, 2001, by following the procedures set forth in sub-section (E).
- b This permit issued for the registered use is for the current owner of the real estate and the current location. It is non-transferable. If the business owner does not currently own the real estate on which the Transitional Home Occupation is located, an affidavit of equitable interest or a copy of a lease evidencing a long-term leasehold interest can be submitted as a substitute for a fee simple ownership of the property.

(iv) Notice

- a Within sixty (60) days of the passage of Resolution No. 01-21, the Zoning Administrator shall give notice of the applicability, general effect, and the registration requirements of this Section, said notice to be given as follows:
- b By publication on two different dates, in a display advertisement in the general news sections, or a newspaper of general circulation in the county;
- c By written notice, by first class mail, to all property owners known or believed to have such a use, as determined from business licensing records, tax records, inspection records, or other sources;
- d By handbill notice maintained in appropriate racks or on the counters of the offices of City/County Planning, Zoning and Codes, Real Estate Appraisal, and the office of the County Clerk until December 28, 2001.

(v) Application for Registration

Transitional Home Occupations must be registered with the County Zoning **and Codes Office, Administrator**. Application for registration under this Section shall be made on a form provided by the **Director of Zoning and Codes** ~~County Zoning Administrator~~, which shall require at least the following information:

- a Property address and tax parcel I.D. number;
- b Name of the property owner and business owner (if different);
- c Business owner's address if different from property address;
- d Name of the business;
- e Indication of relationship of occupant to business if not business owner;
- f Date of establishment of the business;
- g Date on which the business first reported income or other activity to local, state or federal tax offices;
- h General nature of the business conducted, including but not necessarily limited to:
 - 1 The number of employees of the business on August 16, 2000, and the number of those regularly working at the premises;
 - 2 A list of equipment used in the business and actually on the property on August 16, 2000;
 - 3 A summary of the inventory, by types and value, used in the business and actually on the property on August 16, 2000;
 - 4 A count (or good estimate) of the number of customers visiting the premises in an average week between August 1, 2000, and November 1, 2000.

(vi) Review of Application

Upon receipt of a registration application for a Transitional Home Occupation use, the **Director of Zoning and Codes** ~~Zoning Administrator~~, or his designated staff inspector, shall visit the site, and to the extent practicable, verify the contents of the application. Photographs of the interior and exterior of the business operation and of any signs for the business will be necessary to document the current conditions. The applicant may submit these with their application or the inspector will need to take photographs during the initial site inspection. If the application is incomplete, the County Zoning & Codes Office shall notify the applicant of the items that are missing, and the applicant shall have ~~fourteen (14)~~ **14** days to submit the missing items. If the missing items are not submitted within this fourteen-day period, the application shall be rejected and the application fee shall not be refunded. If the **Director of Zoning and Codes** ~~Zoning Administrator~~ finds that any part of the application is false, the **Director of Zoning and Codes** ~~Zoning Administrator~~ shall reject the application and notify the applicant. If the **Director of Zoning and Codes** ~~Zoning Administrator~~ finds that the application is complete, substantially accurate and true, the **Director of Zoning and Codes** ~~Zoning Administrator~~ shall issue a ~~use~~ permit for the Transitional Home Occupation. A copy of the approved application shall be filed at the Register of Deeds as notice for all future property owners that said use is transitional and permitted only until May 1, 2006. The ~~use~~ permit issued is valid for twelve months; or until May 1st of the year following the date of issuance of the ~~use~~ permit, or until May 1, 2006, based upon whichever of these events occurs first.

(vii) Annual Review Process.

~~This is an annual review process.~~ The Transitional Home Occupation owner shall be responsible for annually renewing a registration application and ~~use~~ permit request by May 1st of each year. The fees charged for the initial permit and for the renewal permit are based on a separate fees & enforcement policy Resolution adopted by the County Commission. The applicant shall provide written notification to the **Director of Zoning and Codes** ~~County Zoning Administrator~~ when the Transitional Home Occupation is discontinued or moved.

(viii) Right to Continue

A Transitional Home Occupation registered under this Section may continue to operate as though it were a lawful, nonconforming use until the first of the following shall occur:

- a The cessation of the business for a period of ~~ninety (90)~~ **90** days or more;
- b The failure of the operator of the business to pay any county taxes or fees when due;
- c The violation by the operator of the business to pay any county taxes or fees when due;
- d The discovery of any material misrepresentation in the original application;
- e Expiration of long-term leasehold agreement with the property owner; or
- f The expiration of the scheduled elimination period on May 1, 2006. Prior to the expiration of a use permit on the scheduled elimination date, the County's comprehensive land use plan, Horizon 2020, must be amended to provide for location criteria and policies for commercial and industrial uses in the County which are appropriate for the registered Transitional Home Occupation uses. If these amendments to Horizon 2020 have not occurred by May 1, 2006, the elimination date shall be suspended until such amendments have been adopted.

(ix) Development Standards for Operation

Transitional Home Occupations shall be allowed to continue for the stated period subject to the following conditions:

- a There shall be no expansion of inventory of the business from the amount maintained on August 16, 2000;
- b There shall be no increase in the number of Nonresident Employees (as defined in ~~Section 3-4.57.4~~) working on the premises above the number working there on August 16, 2000;
- c Equipment stored or used on the premises shall not exceed in size or quantity the equipment used on the premises on August 16, 2000;
- d The business activity shall not expand to any portion of a building or any portion of a site not occupied on August 16, 2000;
- e Only non-retail business uses shall be allowed;
- f The owner of the business must live on the premises;
- g A maximum of one sign shall be permitted with a Transitional Home Occupation. Signs shall be restricted to a maximum of ~~eight (8)~~ **8** square feet in area, and shall not be illuminated. The allowed sign may be wall-mounted or freestanding, located outside of public right-of-way; and
- h Signs shall contain no commercial message other than the name of the business and its hours of operation. For purposes of this provision, "commercial message" means any wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

(x) Termination

Any Transitional Home Occupation which has not been registered under this Section, including those for which an incomplete application was filed and not corrected, shall cease on December 31, 2001, and all inventory, equipment, and activity not allowed under either ~~Section 19-6.1~~ or ~~Section 19-6.2~~ shall be removed from the premises before the first day of business for government offices in January 2002.

Any Transitional Home Occupation which meets the requirements of this Section and is duly registered under this Section shall cease on May 1, 2006, or on the earlier occurrence of one of the other events enumerated in sub-section (G), shall cease on May 31, 2006, or on the earlier date on which such event occurs, and all inventory, equipment, and activity not allowed under either ~~Section 19-6.1~~ or ~~Section 19-6.2~~ shall be removed from the premises before the first day of business for government offices after such date.

■ SECTION 6-32 (x) INDUSTRIAL USES

(1) In the U-IH District

- (i) Any industrial use established in the U-IH District may be enlarged, remodeled, or extended to the extent of not to exceed five percent of its assessed value in any one year without obtaining a permit from the Administrative office as herein required in Article 26.
- (ii) Any industry conforming to applicable regulations of the State of Kansas concerning health, safety, and industrial hazard is permitted, so long as it is not maintained as a nuisance.
- (iii) ~~An Any~~ industrial use of land established in the U-IH District may be expanded ~~enlarged~~, remodeled, or extended to an extent not to exceed ~~five~~ 5 percent of its assessed value in any one year without obtaining a permit from the ~~Administrative~~ Zoning and Codes office as ~~herein~~ required in ~~Article 10~~ Section 12-310(b).

(2) In the BG District

No outside storage of material is permitted, and no industrial use in the BG District shall occupy more than 6,000 sq. ft of floor area.

(3) In the ILD District

- (i) To be considered a 'low-demand' industrial use, an industrial development must be able to be served by an on-site sewage management system, rural water, and be located on a hard-surfaced road.
- (ii) Low-demand, low-impact industrial uses appropriate for location in this districts are: warehouses, freight transfer stations, limited manufacturing uses, and similar types of uses with similar traffic generation capacities. [from section 12-302]

■ SECTION 6-18 (y) LIGHT-INDUSTRIAL USES WITHIN THE U-IL DISTRICT

- (1) All industrial uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from streets by landscaping, fences, or walls.

SECTION 6-18.01

- (i) All main plant buildings shall be of concrete, structural steel, or masonry construction and limited to 45 feet in height, unless otherwise approved by the Board of Zoning Appeals.

SECTION 6-18.02

- (ii) Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.

SECTION 6-18.03

- (iii) Loading operations shall be conducted at the side or rear of buildings.

SECTION 6-18.04

- (iv) No parking or storage of material or products shall be permitted in the required from yard.

SECTION 6-18.05

- (v) The front yard shall be landscaped with trees, grass, shrubs, or pedestrian walks and maintained in a neat and attractive condition.

SECTION 6-18.06

- (vi) All fencing shall have a uniform and durable character and shall be properly maintained.

- (2) Typical Light Industrial Uses may include but are not limited to: manufacturing/production of chemical products-such as pharmaceuticals, cosmetics, pottery and porcelain products; food and beverage products; metals and metal products; textiles, such as carpet, bedding and yarn; wood and paper products; building materials storage and sales; commercial animal raising; wholesale greenhouses; industrial vocational training school; truck or freight transfer terminal; and other similar uses which are relatively free from offense. [from section 12-302]

■ SECTION 6-20 (z) MANUFACTURE OF FOOD PRODUCTS

(1) In the U-IL District:

Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing

and processing of meat and poultry products, but not distilling of beverages, slaughtering of poultry or animals, or processing of bulk storage of grain or feeds for animals or poultry.

■ **SECTION 6-1. (aa) MINING AND EXCAVATION**

SECTION 6-1.01

(1) Existing Use.

Mining and excavation of mineral or raw materials including but not limited to stone, sand, gravel or other building materials and the manufacturing, processing, storage and selling of said minerals and materials shall be permitted to continue in operation in A (Agricultural) and VC (Valley Channel) Districts; and Floodway and Floodway Fringe Overlay Districts only on those areas under lease and on record at the time the ~~previously approved resolution went~~ **countywide zoning took** into effect, September 23, 1966.

SECTION 6-1.02

(2) New Mines or Excavation Areas.

Mining, extraction and excavation of raw materials at new locations within ~~the~~ Agricultural, ~~Valley Channel~~ Districts in Douglas County shall require ~~that~~ an approved plan of reclamation of land be submitted to the ~~Planning Board~~ **Lawrence/Douglas County Metropolitan Planning Commission** for its **review and** recommendation to the Board of County Commissioners. This plan shall show that all excavated material will be returned to a level no higher than the elevation of surrounding land, **all pond or water features have banks with slopes or no greater than 3%,** and that proper **site** drainage is provided. All shafts or tunnels must be left in a safe condition when abandoned. The mining **CUP Conditional Use Permit/site** plan application must **shall** show relevant information including: specific setbacks, **mining and reclamation phasing plan, direction of** prevailing winds, **public roads to be access and points of access** networks, dust inhibiting plan, water use, ground water table, drainage study, **etc. and other information as may be deemed necessary to make an informed decision.**

■ **SECTION 6-38 (bb) HOTEL/MOTEL**

(1) Standards that apply in the U-IL District.

Hotels/Motels are permitted in IL Districts that are 20 acres or greater in area. **{The county is not equipped to handle Hotels. }**

■ **SECTION 6-31(cc) NURSING, HOSPICE, AND CONVALESCENT HOMES**

Nursing and convalescent homes are permitted by right in the BG and BL Districts and with CUPs in other districts. The following standards apply to Nursing and convalescent homes requiring CUPs:

- (1) The home must be located on a hard-surfaced road.
- (2) The home must be in an area which is served by fire/medical emergency vehicles.
- (3) All state licenses must be obtained.
- (4) Adequate on-site sewage management system must be provided and approved by the Douglas County Health Department.

■ **SECTION 6-2 (dd) OUTDOOR RECREATION FACILITIES (INCLUDING PRIVATE SWIMMING POOLS)**

Facilities shall be limited to those for games **field sports, other recreational facilities,** and outdoor ~~uses~~ **activities,** such as: **swimming pools, shuffleboards, tennis courts, handball courts,** or other similar uses. **Accessory uses may include a building for and locker rooms. Excluded from these use standards are** ~~(exclusive of family pools and pools which~~ **that** ~~are accessory uses to hotels, motels, and apartments and clubs or lodges).~~

SECTION 6-2.01

(1) STANDARDS

- a. Games and building locations shall not be located within ~~twenty-five feet (25')~~ **30 feet** of the side or rear ~~lot~~ **property** lines.
- b. Appropriate **View-reducing** fencing and **or landscaping shall be provided to** screening **the use and parking areas** from abutting property. ~~of all outdoor activity area shall be required. If~~

Screening of parking areas are outside this fencing, then appropriate screening of shall be at least three and one-half feet (3 ½') 42 inches in height and shall be constructed around parking area to of dense material that screens vehicle headlights from projecting onto protect adjoining properties property from headlights. The Board of County Commissioners may require the applicant to file a performance bond with the County Clerk a performance bond during the period of construction, reconstruction, or alteration. Such bond to shall be in an amount determined by the Commissioners to be sufficient to insure completion of grading, landscaping, fencing/screening, and parking areas plans as approved on the site plan submitted.

- c. Any pumps and filters which are located above ground shall be at least fifty feet (50') 50 feet from abutting adjoining properties and screened to reduce/minimize noise trespass too adjoining properties.
- d. Dispensing of food, beverages, candy, tobacco, ice cream and sandwiches shall be from ~~in~~ operated vending machines ~~or small snack bar~~, a concession stand, or dining facility operated on the premises during the hours the recreational facility is open for use and shall not be open to the general public on a daily basis. ~~for the benefit of authorized persons only and not open to the public generally.~~ The dispensing of food shall be considered a privilege subject to review and subject to revocation by the County Commissioners if said use becomes in nature a general business rather than an accessory use operated for the convenience of patrons spectators or participants of the recreational facility. ~~of the facility.~~ Food service shall not be commercial in nature. Drive thru facilities are expressly prohibited. Food preparation and dispensing shall conform with the Douglas County Health Code and regulations of the State of Kansas. Outdoor advertising of food or food services is prohibited.
- e. All lights shall be shielded to reflect or direct light away from adjoining properties and the sky. Only cut off luminaires are permitted and poles shall be no higher than 25'; or for field sports, no higher than necessary to safely light the field based on a lighting plan prepared by an engineer.

■ **SECTION 6-24 (ee) PRIVATE AIRSTRIPS AND HELIPORTS**

Private airstrips are permitted in the A District only. The following conditions apply:

(1) Private Airstrips

Private runways and airstrips in the unincorporated portions of Douglas County require approval with a Conditional Use Permit. Each runway or airstrip is evaluated in the Conditional Use Permit approval process so that safety issues and the impact of the airstrip on surrounding land uses can be considered.

Private Airstrips are limited to small aircraft of 12,500 pounds or less.

(2) DESIGN STANDARDS.

These design standards have been drawn from the Federal Aviation Administration (FAA) regulations particularly Federal Aviation Regulation (FAR) Part 77 *Airspace Obstruction Analysis* and FAA Advisory Circulars 150-5300-14 and 150-5325-4.

The FAA defines several zones associated with the airstrip/runway and sets limits within which there can be no obstructions. These standards will reduce the likelihood of an accident occurring upon take off or landing which involves nearby structures or objects.

(3) Types of Airstrips

Most private runways operating in the County would be considered 'utility' or 'visual' runways.

A utility runway is one that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated

on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

The majority of private airstrips will be 'non-precision instrument runways' which is a runway with an 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, and for which no precision approach facilities are planned, or indicated on an FAA planning document.

A 'precision instrument runway' is a runway with an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). If a runway plans a precision approach system it must be so indicated on a FAA planning document.

(4) Length of Airstrip

Approach Speed less than 30 knots300 ft
 Approach Speed between 30 and 50 knots, inclusive 800 ft

(5) Obstacle Free Zones

The FAA defined imaginary surfaces or zones in FAR Part 77 and required that they be obstacle free. The following zones have been defined:

(6) Runway Primary Surface:

Surface centered longitudinally on a runway.

The following chart shows the dimensions for the runway's primary surface:

Primary Surface Dimensions

Type of airstrip surface

improved, hard surface

unimproved, not hard surface

Length:

200' beyond each end

ends with the runway

Type of approach

utility/visual

utility w/non-precision instrument approaches

non-precision runways w/visibility minimums greater than ¾ statute mile

non-precision instrument approach w/visibility

minimums as low as ¾ of a statute mile and for precision instrument runways

Width:

250'

500'

500'

1000'

(7) Approach Surface

Surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(8) Approach Surface Dimensions

The inner edge equals the primary surface width and it expands uniformly to a width of:

(9) Type of Approach	Width	Length	Slope
Utility w/visual	1,250'	5,000'	10 to 1
Utility w/non-precision instrument	2,000'	10,000'	50 to 1

(10) Transitional surface:

These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline, extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces until it reaches 150 feet above the highest point on any runway (airport elevation).

(11) Runway Protection Zone (RPZ)

An area off the runway end to enhance the protection of people and property on the ground. There may be obstacles within this zone but an airstrip will not be permitted if incompatible objects and activities exist in the RPZ Zone. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The controlled activity area and a portion of the runway Obstacle Free Area are the two components of the RPZ. The RPZ dimension for a particular runway end is a function of the type of aircraft and approach visibility minimum associated with that runway end. The RPZ begins 200 ft beyond the end of the area usable for takeoff or landing. When determining if a location is suitable for an airstrip, the RPZ area must be evaluated for incompatible uses which include: churches, schools, office buildings, fuel storage facilities, parking areas and other similar uses.

Diagram XX illustrates the various zones.(will be included)

(12) COMPATIBILITY WITH AREA LAND USE

The RPZ area must be evaluated for incompatible uses which include: residences, churches, schools, office buildings, fuel storage facilities, parking areas and other similar uses. An airstrip can not be approved if incompatible uses are located within the RPZ.

Noise is a negative impact associated with airstrips. The Board of County Commissioners shall consider the proximity of residences or places of assembly to determine if the noise associated with the proposed airstrip may be detrimental. Additional conditions restricting the hours of use or intensity of use may be placed on the airstrip if it is determined that the noise may negatively impact surrounding properties.

(13) FAA NOTIFICATION REQUIRED

14CFR Part 157: Notice of Construction, Alteration, Activation, and Deactivation.

This notification serves as the basis for evaluating the effects of the proposed action on the safe and efficient use of airspace by aircraft and the safety of persons and property on the ground.

A FAA Form 7480-1 must be filed 90 days before the proposed construction or modification for any of the following intentions:

- (i) Construct or otherwise establish a new airport or activate an airport
- (ii) Construct, realign, alter, or activate any runway or other aircraft landing or takeoff area of an airport
- (iii) Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more.
- (iv) Construct, realign, alter, activate, deactivate or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport
- (v) Change the status of an airport from private use or from public use to another status.
- (vi) Change any traffic pattern or traffic pattern altitude or direction
- (vii) Change status from Instrument Flight Rules (IFR) to Visual Flight Rules (VFR) or vice versa.

(14 CFR Part 157) The submittal requirements are outlined in Part 157 and are available from the FAA by mail at Federal Aviation Administration; ATTN: Angela Muder; 901 Locust; Kansas City, MO 64106-2325, at the FAA website, www.faa.gov or by calling the FAA at (816) 329-2600.

The FAA requires that this notification be submitted 90 days prior to the construction or modification.

The FAA will return written determination of Form 7480-1 to the applicant. The CUP is contingent upon the FAA determination of Form 7480-1. Construction or modification may not occur within 90 days of the date Form 7480-1 was submitted. The applicant must provide a copy of the form sent to the FAA with the CUP application.

An airstrip may not be approved if any of the following obstructions are located in the area:

- (i) Any object 500' in height or more.

- (ii) Any object that is 200' above ground level or the airport elevation (whichever is higher) within 3 nautical miles of the airport. 300' within 4 miles, 400' within 5 miles and 500' within 6 miles.
- (iii) Any object within any of the imaginary zones.

(12) Approval Process for Private Airstrip in County

- (i) FAA shall be notified by submitting FAA Form 7480-1. Copy of submittal and all correspondence with FAA shall be provided to the Planning Office with the CUP application.
- (ii) Application shall be filed with Planning Office. An airstrip layout plan shall be provided which shows the width and length of the airstrip and the imaginary zones. The type of runway and approach being proposed must be noted within the application materials.
- (iii) CUP or approval will be contingent upon determination by FAA and will not be considered final until the FAA determination has been provided to the Planning Office. If a determination of 'no objection'-- approval will be granted; if 'conditional determination' rendered by FAA, CUP will be approved when the conditions have been met; if 'determination with objections', CUP will be denied.

■ SECTION 6-25 (ff) PRIVATE HELIPORTS

Only ground located PPR heliports are permitted within the unincorporated portions of Douglas County. A PPR Heliport is a heliport which can be operated only by the owner and persons authorized by the owner.

FAA Notification is required for new heliports or changes to the heliport and heliport proponents should complete FAA Form 7480-1 (Figure 1-1), a heliport layout diagram (Figure 1-2), and a heliport location map (Figure 1-3). FAA Form 7480-1 is from the FAA web site <http://faa.gov/arp/>. The FAA web site <http://faa.gov/arp/> lists office addresses for FAA Airport District/Field Office or Regional Offices. A copy of the FAA determination must be provided to the Planning Office prior to the consideration of the CUP by the Board of County Commissioners.

(1) TLOF -- Touchdown and Lift-Off Area

An area equal to the rotor diameter of the helicopter. **{Is something missing –not a complete sentence}**

The entire TLOF should be a load bearing paved surface. Portland Cement Concrete (PCC) is recommended for ground-level facilities. An asphalt surface is "less desirable" for heliports as it may rut under the wheels or skids of a parked helicopter. This has been a factor in some rollover accidents. Pavements should have a broomed or other roughened finish that provides a skid-resistant surface for helicopters.

(2) FATO **{What does this stand for. It should not be abbreviated in the Zoning Regulations .}**

(i) Final Approach and Take Off Area

The minimum width, length or diameter of a FATO should be at least 1.5 times the overall length (OL) of the design helicopter. If the TLOF is marked, the FATO outside the TLOF must be capable of supporting a 20lbs/ft² (98 kg/m²) live load. If the TLOF is not marked and/or it is intended that the helicopter can land any where within the FATO, the FATO outside the TLOF should, like the TLOF, be capable of supporting the dynamic loads of the design helicopter

- (ii) **Approach/ Departure Surfaces.** An approach/ departure surface is centered on each approach/ departure path. Figure X-X illustrates the approach/ departure and transitional surfaces.

The approach / departure path starts at the edge of the FATO and slopes upward at 8:1 (8 units horizontal in 1 unit vertical) for a distance of 4000 ft (1219 m) where the width is 500 ft (152 m) at a height of 500 ft (152 m) above the elevation of TLOF surface.

The transitional surfaces start from the edges of the FATO parallel to the flight path center line, and from the outer edges of the 8:1 approach/ departure surface, and extend outwards at a slope of 2:1 (2 units horizontal in 1 unit vertical) for a distance of 250 ft (76 m) from the centerline. The transitional surfaces start at the edge of the FATO opposite the 8:1 approach/ departure surfaces and extends to the end of the approach/ departure surface. See Figure X-x. **[NOTE: The transitional surface is not applied on the FATO edge opposite the approach/ departure surface.]**

The Approach/ departure Surfaces shall be free of penetrations. Any penetration of the transitional surface should be considered a hazard unless an FAA aeronautical study determines that it will not have a substantial effect upon the safe and efficient use of this airspace.

(3) Imaginary Zones which must be obstacle free

(i) Primary Surface

Coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at ground level.

(ii) Approach Surface

Begins at each end of the heliport primary surface with the same width as the primary surface and extends outward and upward for a horizontal distance of 4,000'; where it's width is 500'. The slope of a heliport approach surface is 8 to 1

(iii) Transitional Surfaces

Extends outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250' measured horizontally from the centerline of the primary and approach surfaces.

■ SECTION 6-5 (gg) RADIO, TELEVISION, TELECOMMUNICATION, AND MICROWAVE TOWERS

The following are application requirements and standards for the use and construction of radio or television broadcasting towers and/or apparatus, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 100 feet or more in height from the ground, or 40 feet in height as measured to the highest point of the tower/antenna if mounted on a structure or building, or of any height if lighted; whether publicly or privately owned.

SECTION 6-5.01

(1) Application, Site Plan/DEVELOPMENT PLAN

The applicant shall submit, as part of the application for a ~~At the time of application for Conditional Use Permit, a site plan required to be submitted. The applicant shall submit a development plan in~~ sufficient detail, as determined by Planning Director, to evaluate the application's ~~its~~ conformance with applicable standards and guidelines in this section. ~~The development site-plan shall include:~~

- a. Written authorization from the property owner of the proposed tower site and a written legal description of the property to be purchased or leased for the tower site.
- b. Submission of a site plan A scaled drawing to scale ~~to scale~~ showing the property boundaries, tower, guy wire anchors and other apparatus, existing and proposed structures, proposed transmission buildings and/or other accessory uses, access to the public ~~road(s)~~, the public road right-of-way ~~location and type of road surfacing,~~ access road surface material, parking area location and surfacing, fences, location and content of warning sign, exterior lighting location and specifications, a landscaping plan, land elevation ~~a minimum of 2 foot~~ contours, and the existing land uses of property surrounding the site. ~~If any an~~ accessory building is proposed, details of the building including elevations and proposed use of the building is required to be submitted with the application.
- c. Report or written information which describes: the tower height and design, how the tower will comply with FAA regulations, ~~including~~ a cross-section of the structure; engineering specifications detailing construction of tower, base and guy wire anchorage; the proposed painting and lighting schemes; and describes the tower's capacity, including the number and type of antennas that it can accommodate.

SECTION 6-5.02

(2) NOTIFICATION REQUIREMENTS

In addition to notifying property owners within 1,000 feet of the telecommunications tower request per Article 7, Section 12-307 all owners of record of unincorporated property located within a one (1) mile radius of the proposed tower request must also be ~~notified with~~ provided written notice by the applicant.

- a. The applicant shall submit a Certificate of Mailing for the proof of notice required by this

Section ,and with a list of notified property owners at the time of application for a Conditional Use Permit. An application for a Conditional Use Permit for a telecommunications tower shall not be valid without an executed Certificate of Mailing from the U.S. Post Office.

- b. The notice shall be sent by regular mail, postage pre-paid, by the applicant. The notice shall provide the following information:

- 1 A brief description and location of the proposed telecommunications tower;
- 2 Projected date for construction;
- 3 The person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed telecommunications tower;
- 4 The date the Conditional Use Permit application will be submitted to the Planning Office for review and process;
- 5 A statement with substantially the following information:

"Notice of Conditional Use Permit (CUP) Consideration pending before the Lawrence-Douglas County Planning Office.

This letter is being sent to the owners of unincorporated property for the purpose of informing the property owner(s) and other interested parties about the proposed telecommunications tower development describe further in this letter. This letter does not grant the recipient and/or property owner any additional legal rights to challenge the proposed development, instead, it is being provided solely to advise property owner(s) of the pending development. For further information, contact the applicant's designated representative or the Lawrence-Douglas County Planning Office at (785) 832-3150."

The failure by a property owner to receive the additional notice ~~by a property owner~~ shall not affect the validity of the Conditional Use Permit approval or consideration.

SECTION 6-5.03

(3) GENERAL PROVISIONS

- a An effort in good faith must be made to locate new antenna on existing towers, or other structures. A request for a new tower must be accompanied by evidence that application was made to locate on existing towers, with no success.
- b A proposal for a new telecommunications tower shall not be approved unless the applicant can document that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower due to one or more of the following reasons:
 - 1 The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost.
 - 2 The planned equipment would cause RF interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost.
 - 3 Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonable in parity with other similar equipment in place or approved.
 - 4 Other reasons that make it impracticable to place the equipment planned by the applicant on existing and approved towers.
- c All towers shall be designed to accommodate at least three two-way antennas for every 150 feet of tower height, or at least one two-way antenna and one microwave facility for every 150 feet of tower height. The above requirements may be modified to provide the maximum number of compatible users within the radio frequency emission levels.
- d The owner, at the owner's expense, shall remove any tower that is not in use for a period of three years or more.

- e The tower owner/operator shall submit a letter to the ~~Planning Office by July 1~~ **Zoning and Codes Office by December 1st** of each year listing the current users and types of antenna located on the approved tower. A sign shall be posted on the tower or the exterior fence around the base of the tower noting the name and telephone number of the tower owner/operator.

SECTION 6-5.04

(4) INDEPENDENT REVIEW

New telecommunications towers and antennas (other than an amateur or receive-only antenna less than 75 feet in height) are required, in addition to the Condition Use Permit filing fee applicable to all requests **review fee required** for all Conditional Use Permits, to make a deposit with the Planning Director of a fee sufficient to cover the cost of an independent study and shall sign a form authorizing the County to use those funds to hire consulting engineers to review the application and to advise the County on the extent to which the applicant has, or has not, met the Burden of Proof, required in this section. The fee shall be set by the Board of County Commissioners based upon a list of County-approved consultants and the standard industry fee for the study required to make a determination. Upon the conclusion of the review process, any funds remaining unexpended shall be refunded to the applicant, and the applicant shall be provided with an accounting for the funds expended.

The following standards shall apply to a determination of whether telecommunications towers will be permitted. These standards are in addition to those in the next sub-section.

- i. No new telecommunications tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the County that no existing telecommunications tower or other structure can accommodate the applicant's proposed telecommunications antenna. Evidence submitted to demonstrate that no existing telecommunications tower or structure can accommodate the applicant's proposed telecommunications antenna may consist of any of the following (the claimed "hardship" may not be created by the applicant):
 - 1 No existing telecommunications towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
 - 2 Existing telecommunications towers or structures are not of sufficient height, and could not be extended to become sufficient in height, to meet the applicant's engineering requirements;
 - 3 Existing telecommunications towers or structures do not have sufficient structural capacity to support the applicant's proposed telecommunications antenna and related equipment; and the existing or approved telecommunications tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
 - 4 The proposed telecommunications antenna would cause excessive electromagnetic interference with an existing telecommunications antenna on the telecommunications tower or structure, or the telecommunications antenna on the existing telecommunications tower or structure would cause interference with the proposed telecommunications antenna; and reconfiguration would not resolve the interference problem; or
 - 5 The applicant demonstrates that there are other limiting factors, not including the provisions of this Article **Section**, that render existing telecommunications towers or structures unsuitable for its proposed telecommunications antenna.

SECTION 6-5.05

(5) ADDITIONAL DEVELOPMENT STANDARDS

In addition to the requirements listed above, the following standards shall apply:

- a The location of a ground mounted tower must be such that it is setback at least equal to the height of the tower to the nearest property line measured from the center of the tower. A ground mounted tower may be set back less than the tower height to the nearest property line if documentation from a registered engineer is submitted certifying that in the event of a tower failure or collapse, the fall zone of the tower will be contained within the proposed set back area. All guy wires, similar support devices and other apparatus shall be no closer than ~~twenty (20)~~ **20** feet from any lot line.
- b Towers may be placed on the roof of a building or on top of other structures using either of the following to determine tower height and setback:
 - 1 Tower height above the roof/structure may be as high as the setback distance to the nearest

- roof/structure edge.
- 2 The height of a ground-mounted tower may be used for a roof/structure-mounted tower if the required setbacks for a ground tower are satisfied.
 - c Additional setbacks may be required to contain ice-fall or debris from tower failures and/or to preserve the privacy of adjoining residential and public property. Set backs shall apply to all tower parts including guy wire anchors, and to any accessory facilities.
 - d The height of a tower shall meet the setback requirements as stated in this chapter.
 - e All towers should be located in areas zoned commercial, industrial, or agricultural, except that towers may be permitted in areas zoned residential if it can be demonstrated that all reasonable efforts were made to locate the proposed tower in non-residentially zoned areas.
 - f All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Towers shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers should be a galvanized finish or painted gray or light blue unless other standards are required by the FAA. In all cases, mono-pole towers shall be preferable to guyed towers or free-standing structures. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

■ **SECTION 6-35 (hh) RAILROAD RIGHTS-OF-WAY**

(1) In the A District.

Railroad rights-of-way includes 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, power houses, interlocking towers, and fueling, sanding, and watering stations.

(2) In the A-1 & R-1 Districts.

Railroad rights-of-way including and limited to a strip of land with tracks and auxiliary facilities for track operation only.

(3) In the U-IL District.

Railroad right-of-way may include railroad sidings in addition to a strip of land with tracks and auxiliary facilities for track operation.

(4) In the U-IH District.

Railroad right-of-way may include railroad sidings in addition to a strip of land with tracks and auxiliary facilities for track operation. Railroad switching and classification yard, roundhouse and repair and overhaul shops are also permitted.

■ **SECTION 6-13.02 (ii) RESIDENTIAL DESIGN MANUFACTURED HOMES**

Same conditions apply as for single family homes with the following additional conditions:

- (1) **Minimum** dimensions of body width shall be 22 feet;
- (2) **Minimum** roof pitch shall be 2.5" in height to 12 running inches;
- (3) **Siding** material shall be wood, masonry, composition board or finished aluminum lap siding or other materials normally found on site built homes.
- (4) **Roofing** materials shall be wood shingles, composition shingles or fiberglass shingles, asphalt shingles, clay or concrete tile or slate;
- (5) **On** level sites the main floor shall be no greater than 20" above finished grade at the foundation. On sloping or irregular sites the side closest to grade level shall not be greater than 20" above finished grade at the foundation; and
- (6) **The** home shall be permanently mounted on a foundation or basement which meets the provisions of the Building Code.

■ **SECTION 6-6 (jj) RETAIL NURSERY**

- (1) The following standard applies to retail nurseries that are located within the A District and therefore require approval through a Conditional Use Permit. Retail Nursery, when ancillary products are sold which were not produced on the site, shall not exceed 3500 square feet of enclosed net retail space. Greenhouses, where plants are grown and outdoor display areas will not be included in this square footage limitation. The allowable 3500 square feet of net retail space is a maximum caps;

requests should not automatically be made for the maximum cap. Proposals will be evaluated individually based upon the specific site location proposed to determine the retail area to be permitted with each application.

- (2) If the business owner or caretaker does not live on site, a sign shall be posted on the property, which identifies the owner's name and a contact number, which provides 24-hour access to a manager or property owner.

■ **SECTION 6-16 (kk) RETAIL STORES**

- (1) There shall be no slaughtering of animals or poultry on the premises of any retail store.
- (2) Greenhouses are permitted in conjunction with florist shops

■ **~~SECTION 6-30 ROOMING AND BOARDING HOUSES~~**

- ~~(1) All rooming and boarding houses must have a full time resident manager or owner.~~
- ~~(2) All rooming and boarding houses must be approved through the site planning process to insure adequate water and on site sewer facilities.~~

■ **SECTION 6-29 (ll) SALVAGE YARDS**

- (1) All exterior storage and processing areas shall be screened.
 - (i) A salvage yard abutting a collector or arterial road must be screened from the road right-of-way by a solid masonry wall or solid wood fence at least 6 feet in height and be designed and located to prevent visibility of stored or stacked material. The fence shall be located no closer than 15 feet to any road right-of-way. In no case shall the height of the solid fence exceed 10 feet.
 - (ii) A salvage yard abutting a local road must be screened from the road right-of-way through view reducing means, such as fencing or landscaping.
 - (iii) Fencing shall be placed along the side and rear of all processing and storage areas and may be of any approved type. Live screening may be used in lieu of fencing where deemed appropriate.
- (2) No open burning of junked, salvaged, or discarded materials is permitted. Incinerators may be used for burning of wastes or the conducting of salvage operations if such incinerators are of a type approved by the Kansas State Department of Health and Environment.

■ **SECTION 6-40 (mm) SCHOOLS/PUBLIC OR PRIVATE**

(1) Standards that apply in the U-IL and U-IH Districts.

Vocational/technical schools are permitted within the U-IL and U-IH Districts

■ **SECTION 6-33 (nn) SIGNAGE**

(1) All Districts

Temporary signs pertaining to the lease, hire, or sale of a building or premises on which such sign is located.

(2) A (Agricultural) District

For the purpose of restricting outdoor advertising signs, the area within this district shall be considered as defined for residential purposes only.

- (i) Accessory identification sign for a permitted use or sign advertising products raised on the premises; provided sign area shall not exceed 30 square feet in area.
- (ii) No outdoor advertising structures shall be allowed along County or Township roads in "A" Agricultural District except as heretofore mentioned. Outdoor advertising along Federal and State roads shall be in compliance with all Federal and Kansas laws and regulations governing and concerning such signs, and shall comply with the conditions as set forth herein.
- (iii) Outdoor advertising signs or structures shall not have a maximum area exceeding 300 square feet. Both sides of the sign structure may be used for advertising purposes.

- (iv) Any advertising sign or structure erected shall be set back a minimum distance of 25 feet from any public right-of-way line, and shall not be closer than 100 feet to any road, highway or street intersection.
- (v) Each such sign shall be mounted on a single ground pole. There shall be a minimum ground clearance of 12 feet between ground level and the bottom of the sign structure. In no case shall the sign structure exceed 30 feet in height.
- (vi) Such signs shall be serviced by underground electrical wiring.
- (vii) Advertising signs shall observe a minimum interval of 1500 feet in all directions between signs.

(3) A-1 (Suburban Home) District

Accessory identification sign for a permitted use or sign advertising products raised on the premises; provided sign area shall not exceed 30 square feet in area.

(4) BN (Neighborhood Business) District

Outdoor advertising structure or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of 30 square feet in area shall be attached flat against a wall of the building, and in no case shall any sign or display attached to a building project above the roof line. The permitted 30 square feet of sign area for projecting or free-standing signs may be in one sign or the total area of several signs.

(5) BL (Lake Oriented Business) District

- (i) Only one non-flashing unanimated area marker designating or identifying a commercial development area is permitted.
- (ii) The area marker shall not exceed four (4) feet in height from the ground and shall be limited to 15 sq. ft. in area.
- (iii) The sign shall be located a minimum of ten (10) feet from a road right-of-way unless along a Federal or State Highway for which it will then comply with the conditions set forth by the Kansas Department of Transportation, but in no case shall it be less than the conditions set forth in this Resolution.
- (iv) Each business may have one non-flashing unanimated sign attached flat to the face of the building. The sign shall not exceed 30 sq. ft.

(6) BG & U-IH District

- (i) Outdoor advertising structure or sign and any sign or display in excess of 100 square feet in area shall be attached flat against a wall of a building.
- (ii) Outdoor advertising signs or structures shall not have a maximum area exceeding 300 square feet. Both sides of the sign structure may be used for advertising purposes.
- (iii) Any advertising sign or structure erected shall be set back a minimum distance of 25 feet from any public right-of-way line, and shall not be closer than 100 feet to any road, highway or street intersection.
- (iv) Each such sign shall be mounted on a single ground pole. There shall be a minimum ground clearance of 12 feet between ground level and the bottom of the sign structure.
- (v) In no case shall the sign structure exceed 30 feet in height.
- (vi) Such signs shall be serviced by underground electrical wiring.
- (vii) Advertising signs shall observe a minimum interval of 1500 feet in all directions between signs.

(7) U-LDI & U-IL

Accessory signs in excess of 60 square feet in area shall be attached flat against a building.

■ **SECTION 6-13 (oo) SINGLE FAMILY DWELLINGS**

Single-family dwellings require a building permit and are permitted on platted lots, or Residential Development Parcels, and ~~are permitted elsewhere, provided the property is exempt~~ **on parcels of land vested under** from the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, **Kansas**. ~~with the exception of lands which were divided exclusively for cemetery~~

~~purposes and accessory uses.~~ Caretaker residences are regulated under the accessory use section 12-306(b).

(1) In the A District.

Single-family dwellings are permitted provided the property is exempt from the Subdivision Regulations for Douglas County; or provided that a plat, which has been previously provided to the land owners by the county public works department prior to December 4, 1996, has been approved by all necessary parties and filed no later than January 15, 1997, which said plat establishes lot(s) taking access from a single tract which serves all single family residences thus platted and gives them access to the entire lot but which does not create a public right of way or public road. Building permits may be issued for properties within Service Area 1 of the Urban Growth Area if a septic system exists. No new septic systems may be installed in Service Area 1.

Section 6-13.01 Specific Conditions for homes within the V-C District:

~~No building for human habitation shall be permitted with the exception of any structure used as a farm dwelling, provided a minimum area of 5 acres per dwelling unit is provided.~~

■ **SECTION 6-3 (pp) STORAGE FACILITIES**

SECTION 6-3.01

(1) BOAT/RV STORAGE

This use standard shall apply to the storage (open, **covered**, or enclosed) of one or more boats/RVs which ~~that~~ are not the property of the landowner.

- (i) Open, **covered**, or enclosed storage ~~must~~ **shall** meet the minimum yard requirements of the district in which it is located.
- (ii) Open storage ~~must~~ **shall** be screened by a view-reducing wall, fence or landscaping material from adjacent public roads and residences.

SECTION 6-3.02

(2) TRUCK STORAGE

This use standard shall apply to truck storage facilities permitted by-right or as a Conditional Use Permit. Accessory ancillary uses, open, **covered**, or enclosed, provided that **are permitted if the meet the following standards:**

- (i) Wholesale and retail sales are not permitted on the premises **property**.
- (ii) Open, **covered**, or enclosed storage ~~must~~ **shall** meet the minimum yard requirements of the district in which ~~it~~ **the truck storage facility** is located.
- (iii) Open Storage must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and adjoining properties.

SECTION 6-3.03

(3) MINI-STORAGE

Mini- or self-storage facilities permitted **by-right or as a Conditional Use Permit** ~~in the portions of the unincorporated area of Douglas County which~~ **shall** ~~meet~~ the following locational criteria and development standards:

- (i) ~~Must~~ **Shall** be located within an Urban Growth Area.
- (ii) ~~Must~~ **Shall** take direct access from a hard surfaced road classified as 'collector' or higher.
- (iii) Security fencing and lighting must **shall** be provided for the entire facility. Security fencing is fencing which permits visibility while obstructing access. An example would be a 6 **foot** high chain link fence.
- (iv) All outdoor lights shall, to the maximum extent feasible, confine emitted light ~~on to~~ **to** the property on which the light is located and **shall** not be directed upwards toward the sky. All lights are to be shielded to reflect or direct light away from adjoining property but may be of sufficient intensity to discourage vandalism and theft. No light ~~poles~~ **poles** may be higher than 15 ft. Photometric plans ~~must~~ **shall** be submitted with **the** site plan. Maximum illumination at ~~let~~ **the property** line **shall be** ~~is as follows:~~
 - a .2 foot-candles, or less, if adjacent to a residentially ~~zoned~~ **developed**-property
 - b 1 foot-candle elsewhere.

- (v) Screening, ~~must~~ **shall** be provided on any side which abuts a residentially ~~zoned-developed~~ property ~~district or a property containing a residence~~ with a view-reducing wall, fence, berm, landscaping materials or a combination **of these**.
- (vi) Accessway width ~~must~~ **shall** be a minimum of 20 **feet** for one-way traffic and 25 **feet** for two-way traffic (to allow parking within the drive aisles).
- (vii) Off-~~Street~~ parking shall be required on the basis on one space for each 8,000 square feet of floor area in the facility, plus one space for each employee, but in no case shall the number be less than five spaces.
- (viii) All storage ~~will~~ **shall** be kept within an enclosed building, unless a portion is designated for covered (non-enclosed) or exterior vehicle storage. This area may be used for storage of trucks, automobiles, trailers, boats or RVs. Exterior storage of unregistered and/or disassembled vehicles is prohibited. Accessways and individual spaces must be shown on the **site** plan and **physically** designated on the site. One vehicle and trailer will be permitted per stall. Any covered (non-enclosed) or exterior vehicle storage ~~must shall~~ be screened from adjacent public roads, residentially ~~zoned-developed~~ property ~~district or a property containing a residence~~ with a view-reducing wall, fence, landscaping materials or a combination of these ~~measures~~.
- (ix) Activities which are prohibited on the premises include miscellaneous or garage sales, commercial shipping and receiving, and the servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment. Storage spaces shall not be used for storage of commercial or industrial trucks and/or trailers, workshops, hobby shops, manufacturing or similar uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.
- (x) The area shall be properly policed by the owner or operator for removal of trash and debris.
- (xi) Keyless keypad entry system **shall be** required, or **a similarly** secure entry system with monitoring ability.
- (xii) All storage units ~~must~~ **shall** be oriented toward the interior of the site. Doors may not be located along or visible from the perimeter **of the site**.

■ **SECTION 6-19 (pp) WHOLESALE ESTABLISHMENT OR WAREHOUSE**

(1) **In the BG District:**

Wholesale establishment or warehouse in a completely enclosed building so long as floor area devoted to such uses shall not exceed 20,000 square feet.

The following is a table of contents with revised section numbers. The highlighted sections are those which are still being reviewed by county staff and are not part of our preliminary comments.

COUNTY ZONING REGULATIONS [Chapter 12, Article 3]

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