

ARTICLE XXXI

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS:

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in these Regulations.

1. *Conversions of Existing Single-family Structures.* The Planning Commission and Governing Body may permit the conversion by Conditional Use Permit of an existing single-family dwelling in an “R – 2” Two-Family District to provide units for not more than two (2) families, and in an “R – 3” Multiple-Family District to provide dwelling units for not more than four (4) families provided all of the following conditions shall be met:
 - a. The dwelling shall be located on a lot having an area of not less than seven thousand (7,000) square feet, and the principal building on the lot shall have a floor area of not less than twelve hundred (1,200) square feet, exclusive of open porches, and shall occupy not more than one-fourth (1/4) of the ground area of such lot.
 - b. The remodeled dwelling shall provide a lot size of not less than two thousand five hundred (2,500) square feet per family or as required for water and sewer service.
 - c. No exterior remodeling shall be done and no extensions made except as approved by the Board of Zoning Appeals.
 - d. Fire escapes and outside stairways shall conform to established yard requirements.
 - e. No dwelling shall be converted unless, in connection therewith, it is placed in a reasonable state of repair.
 - f. Garage or off-street parking facilities shall be provided.
2. *Multi-family Dwelling Unit Conversion.* Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the requirements of the Subdivision Regulations and to the following:
 - a. An application for such unit conversion shall be filed for review and comment by County staff and the Planning Commission and approval by the Governing Body. Such application shall be accompanied by the following information as a minimum:
 - (1.) A plot plan showing site and structure arrangements and proposed re-platting.
 - (2.) A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
 - (3.) A description of proposed structural and utility alterations to provide for individual services and maintenance.
 - (4.) A description of proposed public access patterns, both vehicular and pedestrian.
 - (5.) A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development

- (6.) Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.
 - b. The applicant for unit conversion shall submit with his application a consent agreement signed by seventy-five (75) percent of all owners of property within two hundred (200) feet of the premises whereon the unit conversion is proposed.
 - c. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.
 - d. The Planning Commission and Governing Body shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utility line would require entry into an individually-owned dwelling unit.
 - e. All conversions of two-family or multiple-family structures to individually owned, single-family dwelling units are subject to all applicable County codes, including building permit application and inspection procedures.
 - f. The above procedures and regulations are applicable even where the conversion does not require new construction.
 - g. After reviewing a conversion application against all applicable County codes, the Zoning Administrator shall report to the Planning Commission and Governing Body all details of non-compliance with County codes.
3. *Height Limitations.*
- a. In a residence district, a permitted building, other than a dwelling or accessory building as defined herein, may be built to a height of forty (40) feet and to a greater height if the minimum dimensions of the rear yard and each of the side yards exceed the requirement in the district by one (1) foot for each one (1) foot of additional height.
 - b. The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulk heads, other similar features, and necessary mechanical appurtenances usually carried above the roof level.
 - c. The provisions of this Resolution shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.
4. *Lot Coverage.* In calculating the percentage of lot coverage or required yards for the purpose of applying the regulations of this Resolution, the features of a structure, as hereafter set forth, shall not be included as coverage nor be considered an infringement into the required yards:
- a. Unenclosed steps, stairways, landings, and stoops not extending above the ground level.
 - b. Unenclosed surfaced walks and driveways.
 - c. Fence or trestles not exceeding six (6) feet. In residence districts, fences in front yard shall be open.

- d. Retaining walls not more than eighteen (18) inches higher than the grade of the ground retained.
 - e. Flue or fireplace chimney attached to the main building.
 - f. Bay windows extending not more than eighteen (18) inches from the main building.
 - g. Cornices, canopies, and eaves not extending more than three (3) feet.
 - h. Open fire escape not projecting into a required side yard more than half the width of such yard.
 - i. Fire escapes, solid floor balconies, and enclosed outside stairways projecting to within twelve (12) feet of the rear lot line.
 - j. For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.
5. *Building Setback Lines.* Building setback lines are hereby established for all arterial and collector streets, as shown on the approved major street plan. The setback lines, as established in this Section, shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience, and economy in the process of development and shall conform with the following requirements:
- a. Arterial Streets: No building or structure, which fronts or sides on an arterial street, shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus fifty (50) feet.
 - b. Collector Streets: No building or structure, which fronts or sides on a collector street, shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus forty (40) feet.
 - c. Future Major Travel ways: No building or structure which fronts or sides on a Future Major Travel way identified in the Future Major Road System Plan of the Sumner County Comprehensive Plan shall be located nearer to the centerline of the road than two hundred fifty (250) feet.
6. *Canopy and Marquee.* A canopy or marquee may be permitted to “overhang a public way” in Districts “C – 1”, “C – 2”, “C – 3”, and “R – C” providing:
- a. The canopy or marquee is constructed and maintained in accordance with applicable codes.
 - b. No portion of the canopy or marquee shall be less than eight (8) feet above the level of the sidewalk or other public way, except as required above.
 - c. The canopy or marquee shall not extend beyond a point two (2) feet inside the curb line of a public street.
7. *Temporary Uses.* The following uses of land are allowed without special zoning permit in each district unless specifically restricted to particular districts and are subject to the regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:
- a. Carnival or circus may temporarily be located in any district. Such use need not comply with the front yard requirements; provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two streets.

- b. Christmas tree sales in any district, except residential, for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.
 - c. Concrete and asphalt batching plants are permitted temporarily in any district when being used as part of a local construction project only.
 - d. Contractors' offices, equipment sheds, and manufactured homes accessory to a construction project may be temporarily located in any district, and continue only during the duration of such project.
 - e. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Structures incidental to such sale need not comply with the applicable front yard requirements.
 - f. Promotional activities of retail merchants involving the display and sale of goods may periodically be displayed outside an enclosed building when the goods are of a type generally sold within the building. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, used appliances, used plumbing, used house wares, used building material, or similar display or sale in any business districts, unless permitted by other sections of these Regulations.
 - g. Periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than three (3) days at any one sale and no more than three (3) sales at a dwelling during any calendar year.
 - h. Fireworks may be sold from an outside stand during June and July when all other applicable Federal, State, and local regulations have been met and such stand is removed other times of the year unless otherwise specifically permitted by the Governing Body.
 - i. Other similar temporary uses as permitted by the Governing Body.
8. *Home Occupations.* Home occupations that are customarily incidental to the principal use of a residential building shall be permitted where indicated by the district regulations provided the residential appearance of the building is maintained and no undue traffic or parking problems are created.
- a. *Use Limitation.* In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 - (1.) The home occupation shall be conducted entirely within the principal residential building or in a private garage or accessory structure.
 - (2.) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling or causes goods to be displayed visibly from the dwelling or on the grounds; provided the latter is not otherwise permitted by other sections of these Regulations.
 - (3.) No sign shall be permitted other than one business sign not exceeding four (4) square feet.
 - (4.) No more than twenty-five (25) percent of the area of the dwelling shall be devoted to the home occupation; provided, however, that rooms leased to roomers are not subject to this limitation.

- (5.) There shall be no outdoor storage of equipment or materials used in the home occupation.
- (6.) Goods or stock for sale on or off the premises may be stored in enclosed areas except articles, which may constitute a hazard to the safety of adjacent property owners.
- (7.) No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors which would exceed that produced by normal household equipment.
- (8.) No more than one person, other than a member of the immediate family occupying such dwelling unit, shall be employed.
- (9.) The following activities are prohibited as home occupations:
 - (a.) Automobile sales and repair.
 - (b.) Motorcycle sales and repair.
 - (c.) Farm machinery sales.
 - (d.) Sale of salvage.
 - (e.) Kennels.
 - (f.) Sale of liquor.
 - (g.) Sale of cereal malt beverages.
 - (h.) Sale of food for consumption on the premises.
 - (i.) Sale of clothing.
 - (j.) Sale of garden produce grown on the premises.
- 9. *Number of Principal Structures Per Lot:* Where a lot or tract is used for a nonresidential purpose, more than one principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.
- 10. *Sight Distance at Intersections:* See “Sight Triangle” definition in Article V.
- 11. *Permitted Obstruction in Required Yards:* The following shall not be considered to be obstruction when located in a required yard:
 - a. In all yards: Open terraces not over four (4) feet above the average level of the adjoining ground, but not including a permanent roof over a terrace or porch; awnings or canopies; steps four (4) feet or less above grade which are necessary for access to a permanent structure or for access to a lot or to a lot from a street or alley; one story bay windows and overhanging eaves and gutters projecting thirty-six (36) inches or less into the yard; chimneys projecting thirty-six (36) inches or less into the yard; arbors and trellises; flagpoles; ornamental light and gas fixtures; and permitted signs.
 - b. In any yard except a side yard or a front yard adjoining a street: Permitted accessory uses; recreational and laundry drying equipment; and open and closed fences not exceeding eight (8) feet in height.

- c. In a side yard or a front yard adjoining a street: Open and closed fences not exceeding eight (8) feet in height; provided that such fence shall not intrude within the required sight distance at intersections.
- 12. *Lots to Have Access.* Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 13. *Yard Requirements for Open Land.* If a lot is or will be occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for such a lot shall be provided and maintained unless some other provision of these Regulations requires or permits a different minimum setback, front, side or rear yard. The front, side, and rear yards shall not be required on lots used for open public recreation areas.
- 14. *Lot Size Requirements and Bulk Regulations for Public Utility Facilities.* Notwithstanding any other provision of these Regulations, none of the following public utility or public service uses shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located except as may be determined by the Planning Commission and Governing Body where a conditional use permit is required in certain districts:
 - a. Electrical and telephone substations.
 - b. Gas regulator stations.
 - c. Pumping stations.
 - d. Radio, television, and microwave transmitting or relay stations and towers.
 - e. Water towers or standpipes.
- 15. *Sewer and Water Facilities.*
 - a. In all districts except agriculture, it is the intention of these Regulations to encourage the installation of public water supplies and sewage disposal systems or to connect to such systems, if available for use, and provide within an economically feasible distance.
 - b. In areas where such public facilities are not yet available and on-site wells, cisterns, and septic tank systems or lagoons are necessary, the suitability of the lot(s) and the standards for installation of such on-site water supply and sewage disposal systems shall be governed by the standards of the Sumner County Environmental Sanitation Code.
- 16. *Protection of Sewers and Utility Lines.* No building or addition thereto shall be erected over or across any public sewer or utility line nor upon any platted or recorded easement unless permission is granted in writing by the County and the public utility whose lines are involved, if any.
- 17. *Dedication of Rights-of-Way and Easements.* The Governing Body, after receiving a recommendation from the Planning Commission, may require the dedication of additional street rights-of-way and/or easements for utilities as a condition related to a change in zoning on a lot due to the increased intensity of use by either requiring that the lot be platted or replatted according to the Subdivision Regulations of the County or, in lieu of platting by a legal document, making such required dedications to the County.
- 18. *Vacated Rights-of-Way.* Whenever any road, street, alley, railroad, or other right-of-way is vacated by official action of the Governing Body, the current zoning district(s) for such right-of-way shall remain in effect after such vacation, unless procedures are initiated to amend the district classification.

19. *Moving Structures.* No structure shall be moved into the zoning jurisdiction, nor from one location to another location within the zoning jurisdiction, unless such structure shall, when relocated, be made to conform fully with these Regulations and other codes of the zoning jurisdiction. No zoning permit shall be issued unless the general height and outward appearance of such structure conforms to other structures in the immediate area to which it is to be moved and in the area opposite to such an extent that its relocation shall not be detrimental to the appearance or have no substantial adverse effect on property values to the adjacent properties.
20. *Location or Replacement of Manufactured Housing.* Notwithstanding other provisions of these Regulations, the Zoning Administrator is authorized to issue a Zoning Compliance Certificate for a manufactured housing unit under the following provisions:
- a. All manufactured homes proposed to be moved, relocated, or otherwise placed on any property in the unincorporated portions of Sumner County, including within any Manufactured Home Park or Manufactured Home Subdivision shall have been manufactured after June 15, 1976, and the owner must show verification of such to the Zoning Official to assure said Administrator of compliance with K.S.A. 75-1214, as amended, and these Regulations.
 - b. All manufactured homes, either single-wide or double-wide, shall be permanently attached to the ground; shall be anchored by way of tie-downs to prevent uplift, sliding, rotation and overturning; shall be skirted with some material of a similar appearance as the exterior siding; and shall have the wheels and drawbar removed.
 - c. A manufactured home, either single-wide or double-wide, may be placed on any lot in “R-D” Rural District or “R-C” Rural Center District, as a third dwelling unit with a Conditional Use, provided:
 - (1.) The manufactured home shall be allowed only under instances of extreme hardship or necessity which the applicant shall clearly state at the time of application for the Conditional Use.
 - (2.) Such Conditional Use may be permitted for an indefinite period of time; provided, however, that the applicant shall annually, from the date of the issuance of the Conditional Use permit, submit a certification to the Zoning Official indicating that the hardship or reason of necessity is still present and that all other conditions and stipulations of the Conditional Use permit continue to be met; and further provided, that at such time as the hardship or reason of necessity shall cease to exist, the Conditional Use permit shall become null and void and the manufactured home must be removed from the premises within thirty (30) days.
 - (3.) The manufactured home and the surrounding property shall be maintained in a safe and sanitary condition; shall be anchored by way of tie-downs to prevent uplift, sliding, rotation and overturning; and shall be skirted with some material of a similar appearance as the exterior siding.
 - d. The Zoning Official may authorize the parking or placement, on an emergency basis, of a manufactured home unit, for a period not to exceed six (6) months, on any tract. No more than two (2) Temporary Permits may be allowed on any one tract of land, for the same manufactured home.

- e. Wherever a manufactured housing unit is moved from a lot within a district in which it is a permitted use, another manufactured housing unit may be moved onto the lot. In the case of a nonconforming manufactured housing unit use, such a move must take place within six (6) months from the date that the previous manufactured housing unit was moved off the lot, otherwise such use shall not thereafter be resumed; provided, however, that any nonconforming manufactured housing unit in a floodway overlay boundary of the “F – P” Floodplain District may not be replaced. In re-establishing such manufactured housing units after such moves, any existing non-conforming lot size requirements or bulk regulations shall not be increased in their nonconformity, and all such manufactured housing shall be skirted or placed on a foundation within six (6) months after being moved onto a lot.
- f. In no event shall a manufactured home be used for the temporary or permanent storage of goods in any district.

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

- a. All sponsors of rock concerts, blue grass concerts and public entertainment events of similar nature (events where admission is charged or which have restricted access or entrance) must obtain a “Conditional Temporary Use Permit” from the Governing Body. Said application for a Conditional Use Permit must be submitted to the Governing Body at least 60 days prior to the scheduled event. The Governing Body shall rule upon said application within 30 days after it is received at a regularly scheduled meeting or at any conditional meeting called by the Governing Body.
- b. All applications for a Conditional Temporary Use Permit for public entertainment events must be submitted with a Certified Abstractor’s List of names and addresses of the owners of all real property located within one thousand (1,000) feet of the area proposed if the subject property is within the unincorporated area of the County, and within two hundred (200) feet if notification area extends within the corporate limits of a City.
- c. All applications for a Conditional Temporary Use Permit for public entertainment events must be submitted with a \$500 fee which shall be retained by the County and be used to offset any damage or costs that the County may incur as a result of said event. Said fee shall be used to cover the cost of cleaning up the roadways and adjoining property of litter arising out of said event and to offset the cost of any law enforcement expense the County incurs because of said event.
- d. The applicant must further state that a bond in the amount of \$10,000 will be obtained from a surety authorized to conduct business in the State of Kansas, with the County a named beneficiary, to insure that the Governing Body and County will be held harmless for any and all damages or liability arising out of or as a result of said event. Said surety bond must be obtained and proof thereof filed with the County Clerk before the permit shall be issued.
- e. The event sponsors further agree to abide by any and all regulations and statutes pertaining to the sale, possession and consumption of alcohol and cereal malt beverages. Said concert sponsors further must provide adequate crowd and traffic control personnel. Any expense in providing the above must be borne by the sponsors of said event.
- f. Said permit may be issued by the Governing Body, if it determines said event is not harmful or detrimental to the public at large or surrounding property owners and may be issued subject to any and all conditional conditions which the Governing Body may see fit to impose.
- g. Said permit shall be temporary in nature, shall have a designated expiration date, and shall not run with the real estate concerned.

22. *Wind Energy Conversion Systems – Non-Commercial (WECS)*: Wind energy conversion systems may be permitted subject to the following requirements:

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

Rotor Diameter (<u>Feet</u>)	Setback Distance (<u>Feet</u>)
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

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

- b. The WECS shall not be located in any required yard.
- c. The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed sixty (60) DBA in a residential zone.
- d. To limit climbing access to WECS tower, or other support structure, a six (6) foot high fence with locking portal shall be place around the WECS support or if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the WECS support may be mounted on a rooftop.
- e. All blades of a WECS shall be constructed of non-metallic substances. If the applicant can prove, in writing form, that no electromagnetic interference will result, a metal content of up to twenty-five (25) percent will be acceptable.
- f. The WECS shall be located in compliance with the guidelines of the Federal Aviation Administration Regulations with regard to airport approach and clearance around VOR and DVOR stations.
- g. Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than twenty (20) feet. The height of the WECS shall be measured at the center of the blade diameter.
- h. Data pertaining to the WECS' safety and structural integrity shall be certified by a licensed engineer and filed with the building permit application. The tower or support and top adapter shall meet the restrictions specified in the County's building code.
- i. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.
- j. A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior lot lines.

- k. The owner/operator shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
 - l. The owner/operator shall certify that the WECS does not violate any covenants of record.
 - m. The applicant shall provide a certificate of liability insurance. Annually the owner/operator shall present evidence to the zoning administrator that the liability insurance is still in effect.
23. *Communications Towers.* Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure seventy-five (75) feet or more in height; whether publicly or privately owned may be allowed by a Conditional Use Permit.

1. Requirements during the Zoning Certificate process, if a Conditional Use is approved:

- a. The location of every tower must be such that it is at least an equal distance from any improvements, all property lines, and the perimeter of the leased site as it is in height.
- b. No such tower or structure shall be located closer than two hundred (200) feet of any similar tower or structure.
- c. Minimum size or tract under one (1) ownership or lease agreement with the tower owner shall meet "a" above.
- d. The tower owner shall meet FCC and FAA regulations as to height, location and lighting with regard to airport approach paths and clearance around VOR and DVOR stations.
- e. No tower or structure shall be located closer than 1,500 feet away from any residential structure, except the landowner.
- f. Anchors, guy wires, and other accessory structures must be located within the lease area.
- g. Unauthorized access to the tower, pole, or other support structure, including anchors and guy wires, shall be limited by provision of an immediately surrounding six (6) foot high fence with locking portal. Tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground.
- h. The tower owner will be required to keep the Zoning Administrator informed of any improvements or changes to the tower or supporting infrastructure along with the owner/operator of same.
- i. Information certifying safety and structural integrity of the tower or other support structures shall be certified by a licensed engineer and filed with the Zoning Certificate application.
- j. Application requirements for a Conditional Use, under this subsection, shall be accompanied by the following:
 - (1.) A site development plan.
 - (2.) A technical description of the tower and the reasons for its design and location.
 - (3.) Proof of ownership or authorization to use the proposed site.
 - (4.) Copies of any necessary easements.

- (5.) A certificate of liability insurance, not less than \$1,000,000, with Sumner County listed as an additional insured/certificate holder.
 - k. The applicant shall also provide such other additional support information as may be determined by the County.
 - l. Other considerations: The Governing Body options on the Conditional Use Permits are for the life of the tower or placing year limits on each Conditional Use Permit for each tower. The tower owner will be required to file their annual Inspection report stating the safety and structural integrity of the tower is in good standing. If the safety standards fail the annual inspection review, the tower owner will be required to bring the tower up to safety standards within 60 days or have the Conditional Use Permit revoked.
24. *Unlicensed Salvage and Junkyard Control.* Unlicensed Salvage yard shall mean any establishment which is maintained, used, or operated for storing, keeping, buying or selling more than two (2) or less than ten (10) wrecked, scrapped, ruined, dismantled or inoperative motor vehicles or an equal volume of junk as defined by K.S.A. 68-2203(a), but such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture. A person may establish, operate, or maintain a salvage yard, any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of any street or highway on the interstate system or the primary system, or any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of any other state, County, Township highway, road or City street, subject to the following: Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the street or highway, or otherwise removed from sight.
- a. Unlicensed Salvage and Junkyard code violation procedures shall not begin on an individual without a signed complaint by a property owner/resident or their legal representative whose property lies adjacent to or within one (1) mile of the violating property. The file containing

the signed complaint shall be available in the Planning and Zoning Office for the reported violator's review. Report Forms may be obtained in the Planning Office.
25. *Temporary Permits.* The Zoning Official may authorize the parking or placement of a structure, on an emergency basis, for a period not to exceed six (6) months, on any tract. No more than two (2) Temporary Permits may be allowed on any one tract of land, for the same structure.
26. *Temporary Housing Facilities:* Temporary housing facility, man camp, construction camp or crew housing means a facility designed and intended to be used for a temporary period of time to house a variety of field-related workers, including oil field, construction, etc. Such facilities are not intended to accommodate families with children. Temporary housing facilities may include the use of skid units, stick built structures, or manufactured homes.
- a. Conditional Use Permit Required.
 - (1.) The use of temporary housing facilities and incidental commercial and other accessory uses shall be considered Conditional Uses. The application will be considered by the Planning Commission. Said Planning Commission will then make a recommendation to the Board of County Commissioners. The County Commissioners may approve, table or deny the request for a Conditional Use Permit for temporary housing facility depending upon the compatibility with surrounding land uses and compliance with these Regulations.
 - (2.) Temporary housing facilities shall be located adjacent to a maintained public road.

- b. Intent – Zoning: Temporary housing facilities may be permitted in any zone except “PUD” Planned Unit Development District, “M-P” Manufactured Housing Park District, and “C-5” Adult Entertainment District by a Conditional Use Permit. All such installations shall be permitted only after approval of the County Commission after review by the Planning Commission, subject to the restrictions and conditions contained in these Regulations.
- c. Plan Approval Guidelines: In order to assure that the proposed temporary housing facility meets the requirements of these Regulations and will be compatible with surrounding properties and uses, it is hereby required that all applicants include a site plan which must be approved prior to any construction on the property.

The site plan shall be submitted at the time the application is submitted and no application shall be deemed complete nor set for public hearing until said site plan is submitted. The site plan, drawn to scale, shall include the following.

- (1.) Dimensions, orientation and vicinity of the parcel;
 - (2.) Location, size, number, construction and types of proposed housing;
 - (3.) Traffic access to facility and parking;
 - (4.) Location and types of recreational facilities, laundry facilities and culinary facilities;
 - (5.) Approved sanitary water system, sewage and solid waste disposal;
 - (6.) Drainage study with narrative shall be submitted to specifications as on file and acceptable to the County Engineer Staff;
 - (7.) Location of fire protection and medical facilities;
 - (8.) Such other data as may be requested by the Zoning Administrator.
- d. Documents required. In addition to the site plan, the applicant must also provide information showing how, by whom and when the required services and facilities will be provided. All services and facilities will be provided at applicant’s expense. Letters of approval for the sanitary water and sewage facilities from the appropriate entity shall be required to be submitted at the time of application.
 - e. The following services and facilities must be provided in a temporary housing facility:
 - (1.) Sanitary water, sewage and solid waste disposal facilities approved by the appropriate entity;
 - (2.) Adequate access to the site and parking;
 - (3.) Maintenance of the site;
 - (4.) Emergency medical, fire facilities and security services;
 - (5.) Electrical services;
 - (6.) Recreational facilities.
 - f. Restoration of site. Applicant shall provide a written plan and/or agreement, setting forth how the temporary housing facility will be dismantled, and the area restored to an unoccupied condition.
 - g. Applicant shall apply for a Zoning Certificate prior to the construction of each structure.

- h. Transportation routes used for the construction shall be coordinated with the County Road and Bridge Department and/or other appropriate entity. A road agreement must be approved before any Zoning Certificates are issued for construction to begin.
27. *Sexually Oriented Businesses.* Sexually oriented businesses are permitted uses as of right in the C-1, C-2, C-3, C-4, I-1 and I-2 Districts, subject to the following:
- a. Sexually oriented businesses shall not be required to obtain a conditional use permit.
 - b. It shall be unlawful to establish, operate or cause to be operated a sexually oriented business unless said sexually oriented business is at least:
 - (1.) 1,000 feet from any parcel occupied by another sexually oriented business or by a business licensed to sell alcohol for consumption on the premises;
 - (2.) 1,000 feet from any parcel zoned “R-R” Rural Residential District, “R-1” Single-Family Dwelling District, “R-2” Two and Three-Family Dwelling District, “R-3” Multiple-Family Dwelling District, “M-S” Manufactured Home Subdivision District and “M-P” Manufactured Housing Park District;
 - (3.) 1,000 feet from any parcel occupied by a house of worship, public or private elementary or secondary school or public park; and
 - (4.) 1,000 feet from any structure that is lawfully used as a residence.
 - c. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures, objects, or municipal boundaries within the County, from the closest point on a property boundary of the parcel occupied by the sexually oriented business to the following:
 - (1.) The closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection b.(1.)-(3.) above; and
 - (2.) The closest point of any structure that is lawfully used as a residence on a parcel that is not zoned “R-R” Rural Residential District, “R-1” Single-Family Dwelling District, “R-2” Two and Three-Family Dwelling District, “R-3” Multiple-Family Dwelling District, “M-S” Manufactured Home Subdivision District or “M-P” Manufactured Housing Park District.
 - d. Notwithstanding anything to the contrary in these Regulations, a nonconforming sexually oriented business, lawfully existing in all respects under law prior to the effective date of this subsection, may continue to operate for one (1) year following that date in order to make a reasonable recoupment of its investment in its current location. At the conclusion of said one (1) year, the use will no longer be recognized as a lawful nonconforming use, provided that a nonconforming sexually oriented business may apply for one or more six-month extensions of the original one-year period upon a showing of financial hardship (“hardship exception”) shall be made at least sixty (60) days before the conclusion of the aforementioned one (1) year period. If a hardship extension is granted, subsequent applications for hardship extensions shall be made at least sixty (60) days before the conclusion of the nonconforming sexually oriented business’s current extension period.
 - e. Procedure for seeking hardship extension. An application for a hardship extension shall be filed in writing with the Zoning Director and shall include evidence of purchase and improvement costs, income earned and lost, depreciation and costs of relocation. The Zoning Director shall schedule a public hearing on the application before the Board of Zoning Appeals to occur within forty (40) days after the Zoning Director’s receipt of the application. Within ten (10) days after receiving the application and not less than twenty (20) days prior to

the date of such public hearing, the Zoning Director shall publish notice of the time and place of the public hearing in the Official County paper. The Zoning Director shall also notify all property owners in the notification area (within 1,000 feet of the sexually oriented business, but extending only 200 feet into an incorporated city) by first class U.S. mail, postage prepaid, of the application for a hardship extension and of the time and place of the public hearing on the application.

The Board of Zoning Appeals shall issue a written decision within ten (10) days after the public hearing on the application for a hardship extension. The hardship extension shall be granted upon a showing that the nonconforming sexually oriented business is unable to recoup its investments, made prior to the effective date of this Section, in its current location unless the hardship extension is granted.

Cg 1 Res #2006-27
Cg 5 Case #13PC-07
Cg 7 Case #04PC-08
Cg 9 Case #16PC-08
Cg 12 Case #11PC-09

Cg 14 Case #35PC-09
Cg 16 Case #15PC-10
Cg 20 Case #03PC-11
Cg 27 Case #24PC-11
Cg 31 Case #34PC-11

Cg 36 Case #01PC-12
Cg 38 Case #02PC-12
Cg 40 Case #12PC-12
Cg 45 Case #26PC-13