

GREENWOOD COUNTY
LAND USE & ZONING PLAN

GREENWOOD COUNTY LAND USE & ZONING PLAN

APPROVED BY COUNTY RESOLUTION No. _____

GREENWOOD COUNTY, KANSAS

JULY, 2001

AMENDMENTS

RESOLUTION NO.

DATE

GREENWOOD COUNTY, KANSAS
LAND USE & ZONING REGULATIONS

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ARTICLE 1

TITLE; PURPOSE; DEFINITIONS; CATEGORIES;
AND GENERAL REGULATIONS

Sections:

- 1-101 Title
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1-101 **Title:** These regulations and any attachments shall be known and may be cited as the "Zoning Regulations of Greenwood County, Kansas," and shall hereinafter be referred to as "these regulations."

1-102 **Purpose:** The intent of this document is to encourage positive growth and to enhance the lives and health of the Greenwood County families. It is also the intent to conserve agricultural land and to protect it from intrusion of incompatible uses.

These regulations are designed to:

- (1) define certain terms and processes necessary for land use planning and future needs in Greenwood County;
- (2) provide land use and zoning regulations with minimum intrusion of an individuals' rights;
- (3) assist in compliance with the laws, rules and regulations of the State of Kansas and of Greenwood County;
- (4) provide adequate notice of subsequent changes to these regulations and an opportunity for interested parties to be heard; and
- (5) inform the public regarding future development in Greenwood County, Kansas, providing a basis for wise decisions with respect to such developments.

1-103 Definitions: For the purpose of these Regulations, certain terms and words are hereby defined. Words used in the present tense shall include the future and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "building" shall include the word "structure"; the word "dwelling" shall include the word "residence"; the word "lot" shall include the word "plot"; the word "person" shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities; the word "shall" is mandatory and not directory while the word "may" is permissive; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for". Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context. These definitions are extensive and may not apply to the present regulations but may have future application and use need.

1. **ABANDONED VEHICLE:** Any inoperable motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control.
2. **ABATEMENT:** As related to waste tires, means the processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.
3. **ABUTTING:** Adjoining or bordering.
4. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
5. **ACCESSORY BUILDING:** A subordinate building or portion of the main building, located on the same lot, the use of which is clearly incidental to that of the main building or to the use of the land on which it is located. Customary accessory buildings include, but are not limited to, garages, carports, garden houses, small storage sheds and children's playhouses.
6. **ACCESSORY USE:** A subordinate use, which serves an incidental function to that of the principal use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, air conditioners, barbecue grills, fireplaces, and satellite dish antennas.
7. **ADMINISTRATIVE OFFICER:** See Zoning Administrator.
8. **ADVERTISING SIGN:** Any structures, object or device erected, maintained or used for advertising purposes related to the permitted principal use of the premises upon which it is located. This definition includes the terms signs, road-sideboards, signboard advertising display, but does not include the word billboard.
9. **AGRICULTURAL:** Agricultural land use, for the purpose of this document, will include all land not utilized for residential or commercial/industrial uses (see Agricultural Purposes, Land Used For).
10. **AGRICULTURAL PURPOSES, LAND USED FOR:** The use of a tract of land for the production of plants, animals or horticultural products, including but not limited to: forages, grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Land used for agricultural purposes shall not include the following:
 - A. Lands which are used for recreational purposes; suburban residential acreage; rural residential home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.

- B. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.
 - C. Wholesale or retail sales as an accessory use unless the same are permitted by these Regulations.
 - D. The operation or maintenance of a commercial stockyard or feedlot.
 - E. The operation of an auction sale yard.
11. **AIRCRAFT:** A weight-carrying structure for navigation of the air that is supported either by its own buoyancy or by the dynamic action of the air against its surfaces. Aircraft includes, but is not limited to, airplanes, helicopters, ultra-light airplanes, hot-air balloons, and the like.
 12. **AIRPORT OR AIRCRAFT LANDING FIELD:** Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tiedown areas, hangars, and other necessary buildings and open spaces.
 13. **ALLEY:** A public or private thoroughfare, which provides only a secondary means of access to abutting property.
 14. **ALTERATION:** A change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered as an alteration.
 15. **AMENDMENT:** The process of change or alteration to the Zoning Regulations in one of the followings forms:
 - A. A comprehensive revision or modification of the zoning text and/or map.
 - B. A text change in the zone requirement.
 - C. The approval of a Conditional Use Permit as provided within these Regulations.
 - D. A change in the map, i.e., the zoning designation of a particular parcel or parcels. This form is also known as "rezoning."
 16. **AMUSEMENT ARCADE:** A commercially operated business that provides various devices for entertainment and may also provide food and non-alcoholic beverages for consumption on the premises.
 17. **ANIMAL:** For the purposes of this document, "animal" means any live dog, cat, rabbit, rodent, non-human primate, bird or other warm-blooded vertebrate or any fish, snake, or other cold-blooded vertebrate. "Animal" does not include horses, cattle, sheep, goats, swine, ratites, lamas, domesticated deer, or domestic fowl.
 18. **ANIMAL BREEDER:** Means any person who operates animal breeder premises.
 19. **ANIMAL BREEDER PREMISES:** means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.
 20. **ANIMAL DISTRIBUTOR:** Means any person who operates an animal distributor premise.

21. **ANIMAL DISTRIBUTOR PREMISES:** Means the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds such distributor's self out to be so engaged.
22. **ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. This does not include boarding or breeding kennels.
23. **ANIMAL SHELTER OR POUND:** Means a facility which is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter or pound also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.
24. **APARTMENT:** A room or a suite of rooms within an apartment house or complex arranged, intended or designed for a place of residence of a family.
25. **APARTMENT HOUSE:** A building or buildings containing apartments used as a place of residence for more than two (2) families.
26. **APPLICANT:** The owner of a tract of land, or his duly designated representative, for which an amendment has been requested. Consent shall be required from the legal owner of the premises if the applicant is other than the owner.
27. **AUCTION SALES YARD:** A tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise and/or livestock offered on consignment.
28. **AUTOMOTIVE AND MACHINERY REPAIR SHOPS:** A building used for the repair of motor vehicles or machinery. This shall include, but not be limited to, body and paint shops, glass service shops and auto service centers.
29. **AUTOMOTIVE SALES AREA:** An open area, other than a street, used for display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor vehicles to be displayed and sold on the premises.
30. **AUTOMOTIVE SERVICE STATION:** Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including tire recapping, major repair work such as motor replacement, body and fender repair or spray painting, provision of rental equipment, or open motor vehicle sales lots.
31. **BABY-SITTER:** Any person who provides care for six (6) or less children unrelated to the operator(s), whether with or without compensation, and whether or not registered with the State of Kansas.
32. **BASEMENT:** A space wholly or partly underground and having more than one-half of its total usable space below building grade.
33. **BENEFICIAL USE:** As related to waste tires, means the use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling, to the owner of the tires. This shall not include the disposal of waste tires on the owners land simply to avoid proper disposal as prescribed by these Regulations and/or state law.

34. **BILLBOARD:** Any structure, object or device erected, maintained or used for advertising purposes not related to a principal use of the premises upon which it is located.
35. **BOARD OF ZONING APPEALS:** That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to these Regulations.
36. **BOARDING OR ROOMING HOUSES:** A dwelling in which roomers, lodgers and/or boarders are housed but individual cooking facilities are not provided.
37. **BOUNDARY:** The legal perimeter of any recorded property, which may include easements and rights-of-way or other property variations.
38. **BUFFER AREA:** Open and unobstructed ground area of a plot in addition to any required yards or road widening around the perimeters of any plot.
39. **BUILDABLE WIDTH:** The width of that part of a lot not included within any required open space.
40. **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land, exclusive of fences.
41. **BUILDING, COMMUNITY:** A building used for noncommercial social, educational, or recreational activities of a neighborhood or community.
42. **BUILDING, COMPLETELY ENCLOSED:** Any building having no outside openings other than ordinary doors, windows and ventilators.
43. **BUILDING HEIGHT:** The vertical distance from the established grade to the highest point on the roof or parapet wall.
44. **BUILDING LINE:** A line, usually fixed parallel to the lot line, beyond, which a building cannot extend under the terms of these Regulations. The building line is equivalent to the setback or yard line.
45. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the plot on which said building is situated. In any residential district, any dwelling shall be deemed to be a principal building on the plot on which it is located.
46. **BUILDING, PUBLIC:** A publicly owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately owned buildings used for the same public-type purposes.
47. **BULKY WASTE:** Discarded or stored inoperative household appliances, disused furniture, disused equipment, junk lumber and other building debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment; provided that bulky waste shall not mean abandoned or inoperable vehicles in whole or in part.
48. **CAMP:** Any plot, including its area of land and/or water, on which are located cabins, shelters, houseboats, or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes; but not including a day camp, trailer camp, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction, or nursery school.
49. **CAMPER TRAILER (Pop UP):** A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or

towable by a motor vehicle, not to exceed 24 feet in length and 5 feet 6 inches in height in a collapsed condition.

50. **CAMPING BUS:** A self-propelled vehicle originally designed and built as a bus, which has been redesigned with or converted into a portable dwelling used for recreation.
51. **CANOPY:** Any structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
52. **CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
53. **CATEGORY:** A category is a broad description of land use and in this document will consist of either agricultural, residential, or commercial/industrial uses.
54. **CEMETERY:** Land used for burial and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemeteries.
55. **CHILD CARE CENTER:** A facility licensed by the State of Kansas to provide for the care of thirteen (13) or more children from two (2) weeks to sixteen (16) years of age, and which is maintained for less than twenty-four (24) hours per day.
56. **CHURCH:** An establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, assembly rooms, kitchen and/or library.
57. **CIRCUS AND/OR CARNIVAL:** A temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food services, sales, and small scale games.
58. **CLINIC:** A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.
59. **CLUB:** Buildings and facilities owned or operated by a corporation, association, person and persons for social, educational, or recreational purposes, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.
60. **CLUB, MEMBERSHIP:** Membership clubs, including private clubs, as defined K.S.A. 41-2601 et seq. and succeeding amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.
61. **CLUSTER HOUSING:** The site planning techniques of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.
62. **COMMON OPEN SPACE:** An area of land, water, or combination thereof, planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
63. **COMMERCIAL/INDUSTRIAL:** The Commercial/Industrial category, for the purposes of this document, will be any "land use" other than residential or agricultural and will be related to business endeavors.

64. **COMPREHENSIVE PLAN:** The currently adopted Comprehensive Plan for the unincorporated portion of Greenwood County, Kansas, and amendments thereto.
65. **CONDITIONAL USE:** A use of any building, structure or parcel of land that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses are allowed only after public notice, hearing, and approval as prescribed in these Regulations and may have special conditions and safeguards attached to assure that the public interest is served.
66. **CONDITIONAL, USE PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or establishment of a Conditional Use.
67. **CONDOMINIUM:** A building containing two (2) or more dwelling units which are designed and intended to be separately owned in a fee under the Townhouse Ownership Act (K.S.A. 58-3710 et seq.) of the State of Kansas.
68. **CONSTRUCTION/DEMOLITION LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.
69. **CONSTRUCTION/DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, pavements, curbing, bridges, and trees and brush.
70. **COUNTY:** The Board of County Commissioners of Greenwood County, Kansas, or its delegated staff, board or agencies.
71. **COUNTY ATTORNEY:** The County Attorney, or such licensed attorney designated by the County Attorney, responsible for the prosecution of all violations of these Regulations in accordance with the provisions contained herein, and as established by law.
72. **COUNTY COUNSELOR:** The County Counselor, or such licensed attorney designated by the County Counselor or Governing Body, to furnish legal assistance for the administration of these Regulations.
73. **COUNTY ENGINEER:** The County Engineer or such licensed engineer designated by the County Engineer or Governing Body, to provide engineering assistance in administering these and other Regulations governing areas of normal responsibilities assigned to the County Engineer.
74. **COUNTY HEALTH OFFICER:** The Director of the County Health Department, or such person designated to administer the Health Regulations of the County.
75. **COURT:** An unobstructed open area bounded on three or more sides by the walls of a building or buildings; an **OUTER COURT** extends to a street or yard, and an **INNER COURT** does not.
76. **DAY CARE HOME:** A facility licensed by the State of Kansas to provide for the care of not more than ten (10) children under sixteen (16) years of ages, with a limited number of children under kindergarten age, in accordance with K.A.R. 284-4-114 (e) (1). This term is further construed to include similar units operated under other names.
77. **DENSITY:** The average number of dwelling units per acre of land, expressed in terms of "per acre." (Example: 300 dwelling units occupying 40 acres of land is 7.5 units per acre).
78. **DETENTION CENTER:** A secure residential facility licensed by the State of Kansas, designed specifically for children who required secure custody and which provides temporary living

accommodations for alleged delinquent, miscreant, wayward, truant or deprived children pending court disposition or placement in an appropriate program.

79. **DEVELOPMENT:** A residential development is considered to be a more densely populated area with less than 3 acres/parcel or more than 3 parcels within a 40 acre tract, therefore requiring platting, approved sanitary sewers and waste water treatment facilities, an approved water supply and approved roadways, alleys, and utilities.
80. **DISABILITY:** A condition with respect to a person, which means:
- A. A physical or mental impairment which substantially limits one or more of such persons major life activities.
 - B. A record of having such an impairment; or,
 - C. Being regarded as having such impairment. Such terms do not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).
81. **DISTANCE:** Horizontal distances, unless otherwise designated.
82. **DISTRICT:** A section or sections of the zoning jurisdiction for which the regulations governing permitted use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform. In the future, land use planning may require the development of formal districts in order to regulate and restrict the use of land and the location of buildings erected or altered for specific uses, to regulate the height and bulk of buildings erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, in the unincorporated portion of Greenwood County, Kansas. The planning commission does not favor undo regulations at the present time but recognizes the possible future need for districts as; Agricultural, Rural Residential, Suburban Residential, Single Family Residential, Planned Neighborhood Commercial, Planned General Commercial, Planned Highway Service Commercial, Planned Light industrial, Planned Medium Industrial, Village and Floodplain.
83. **DOG:** Any canine specie over one (1) year of age.
84. **DRINKING ESTABLISHMENT:** A premise, which may be open to the general public, where alcoholic liquor by the individual drink is served.
85. **DRIVE-IN ESTABLISHMENT:** An enterprise which accommodates the patrons motor vehicle and from which the occupants thereof may make purchases, transact business, or view motion pictures or other entertainment.
86. **DRIVE -THROUGH ESTABLISHMENT:** Any restaurant, financial institution, or product vending enterprise where the patron does not necessarily enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building are included in this definition.
87. **DWELLING:** Any building, or portion thereof, designed or used primarily for residential purposes, including residential-designed manufactured homes, which is connected to public sewer and water, or private sewer and water facilities as approved by the Greenwood County Sanitary Code.
88. **DWELLING, MUTLIFAMILY:** A building or portion thereof, arranged, intended or designed for occupancy by three or more families.

89. **DWELLING, SEASONAL:** A residence intended for occasional occupancy.
90. **DWELLING, SINGLE FAMILY:** A building having accommodations for and occupied exclusively by one family. A residential-design manufactured home shall be considered a single-family dwelling.
91. **DWELLING, TWO-FAMILY:** A building or portion thereof, arranged, intended or designed for occupancy by two families.
92. **DWELLING UNIT:** A building or part thereof, containing complete housekeeping facilities for one family.
93. **EASEMENT:** A grant by a property owner to specific persons, or to the public, to use land for a specific purpose or purposes. Also, a right acquired by prescription.
94. **EFFICIENCY UNIT:** A dwelling unit, constructed as part of a residential complex, having a living room of at least 220 square feet; an additional 100 square feet of living area for each occupant of such unit in excess of two (2); a separate closet, a separate bathroom containing a water closet, lavatory, and bathtub or shower; and, a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
95. **ESTABLISHED SETBACK:** The average setback on each street on which a lot fronts established by three (3) or more buildings; provided, only those properties that are within the same district and within 300 feet on each side of said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.
96. **EXOTIC BIRDS OR ANIMALS:** Birds or animals not commonly kept domestically or that are not native to Greenwood County and/or the United States. Exotic birds or animals includes, but are not limited to bears, lions, llamas, ostriches, and snakes.
97. **FAMILY:** One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit plus usual domestic servants; or a group of not more than four unrelated persons living together as a single housekeeping unit.
98. **FAMILY DAY CARE HOME:** A facility licensed by the State of Kansas to provide not more than 12 unrelated children under sixteen (16) years of age with not more than 3 unrelated children less than 18 months of age, with food and lodging for less than twenty-four (24) hours per day, in accordance with K.A.R. 28-4-113. This term is further construed to include similar units with different names.
99. **FARMERS MARKET:** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce, or have taken the same on consignment for retail sale.
100. **FEED LOT, COMMERCIAL:** A livestock feedlot or feedyard as defined by K.S.A. 47-1501 et seq., licensed by and operated under standards set forth by the Kansas Livestock Commission.
101. **FENCE:** An unroofed border or unroofed enclosing structure, including retaining walls.
102. **FLOOD PLAIN:** That area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.
103. **FLOOR AREA:** The square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement, cellar or attic.

- 104.FOSTER HOME:** A facility licensed by the State of Kansas for the care of four (4) or less persons unrelated to the operator(s).
- 105.FOUNDATION, PERMANENT:** A site-built foundation, with or without basement that meets or exceeds the foundation requirements of the 1988 Edition of the International Conference of Building Officials (ICBO) Uniform Building Code, that portion of which is incorporated by reference herein.
- 106.FRONT:** The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.
- 107.FRONTAGE:**
- A. **Street Frontage:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
 - B. **Lot Frontage:** The distance for which the front boundary line of the lot and the right-of-way are coincident.
- 108.GARAGE, PRIVATE:** An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.
- 109.GARAGE, PUBLIC:** A building, or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles.
- 110.GARAGE, STORAGE:** A building, or portion thereof, designed or used exclusively for housing motor vehicles, other than trucks and commercial vehicles, pursuant to previous contract or arrangement.
- 111.GARDEN APARTMENT BUILDING:** An apartment building located on a lot either singly or together with other similar apartment buildings, such buildings generally being one or two stories in height and having grounds completely landscaped.
- 112.GOVERNING BODY:** The Board of County Commissioners of Greenwood County, Kansas.
- 113.GREENHOUSE:** A translucent enclosure used for the cultivation or protection of tender plants.
- 114.GROUP HOME:** Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas.
- 115.GROUP DAY CARE HOME:** A facility licensed by the State of Kansas for the care of a maximum of twelve (12) children under sixteen (16) years of age, with a limited number of children under kindergarten age, and which is operated less than twenty-four (24) hours per day, in accordance with K.A.R. 28-4-114 (f) (1).
- 116.GUEST HOME:** Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.
- 117.HAULING TRAILER:** A light-duty utility trailer intended for residential use, including open-bed small trailers designed to be towed behind a car or truck.

- 118. HAZARDOUS WASTE DISPOSAL FACILITY:** Any facility, which meets the requirements as defined in K.S.A. 65-3430, as amended.
- 119. HIGHWAY:** A street designated as a highway by an appropriate local, state or federal agency.
- 120. HIGHWAY, LIMITED ACCESS:** A freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have not legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.
- 121. HOBBY BREEDER:** Means any person who operates a hobby breeder premise.
- 122. HOBBY BREEDER PREMISES:** Means any premises where all or part of 3,4 or 5 litters of dogs, cats, or both, are produced for sale or sold, offered or maintained for sale. This definition applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.
- 123. HOME OCCUPATION:** Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling.
- 124. HOSPITAL:** A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the in-patient medical and surgical care of sick or injured humans, and which may include related facilities such as laboratories, pharmacies, outpatient departments, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.
- 125. HOTEL:** A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients with or without meals, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge, tourist, bin, tourist court, or otherwise.
- 126. INDUSTRIAL LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.
- 127. INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.
- 128. INDUSTRIAL SOLID WASTE:** Non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.
- 129. INTENSITY:** The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.
- 130. JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.
- 131. JUNKYARD:** An establishment which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a motor vehicle graveyard. This term shall include salvage yards.
- 132. KENNEL, BOARDING:** Any place, area, lot, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.

- 133.KENNEL, BREEDER:** Any place, area, lot, and building or structure where more than four dogs or cats, or both are kept for any purpose.
- 134.KENNEL OPERATOR:** Means any person who operates an establishment where 4 or more dogs or cats, or both, are maintained in any one week for boarding, training or similar purposes for a fee or compensation.
- 135.KENNEL OPERATOR PREMISES OR KENNEL:** Means the facility of a kennel operator.
- 136.KINDERGARTEN:** A facility licensed by the State of Kansas to provide educational programs for children during the school year immediately preceding their entrance into First Grade, and connected with a public, private or parochial elementary school system.
- 137.LABORATORY, MEDICAL:** An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.
- 138.LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains, statuary, and other-similar-natural, and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- 139.LAUNDRY:** An establishment where commercial laundry and dry cleaning work is undertaken.
- 140.LAUNDRY, SELF-SERVICE:** An establishment equipped with individual coin-operated washing, drying and/or dry-cleaning machines.
- 141.LICENSED DAY CARE AND GROUP DAY CARE HOMES:** Licensure of day care and group day care homes by the State (K.A.R. 28-4-113) is required for any facility caring for 2 or more unrelated children for more than 20 hours per week if more than 6 children are involved. Day care homes means the premises are used for a maximum of 10 children under 16 years of age, with a limited number of children under kindergarten age. Group day care homes means the premises are used for a maximum of 12 children under 16 years of age, with a limited number of children under kindergarten age.
- 142.LIGHT TRUCK:** A motor vehicle designed, used and maintained primarily for the transportation of property and materials, but which has a manufacturer's gross weight of three-fourths (3/4) ton or less and does not at any point exceed seven (7) feet in height or twenty-one (21) feet in length.
- 143.LIGHT VAN:** A van, otherwise meeting the definition of a van, but which has manufacturer's gross weight rate of three-fourths (3/4) ton or less and does not at any point exceed seven (7) feet in height or twenty-one (21) feet in length.
- 144.LIVESTOCK SALES YARD:** An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.
- 145.LOADING SPACE OR LOADING BERTH:** A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.
- 146.LOT:** A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one (1) main building or unit group of buildings together with permitted accessory buildings and required yard areas and parking spaces having its principal frontage upon a public street. A lot may include one (1) or more platted lots or metes and bounds described tracts, but must be under single ownership and, when more than one (1) parcel, be contiguous.
- 147.LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines, excluding

any road right-of-way or road easements.

- 148.LOT, CORNER:** A lot abutting upon two or more streets at their intersection.
- 149.LOT COVERAGE:** The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof, excluding projecting roof eaves.
- 150.LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- 151.LOT, DOUBLE FRONTAGE:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
- 152.LOT, INTERIOR:** A lot whose side line(s) do not abut upon any street.
- 153.LOT LINES:** The lines bounding a lot as defined herein.
- 154.LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds, or a parcel of land, the deed of which was recorded prior to the adoption of these Regulations.
- 155.LOT, WIDTH OF:** The distance, measured on a horizontal plane, between the side lot lines, measured at right angles to the lot depth at the established front building line.
- 156.LOT, ZONING:** A parcel or tract of land used, developed, or built as a unit under single ownership or control. Said zoning lot may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
- 157.MANUFACTURE:** Any method of processing, developing, fabricating or assembling either raw material, semi-finished materials or parts into semi-finished or finished products.
- 158.MANUFACTURED HOME:** A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National manufactured Home Construction and Safety Standards (24 CFR 3280 et seq.) promulgated by the U.S. Department of Housing and Urban Development.
- 159.MANUFACTURED HOME ACCESSORY BUILDING OR STRUCTURE:** A subordinate building or structure which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.
- 160.MANUFACTURED HOME LOT:** A plot of ground within a manufactured home park for the placement of one manufactured home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, sewage and electricity.
- 161.MANUFACTURED HOME PAD:** That portion of the manufactured home lot on which the manufactured home unit, and any attached awning, is placed.
- 162.MANUFACTURED HOME PARK:** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.
- 163.MANUFACTURED HOME PARK PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or extension of a Manufactured Home Park.

- 164.MANUFACTURED HOME SALES AREA:** An open space other than a street, used for a display or sale of new or used manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.
- 165.MANUFACTURED HOME SKIRTING:** The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.
- 166.MANUFACTURED HOME SUBDIVISION:** Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
- 167.MANUFACTURED HOME, RESIDENTIAL-DESIGN:** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials which are customarily used on a site-built homes.
- 168.MOBILE HOME:** A transportable, factory-built structure designed to be used as a year-round residential dwelling, which does not meet or was, built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.
- 169.MODULAR HOME:** A dwelling structure located on a permanent foundation, consisting of pre-selected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom-built on the site of its permanent location, a manufactured home, or a residential-design manufactured home.
- 170.MOTOR HOME:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.
- 171. MOTOR VEHICLE:** A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.
- 172.MOTOR VEHICLE GRAVEYARD:** Any establishment which is maintained, used or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.
- 173.NONCONFORMING BUILDINGS, LAND AND/OR USE:** The use of a building or land which was lawful at the time these Regulations became effective but which, because of the passage of these Regulations, does not conform to the regulations of the district in which it exists.
- 174.NONCONFORMING LOT:** An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
- 175.NOXIOUS MATTER:** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
- 176.NURSERY:** Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.
- 177.NURSING OR CONVALESCENT HOME:** An institution or agency licensed by the State of Kansas for the reception, board, care or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.
- 178.OPEN SPACE:** Useable open space designed and intended for the use of all residents of a residential development including space dedicated to the public.

- 179.OUTDOOR STORAGE:** The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.
- 180.OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts.
- 181.OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient propriety interest in a tract of land.
- 182.PACKAGE LIQUOR STORE:** An establishment in which alcoholic beverages are sold for consumption off the premises.
- 183.PARKING LOT:** An area, other than a private parking area, street or alley, used for parking of motor vehicles and available for public or semi-public use.
- 184.PARKING SPACE:** Any area surfaced for all-weather use, including gravel, sand, or comparable materials, used for the purpose of storing one parked motor vehicle.
- 185.PICKUP TRUCK CAMPER:** A structure designed primarily to be mounted on a pickup truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- 186.PLANNING COMMISSION:** The Planning Commission of Greenwood County, Kansas.
- 187.PRESCHOOL:** A facility licensed by the State of Kansas to provide daytime care and instruction for children between the age of thirty (30) months and the age at which the children are eligible to attend kindergarten. This term is further construed to include "Day Nursery School" and other similar uses.
- 188.QUARRY:** A quarry is any open excavation used for obtaining gravel, rock, coal, various minerals, or building stone or limestone.
- 189.RATITES:** Means all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas.
- 190.RECREATIONAL EQUIPMENT:** An item which an occupant or owner may desire, for convenience, to store on his lot, but which is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used in connection with customary accessory residential uses on the lot. Included in the meaning of recreational equipment are such large items as slide-in campers boat trailers, hanggliders, ski jets, houseboats, pontoons, and boats over fourteen (14) feet in length which require a trailer for transportation.
- 191.RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES:** Any lot, plot, parcel or tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as; athletic fields, ball diamonds, golf courses and/or driving ranges, gun clubs, miniature golf courses, skeet or sporting clay facilities, swimming pools or natatoriums, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.
- 192.RECREATIONAL VEHICLE:** A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive powers, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.

- 193. RECREATIONAL VEHICLE CAMPGROUND:** A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
- 194. REGISTERED FAMILY DAY CARE HOMES:** Registration of day care homes by the State (K.S.A. 65-516) is required for any facility caring for 2 or more unrelated children for more than 20 hours per week. These facilities may care for not more than 6 children less than 16 years of age and not more than 3 children less than 18 months of age.
- 195. RESIDENTIAL:** The residential category, for the purposes of this document, will include all "land use" not agricultural or commercial/industrial and will mean a place of human habitation.
- 196. RESIDENTIAL CENTER:** A non-secure facility licensed by the State of Kansas providing residential care for more than ten (10) persons unrelated to the operator(s).
- 197. RESTAURANT:** A building wherein food is prepared and sold to the public for human consumption. Restaurant includes, but is not limited to, café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.
- 198. RETAIL BREEDER:** Means any person who operates a retail breeder premises.
- 199. RETAIL BREEDER PREMISES:** Means any premises where all or part of 6 or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.
- 200. RIDING STABLES:** Structures in which saddle horses are kept, maintained and/or boarded, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.
- 201. RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, or other public utility or service area.
- 202. RURAL RESIDENTIAL:** A lot of more than ten (10) but less than forty (40) acres in size created for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling.
- 203. SALE, RETAIL:** The sale of goods, merchandise and/or commodities to the ultimate consumer.
- 204. SALE, WHOLESALE:** The sale of goods for resale, or the sale of goods produced or processed from raw materials which require bulk delivery of the product.
- 205. SCHOOL:** Any public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.
- 206. SCRAP MATERIAL RECYCLING AND PROCESSING FACILITY:** A fixed location that utilizes machinery and equipment for processing only recyclables as defined by K.S.A. 65-3402 (r), and amendments thereto.
- 207. SCREENING:** Fencing or vegetation maintained for the purpose of concealing a building and/or other items from view.
- 208. SETBACK:** The distance between a building and the lot line, or road easement line, whichever provides the desired minimum distance.

- 209.SIGN:** Any advertising device or surface placed out-of-doors, on or off premises, or placed indoors, when in view of the general public, which conveys information or identification. Included in this definition of "sign" shall be any structure used for said display and all sign supports.
- 210.SLIDE-IN CAMPER:** A structure designed to be mounted temporarily or permanently in the bed of a pickup or light truck to provide enclosed storage space for transportation of property or quarters for recreational camping, including shells and truck cabs.
- 211.SOLID WASTE:** Garbage, refuse, and other discarded materials including, but not limited to solid, semisolid, sludge, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous waste as defined by K.S.A. 65-3430 (f) and amendments thereto, recyclables or the waste of domestic animals as described By K.S.A. 65-3409 (a)-(1) and amendments thereto.
- 212.SOLID WASTE DISPOSAL AREA:** Any area used for the disposal of solid waste from more than one residential premise, or one or more commercial, industrial, manufacturing or municipal operations and which is permitted by the Kansas Department of Health and Environment, or its successor agency pursuant to K.S.A. 65-3401 et seq., as amended.
- 213.SOLID WASTE PROCESSING FACILITY:** An incinerator, compost plant, transfer station, reclamation facility or any other location where solid waste as defined by K.S.A. 65-3402, and amendments thereto, are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site. A Solid Waste Processing Facility does not include a Scrap Material Recycling and Processing Facility.
- 214.STOCKYARD, COMMERCIAL:** A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.
- 215.STORE OR STORAGE:** As related to waste tires, means the placing of waste tires in a manner that does not constitute disposal of waste tires. Storage includes the beneficial use of waste tires as fences, silo covers and erosion control, and such other beneficial uses determined not to create health or environmental risks by the Secretary of Health and Environment of the State of Kansas.
- 216.STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- 217.STORY, HALF:** A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.
- 218.STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
- 219.STRUCTURE:** Anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
- 220.SUBURBAN RESIDENTIAL:** A lot of more than one (1) but less than ten (10) acres in size created for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling.
- 221.SWIMMING CLUB:** A pool and accessory building operated for members and their guests, whether or not operated for gain.
- 222.SWIMMING POOL, PRIVATE:** A pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

- 223. SWIMMING POOL, PUBLIC:** A pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and for use by the general public.
- 224. TAVERN:** An establishment in which cereal malt beverages are sold or served to customers.
- 225. TOWNHOUSE:** A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.
- 226. TRAVEL TRAILER:** A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- 227. TRAILER PARK:** A tract, lot, or parcel of land upon which temporary accommodations are provided for two or more trailers; such park being open to the public either free or for a fee.
- 228. USE:** The specific purpose for which land or a building is used.
- 229. USEABLE OPEN SPACE:** Land or water, which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.
- 230. VISIBILITY TRIANGLE:** The triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines at points which are thirty (30) feet distant from the point of intersection, measured along said right-of-way lines.
- 231. WASTE TIRE:** A whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
- 232. WASTE TIRE COLLECTION CENTER:** A site where used or waste tires are collected from the public prior to being offered for recycling or disposal.
- 233. WASTE TIRE PROCESSING FACILITY:** A site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.
- 234. WASTE TIRE SITE:** A site at which 1,000 or more whole tires are accumulated.
- 235. YARD:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
- 236. YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.
- 237. YARD, REAR:** A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line.
- 238. YARD, SIDE:** A yard between the side building line and the sideline of the lot and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.
- 239. ZONE OR DISTRICT:** A section of the zoning area for which uniform regulations governing the use,

height, area, size and intensity of use of buildings, land and open space about buildings are herein established.

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

1-104 Categories: In order to develop a useable land use plan, 3 categories of land uses in Greenwood County are recognized:

"A" Agricultural
"R" Residential
"C/I" Commercial/Industrial

1. Land categorized in these 3 groupings shall be shown on the official map of Greenwood County, Kansas, to be developed in the future, utilizing parcel identification numbers, legal descriptions and categories listed within the State's CAMA system and the County GIS program. Such category map and all symbols, notations, dimensions, and references shown thereon pertaining to such categories shall be part of these regulations and shall be filed with the County Clerk. Said Map shall be available for inspection in the offices of the County Clerk and County Appraiser and any later alterations adopted by amendment shall be filed and made available for public reference. It is the intent of this plan to "grandfather" all existing parcels of land into these categories as of June 1, 2001. It is not the intent of this present plan to "district" or "regulate" the use of any presently functioning business or residence in Greenwood County but the future development may require other categories.
2. Any land not presently categorized as residential or commercial/industrial will be categorized as agricultural. In other words, the County will be "agricultural" as far as land use planning is concerned, but the alteration of this designation will be liberally interpreted by the Planning and Zoning Boards, according to their good judgment, to achieve growth and development.
3. This plan applies only to the unincorporated areas of the county and includes those unincorporated cities of Lamont, Quincy, Neal, Reece, and Piedmont and the Fall River Lake communities of Vaughn's acres, Johnson's Acres, Lookout Point, Rock Ridge Cove, etc.

1-105 General Regulations Pertaining to All Categories:

1. No land may be used except for a purpose permitted in the category, for which the parcel is listed, (see category description and definitions.)
2. Any future land use or category change to commercial/industrial will require the obtaining of a conditional use permit. New residential construction, as long as the requirements under **"R" Residential** are met, will not require a conditional use permit.
3. When a conditional use permit is obtained for commercial/industrial consideration and is completed a nominal fee for the advertising of a public hearing will be charged. Such hearing will be advertised and scheduled by the Planning Commission within 20 days of publication. Those people requesting a land use category change will be present along with the Planning Commission and the meeting will be an open meeting to allow public input.
4. As long as the use of the land conforms to that use described in the category it is not the intent of the plan to require permits for any building, remodeling, fencing, or other use except for new commercial/industrial permit applications.

5. If the intended use of the property is to change categories from agricultural or residential to commercial/industrial at any time, then it is the responsibility of the owners to obtain a conditional use permit, before any alterations are allowed.
6. In those areas already platted it is not the intent of the land use plan to alter their property rights but satisfactory wastewater facilities meeting State standards, will be required (see the Greenwood County Wastewater Code) and new construction will have a 50 foot front yard or frontage setback, side yards of 10% of the lot width but not less than 3 feet, and a rear yard of 10% of the lot depth but no less than 10 feet from the rear property line or alley easement.
7. Fence construction must conform to any easement or right-of-way restrictions.
8. Any new home or building construction must conform to the standard frontage setback requirements of 50 feet from any roadway or highway.

1-106 "A" AGRICULTURAL:

1. The purpose of this category is to recognize the County's major business and to allow for a full range of agricultural activities on that land used for agricultural purposes, including the processing and sale of agricultural products raised on the premises. No administrative interpretation shall be made that results in any restrictions or stipulation on land used for agricultural purposes as herein defined; provided, however, that consistent with state law, new agricultural buildings shall be subject to setback requirements on that part of agricultural lands fronting on designated major roads and highways. Any proposal for change of land used for agricultural purposes to nonagricultural uses shall be subject to requirements of these regulations.
2. "Agricultural use" includes the following:
 - A. Land commonly considered to be used for agricultural purposes.
 - B. Grain and hay storage facilities.
 - C. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.
 - D. Oil and/or gas well drilling operations, and temporary on-site storage of oil and gas field-related equipment and supplies, but not a junkyard.
 - E. Single-family dwellings (see also "R" Residential).
 - F. Railroad rights-of-way, including a strip of land with tracts and auxiliary facilities for track operations.
 - G. Hunting and fishing enterprises of varying nature.
3. For "agricultural use" a parcel size would generally be 10 acres or greater and that use must be demonstrated by the owners.
4. Setback requirements for new buildings or residences from major roadways and highways should be 50 feet or more.

1-107 "R" Residential:

1. At the present time only one major category of residential land use is considered in the unincorporated areas of Greenwood County. Present dwellings will be "grandfathered" into

this category. Future development may require others, such as multifamily dwellings, suburban dwellings, etc. (see also Article 1-107 #5).

2. Those desiring to do new residential construction will be required to pick up the County's Land Use Plan and Sanitary Code from either the County Clerk's office or the Public Works office, prior to construction and the building site legal description will be given to the offices at that time.
3. The number of acres required for a new residence will be 3 acres in order to comply with State law and regulation, so that a sanitary sewer system can be constructed to meet both County and State Code.
4. The County will not question the acreage size unless the sanitary inspector for the County feels the intent of this regulation is violated, where-upon documentation of a survey must be provided by the owner and if a violation is found, a \$1000.00 fine will be assessed and corrective actions required of the owner by the County, as determined by the County Commission.
5. Two subcategories of residential use are presently recognized: rural single family dwellings and existing unincorporated platted communities. Any new residential dwelling contemplated, other than those 2 subcategories, will require a conditional use permit.
6. Any new residence planned and unable to meet this requirement may request a variance hearing before the Zoning Board of Appeals which may be granted by the Board and honored by the County Commission, (see Variance Procedures).
7. Any person planning a development (see definition) must formally obtain a conditional use permit, for that development, which must be approved by the Planning Commission and they must plat the area and file such with the Register of Deeds.
8. Platting of property will require several considerations; Roadways must meet the minimum County standards of 60 feet in width. County engineer approved water, sewage or wastewater treatment facilities, and utilities must be clearly provided and delineated if any parcel size less than 3 acres is planned. Minimum frontage setback footage for any buildings will be 50 feet. Alleyways must also be designated. Minimum lot dimensions will be a lot of 100 feet in width and 150 feet in depth.
9. No permits are required for fences or outbuildings as long as easements, rights-of-way, and frontage requirements are met, (see minimum frontage setback footage in #8 above and *General Regulations Pertaining To all Categories*).
10. New residential dwelling construction will not be allowed in those areas designated to be within the 100 year floodplain, when such has been determined, without a special permit and some restrictions to be developed will then apply to any new construction from that point on.
11. As new county codes are developed, future new residential construction requirements may be deemed necessary and Land Use Plan modifications may be needed.
12. New residential construction in the platted unincorporated areas of the County shall be required to abide by the Regulations in 1-105, as to the sanitary codes and yard setback requirements.

1-108 "C/I" Commercial/Industrial:

1. Any land not presently categorized as agricultural or residential will be considered **commercial/industrial**.

2. All businesses existing prior to the adoption of this plan -- retail, commercial, light or heavy industrial will be "grandfathered" into this category.
3. Any change from the **agricultural or residential** categories will require obtaining a **conditional use permit**. The appropriate hearing publication notice and open meeting with the Planning Commission with approval will be required. Along with the permit required documents to be provided will include a developmental plan and overall business plan (see Articles 2 & 7).
4. Future subcategories such as neighborhood commercial, general commercial, highway corridor commercial, light industrial and heavy industrial may be developed.
5. **Commercial/industrial businesses** in this category may be placed in bordered districts should development warrant, and a planned commercial/industrial development may be considered at any time.
6. **Commercial/industrial businesses** will provide adequate parking for their entity consistent with generally accepted industry standards within the State.
7. Wastewater treatment facilities and potable water supplies will conform to State standards for that entity.
8. All County Codes will be met.
9. Special front, side and rear setback requirements, as determined by the Planning Commission and Zoning Boards, may be required.

**ARTICLE 2
CONDITIONAL USE PERMITS
& PLAN APPROVAL GUIDELINES**

Sections:

- 2-101 Purpose**
- 2-102 General Provisions**
- 2-103 Application, Review, Approval Procedures:**
- 2-104 Development Plan – General**
- 2-105 Development Plan – Phasing, Time Restrictions**
- 2-106 Remedies**

2-101 Purpose: The procedures and requirements set forth in this Section are for the purpose of considering an application for a conditional use permit. The conditional use permits for this County will pertain to the C/I COMMERCIAL/INDUSTRIAL category of land use, (see also Article 3.)

2-102 General Provisions: The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family residential unit shall not be subject to the provisions of this Section, (see Article 5-101-1A & 1B.)

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

2-103 Application, Review, Approval Procedures: Conditional use permits are to be primarily used as a planning tool to assist communities in the evaluation of those changes in a "category" that might be in the interest of the public health, safety, morals, and general welfare of the community or neighborhood.

A Conditional Use Permit application may be obtained from the Public Works or County Clerk's office. The forms are to be filled out in full and returned to the County Clerk with the associated fee payment. The Clerk will submit such to the Planning Commission. Two weeks will be allowed for notice publication in the County newspaper. Within 20 days of publication, a public hearing will then be scheduled and the hearing held.

In order to assure that proposed uses requiring Conditional Use permits meet the requirements of these Regulations and will be compatible with surrounding properties and uses, it is hereby required that all applications for a Conditional Use Permit, shall include a development plan which must be approved as specified within this Section prior to any construction on the property.

The Planning Commission, their representatives, and the applicant, their representatives, and the general public may attend at an adequate facility as advertised.

The Planning Commission at their next regularly scheduled meeting following the hearing, on the 3rd Wednesday of each month business pending, will make their final determination. The results of the Planning Commission's decision will be made available to the applicant within 2 weeks of the Planning Commission's final decision and a copy may be obtained at the County Clerk's office, (see also Article 7.)

Appeals may be made to the Zoning Board of Appeals. The Zoning Board of Appeals decision will be considered final.

Further adjudication, however, may be sought through the District Courts.

A development plan shall be submitted at the time the application is submitted and no application shall be deemed complete nor set for public hearing until said development plan is submitted. No permit shall be issued until the property has been approved or zoned and the development or site plan for the entire district and/or each phase of development has been approved in accordance with the provisions of these Regulations.

2-104 Development Plan – General: As part of a Conditional Use Permit, a development plan shall be completed in accordance with the procedures outlined in this Section of these Regulations. The application shall include a development plan that describes the applicant's intentions for use and development of the property. The development plan should demonstrate its consistency with the applicable resource protection or land use plans, and any interlocal planning or coordination agreements. At a minimum, the development plan shall include and/or display the following information:

1. A topographic survey at no more than 2 foot contour intervals, drawn to a scale of 1"=100' or greater, indicating the legal description, property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property. The topographical survey may be a certified survey if the Planning Commission or Governing Body request such.
2. A site plan, drawn to the same scale as the topographic survey, indicating:
 - a. Existing contours (shown as dashed lines);
 - b. Proposed contours (shown as solid lines);
 - c. Location and orientation of all existing and proposed buildings;
 - d. Areas to be used for parking, including the number and arrangement of stalls;
 - e. Areas to be developed for screening, including the location of plant materials, and screening structures and features;
 - f. Pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way;
 - g. Points of ingress and egress;
 - h. Location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines);
 - i. Drainage controls (retention or detention ponds);
 - j. Locations, size and characteristics of identification and business signs;
 - k. Lighting layout, appurtenances, and intensity of illumination;
 - l. Proposed finished floor elevations of all buildings and structures.
3. A statement of intent shall accompany the preliminary development plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.
4. A development plan for any of the conditional uses listed below, or for any other use which significantly affects the quality of the environment, must be accompanied by a certified environmental impact study:
 - a. Commercial stockyard or feedlot.

- b. Quarrying, mining, removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants, except temporary asphalt or concrete plants, which are defined as such plants which are not proposed to be maintained in the same location for more than one year.
- c. Radio or television, broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned.
- d. Solid waste disposal area, construction/demolition landfills, industrial landfills, or other solid waste processing facility or scrap material recycling and processing facility.
- e. Commercial poultry or hog operations.

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

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

1. Limitations on the type, illumination and appearance of any signs or advertising structures
2. Direction and location of outdoor lighting.
3. Arrangements and location of off-street parking and off-street loading spaces.
4. The type of paving, landscaping, fencing, screening and other such features.
5. Limitations on structural alterations to existing buildings.
6. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
7. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
8. Such other conditions and/or limitations that are deemed necessary.

2-105 Development Plan-Phasing, Time Restrictions: The applicant may proceed with construction based on the entire development plan, or may elect to develop the property in phases. The applicant may submit the development plan separately for the first and each successive phase of construction, or for all of the project with a depiction of the phasing sequence; however, all rezoning and conditional uses approved with a development plan shall have construction begun within one (1) year of said approval by the Governing Body. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Governing Body stating the reasons construction has not begun and at what time construction is expected to begin. If the Governing Body agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

A special exception or variance request, in those instances required by these Regulations, shall be filed with the Planning Commission and Zoning Board of Appeals (see Article 6.)

The Governing Body shall review the development plan and shall act on said plan in a reasonable time period. Upon approval by the Governing Body, the development plan shall be filed for record in the office of the County Clerk.

After the development plan has been approved, and when in the course of carrying out the development plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved development plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such adjustments may be made by the Planning Commission. If the requested adjustments are deemed by the Planning Commission to exceed the minimum standards established by the approved development plan, the revised development plan must be submitted to and approved by the Planning Commission and Governing Body before any further work can proceed. At no time shall the zoning or conditional use previously approved be subject to disapproval. The only issue in said review shall be the requested revisions to the previously approved development plan.

2-106 Remedies: If the applicant fails to comply with the time requirements herein established, the approved development plan shall be declared null and void and no permit for construction shall be issued until a new development plan has been approved following the procedures previously cited. The zoning or Conditional Use Permit shall remain in effect but shall do so without an approved development plan. If the approved development plan is voided, the Planning Commission or the Governing Body may initiate an action to have the zoning changed to the previous zoning classification, or to have the Conditional Use Permit revoked, or may seek some other more restrictive zoning classification by following the procedures outlined in these Regulations.

ARTICLE 3

SUPPLEMENTARY USE REGULATIONS CONDITIONAL USES ACCESSORY USES PROHIBITED USES

Sections:

- 3-101 Applications of Conditional Uses
- 3-102 Additions and Changes to Conditional Uses
- 3-103 Conditional Uses – General Consideration
- 3-104 Continuance of a Conditional Use
- 3-105 Accessory Uses
- 3-106 Eligibility for Accessory Use
- 3-107 Accessory Uses Allowed
- 3-108 Specialty Accessory Uses
- 3-109 Accessory Building or Structure Use
- 3-110 Prohibited Uses

3-101 Applications of Conditional Uses: Conditional use permits are to be primarily used as a planning tool to assist communities in the evaluation of those changes in a "category" that might be in the interest of the public health, safety, morals, and general welfare of the community or neighborhood.

Before the location or establishment thereof, or before any change or use of the premises existing at the time of the effective date of these Regulations or permitted as herein provided is made, a development plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in Article 2 of these Regulations. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 2 & 7 of these Regulations and shall review such development plan and documents and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property, submit a recommendation to the Governing Body.

Following receipt of the Planning Commission's recommendation, the Governing body may, within the specifications herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-road parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. In this regard, The Governing Body may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to, those items identified in Article 2 of these Regulations.

3-102 Additions and Changes to Conditional Uses: All future requests for additions and structural alterations to Conditional Uses approved by the Governing Body after adoption of these Regulations shall be considered in the same procedure as outlined in Section 3-101 herein, and Article 2 & 7.

3-103 Conditional Uses – General Considerations: Any and all Conditional Use Permit applications with the associated documents will be considered by the Planning Commission, subject to Section 3-101, and Articles 2 & 7.

3-104 Continuance of a Conditional Use: A conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of authorization, as long as all conditions placed on it are met; however, if that particular use ceases to exist for a period of one (1) year, it will forfeit its Conditional Use Permit and will not be allowed to exist again unless a new application is made, a public hearing held and a new Conditional Use Permit approved.

3-105 Accessory Uses: Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

3-106 Eligibility for Accessory Use: The determination of the eligibility of a proposed use as an accessory use shall be made by the Planning Commission and Governing Body.

3-107 Accessory Uses Allowed: Accessory uses shall be allowed solely at the discretion of the Planning Commission and Governing Body, subject to Section 3-105.

3-108 Specialty Accessory Uses: The following may have uses, activities, or items considered as Specialty Accessory Use and shall be subject to Section 3-105, 3-106, and 3-107.

1. Hotels, Motels, Motor Hotels
2. Hospitals
3. Construction Sites
4. Recreation Vehicles and Trailers
5. Fences or Walls

3-109 Accessory Building or Structure Use: Except in the Agricultural and Residential Categories no accessory building or structure shall be constructed upon a site until the construction of the main building or structure has been actually commenced, and no accessory building or structure shall be used unless the main building or structure on the site is also being used.

In all Categories, no cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

3-110 Prohibited Uses: As of the effective date of these Regulations, there are no specifically prohibited uses. All Conditional Use Permits will be considered by the Planning Commission and Governing Body as their own merits.

ARTICLE 4

MANUFACTURED HOME AND HOME PARK STANDARES

Sections:

4-101 Purpose

4-101 Purpose: At the present time there are no restrictions on the use of manufactured homes as residences within the unincorporated areas of the county, however, these homes must meet every standard set forth within the Residential category set forth in Article 1 of these regulations, including the county sanitary code, acreage limitations, and development regulations.

ARTICLE 5

NONCONFORMING USES

Sections:

- 5-101 Non-conforming Lots of Record
- 5-102 Non-conforming Use of Land
- 5-103 Non-conforming Use of Structures
- 5-104 Discontinuance of Non-conforming Uses
- 5-105 Destruction of a Non-conforming Use
- 5-106 Intermittent Use
- 5-107 Existence of a Non-conforming Use
- 5-108 Variance Request

5-101 Non-conforming Lots of Record:

1. In Certain Residential Areas:

- A. In the unincorporated areas of the county that are presently platted, notwithstanding the regulations imposed by any other provision of these Regulations, a single-family detached dwelling which complies with the regulations in Section 5-101-1.B., below, may be erected on a lot that is not less than 25 feet in width and which consists entirely of a tract of land that:
 - 1. Has less than the prescribed minimum lot area, width or depth, or all three, and,
 - 2. Is shown by a recorded plan or deed to have been owned separately and individually from adjoining tracts of land at a time when creation of a lot of such size and width at such location would not have been prohibited by any land use or zoning regulations, and,
 - 3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulation or regulations.
- B. Construction permitted by Section 5-101-1.A., above, shall comply with all of the regulations (except lot area, width and depth) applicable to residential dwellings in the category in which the lot in question is located, provided, however, that the following requirements shall apply:
 - 1. The dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling.
 - 2. That side yard shall be no less than 10% of the total lot width on each side and in no case less than 3 feet.
 - 3. That the frontage set back or front yard will be no less than 50 feet from the boundary of the road easement or right-of-way.
 - 4. That the rear yard will be no less than 10% of the total lot depth and in no case less than 10 feet from the rear property line or alley easement.
 - 5. That the county sanitary code for residential property be met or any approved holding tank or community sewer system hookup is made.
 - 6. That an approved potable water source hookup is made.

- 5-102 **Non-conforming Use of Land:** Where upon land is being used as a non-conforming use at the time of the enactment of these Regulations, and such use is the principal use and not accessory to the main use conducted in a structure, such use may be continued; provided, such non-conforming use shall not be extended or enlarged, either on the same or adjoining property. The protection afforded to non-conforming use of land by this section applies only to such land held under ownership or lease agreement for said activity on or before the effective date of these Regulations, but shall not apply to new lands purchased or leased after said date. In addition, said protection shall not apply to any activities not legal under the terms of the regulations which these Regulations replace.
- 5-103 **Non-conforming Use of Structures:** Except as otherwise provided herein, the lawful use of a structure existing on the effective date of these Regulations may be continued although such use does not conform to the provisions hereof. Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use. The non-conforming use of a structure may be hereafter extended throughout those parts of a structure, which were lawfully and manifestly arranged or designed for such use at the time of the enactment of these Regulations.
- 5-104 **Discontinuance of Non-conforming Uses:** No land or structure or portion thereof used in whole or in part for a non-conforming use which remains idle or unused for a continuous period of 12 months, whether or not the equipment, fixtures, improvements or facilities are removed, shall again be used except in conformity with the regulations of the category in which such land or structure is located.
- 5-105 **Destruction of a Non-conforming Use:** Whenever a structure or development has been damaged beyond its economically repairable or replacement value, and the owner makes no effort to either repair or replace the structure within 12 months, the Governing body may ask the owner to demolish and clean up the structure. If no effort is made to do so, the Governing Body may cause such action to be carried out and the total expenses may be added to the owners tax bill.
- 5-106 **Intermittent Use:** The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a non-conforming use. The existence of a non-conforming use on the part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot or tract.
- 5-107 **Existence of a Non-conforming Use:** Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board.
- 5-108 **Variance Request:** Whenever a non-conforming use or condition exists, an applicant shall request a Variance consideration or Special Exception or Appeal from the Zoning Board of Appeals, (see Article 6-103, 107, and 109).

ARTICLE 6

THE ZONING BOARD OF APPEALS

Sections:

- 6-101 Organization and Procedures
- 6-102 Powers
- 6-103 Variances
- 6-104 Special Exceptions
- 6-105 Special Yard Exceptions
- 6-106 Guidelines for Conditions
- 6-107 Application
- 6-108 Stay of Proceedings
- 6-109 Public Hearing
- 6-110 Findings and Records of Proceedings
- 6-111 Lapse of Special Exception
- 6-112 Decisions of the Board

6-101 Organization and Procedure: The Greenwood County Commission, known as the Governing Body, shall as soon as these Regulations are formally adopted, appoint a Zoning Board of Appeals. The Board will consist of 3 members, one from each district. These members will be different than the members of the Planning Board or Commission and each shall serve for a term of 3 years but will be subject to reappointment. The Board will elect a chairman, vice chairman, and secretary. The Board will meet as requested and will keep a formal record book or minute book on file with the County Clerk. The reappointment of a resigned or ineffective or uncooperative member will rest with the County Commissioner of the affected district. Decisions by the Zoning Board of Appeals will be considered to be final as long as they meet the provisions of Article 6. The Zoning Board of Appeals shall administer the details of the application of these Regulations in accordance with the general rules set forth herein. The Board may adopt rules and regulations, as it may deem necessary to effectuate the provisions of these Regulations. The Zoning Board of Appeals may ask any questions and request any information or ask for a joint meeting of the County Planning Board or Commission or the Governing Body itself.

6-102 Powers: The Zoning Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or the Planning Commission in the enforcement of these Regulations or other matters referred to it regarding the application of the zoning regulations.
2. To hear and decide special exceptions to the terms of these Regulations upon which such Board is required to pass under these Regulations.
3. In accordance with the specific provisions of this Article, to authorize upon appeal of specific cases such variance from the terms of these Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in unnecessary hardship, and so that the spirit of these Regulations shall be observed and substantial justice done.

6-103 Variances: The Zoning Board of Appeals shall have the power to grant the following variances.

1. A variation in the frontage setback or in the yard requirements in any category so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the enactment of such regulations or restrictions, or by reason of exceptional topographic conditions or other

extraordinary or exceptional situations or conditions of such piece of property, the strict application of each regulation would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of these Regulations, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes for reasons of convenience, profit, or caprice. Such variance shall be granted only when public safety and welfare are secured, and substantial justice done.

2. A request for a variance may be granted in such case, upon a finding by the Board that ALL of the following conditions have been met:
 - A. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same category; and is not created by an action or actions of the property owner(s) or of the applicant.
 - B. The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.
 - C. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - D. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and;
 - E. That granting the variance desired will not be opposed to the general spirit and intent of these Regulations.

6-104 Special Exceptions: In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of these Regulations as an instrument for fact finding, interpretation, application, and adjustment, and to supply the necessary elasticity to its efficient operation, special exceptions are hereby permitted as special exceptions if the Zoning Board of Appeals finds that in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by these Regulations.

1. A non-conforming commercial/industrial use to extend to the entire lot or a larger portion of the lot where there is now a commercial/industrial use on a portion of the lot.
2. A non-conforming commercial/industrial use on a lot between two lots which are used for commercial/industrial purposes.
3. A non-conforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building. In a building now occupied by a non-conforming commercial/industrial use, an additional use of the same classification in the remainder of the building.
4. The extension of an existing non-conforming building and the existing use thereof, upon the lot occupied by such building at the time of the passage of these Regulations; or the erection of an additional building upon the lot owned at the time of the passage of these Regulations by a non-conforming commercial/industrial establishment and which additional buildings is a part of such establishment.
5. Where a use boundary line crosses a lot, a use of either category classification on the whole lot within 100 feet of said category boundary line.

6. Off-road parking areas, adjacent to or at a reasonable distance from the premises on which designated parking might be required by the Planning Board, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these Regulations to relieve congestion in the roads would be best served by permitting such parking off the premises.

6-105 Special Yard Exceptions: Special yard exceptions will apply primarily to the platted areas in the unincorporated parts of the County but may apply to the frontage setback requirements elsewhere if the Zoning Board of Appeals finds that in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property permitted by these Regulations and provided such exceptions are approved by the Board:

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side or rear yard that does not conform with the yard and setback regulations.
2. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds.
3. An exception in the depth of the rear yard in a lot in a block where there are non-conforming rear yard conditions.
4. An exception where there are irregularities in depths of existing front yards on a road frontage, on the side of a road between two intersecting roads, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth or frontage setback, usually 50 feet.

6-106 Guidelines for conditions: Where, in these Regulations, special exceptions are permitted, provided they are approved by the Zoning Board of Appeals, where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following exceptions:

1. The type and amount of paving, landscaping, fencing, screening and other such features.
2. Hours of operation, including limitations on nighttime hours.
3. Plans for the control or elimination of smoke, dust, gas, noise, or vibration caused by the proposed use.
4. Such other conditions and/or limitations that are deemed necessary.

6-107 Written Application Required: Written application for an appeal, a special exception, or a variance referred to in this Article shall be filed with the Board or its agent, upon forms in a manner prescribed by the Board. Said application shall be submitted within 30 days of the action requiring said appeal, variance or special exception.

6-108 Stay of Proceedings: Upon application for an appeal of an order, requirement, decision, or determination made by an administrative official or the Planning Board or Commission in the enforcement of these Regulations, said appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Planning Board certifies to the Board, after the application for appeal has been filed with them, that by reason of facts stated in the certificate the stay would, in their opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by a restraining order which may be granted by the Board, or by a court of competent jurisdiction on application, on notice to the Planning Board and on due cause.

- 6-109 Public Hearing Required:** The Board shall hold a public hearing on each application for an appeal, decision, variance or special exception. Applications for a variance or special exception must be accompanied with a certified list of property owners, and their addresses, within 1 mile of the property for which the variance or special exception is being sought. On all applications, notice of the time and place of the public hearing shall be published once in the official County paper not less than 20 days prior to the date of such public hearing. In addition, for all applications for a variance or special exception, all property owners within 1 mile shall be notified by first class U.S. mail of such public hearing and be given an opportunity to attend and be heard regarding such application for a variance or special exception.
- 6-110 Findings and Records of Proceedings:** The Zoning Board of Appeals shall hold the public hearing at such prescribed time and place and shall make its findings and determinations in writing within a reasonable time from the date of filing of the application, and shall forthwith transmit a copy thereof to the applicant. The Board shall keep its minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, which shall be a public record. The Governing Body and the County Clerk will be furnished a record of all those decisions taken by the Zoning Board of Appeals.
- 6-111 Lapse of Special Exceptions or Variances:** After the Zoning Board of Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which special exception or variance was granted, and the provisions of these Regulations shall thereafter govern.
- 6-112 Decisions of the Board:** In exercising the foregoing powers, the Zoning Board of Appeals, in conformity with the provisions of this Article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of the Zoning Board of Appeals may bring an action in the District Court of Greenwood County, Kansas, to determine the reasonableness of any such order or determination.

ARTICLE 7

ADMINISTRATION

SECTIONS:

- 7-101 Enforcement
- 7-102 Conditional Use Permits
- 7-103 Application for a Conditional Use Permit
- 7-104 Fees
- 7-105 Issuance of Conditional Use Permits
- 7-106 Revocation of Permits
- 7-107 Stop Order
- 7-108 Period of Validity
- 7-109 Land Use or Zoning Certificates
- 7-110 Reports

7-101 Enforcement: It is the duty of the Governing Body of Greenwood County to enforce these Regulations and to refuse to issue any permit which would violate any provisions of these Regulations. It shall also be the duty of all officers and employees of Greenwood County, Kansas, to assist the Governing Body by reporting any seeming violation of these Regulations. The County Commission will be known as the Governing Body and is hereby authorized and directed to institute any appropriate action to put an end to such violation.

7-102 Conditional Use Permit: As of the formal adoption of these Regulations, all current properties shall be "grandfathered" in Agricultural, Residential, or Commercial/Industrial categories. After that date, no use of any land or structure shall be changed to Commercial/Industrial, unless a conditional use permit is first obtained from the County Clerk or Public Works office and the permitting process is completed and approved, certifying that the proposed use complies with all provisions of these Regulations. When the development has been completed and inspected and approved by the public works department, a land use or zoning certificate will be issued to the applicant. Residential use change requires the obtaining of these Regulations and the Greenwood County Sanitary Code from the office of the County Clerk Public Works Department with compliance thereof. No Agricultural use or farm structure proposed to be established shall be required to obtain a permit but it is expected that all state and federal regulations will be complied with, (see also Article 2).

7-103 Application for a conditional Use Permit: The application for a conditional use permit shall be made on forms provided by the Planning Commission and shall be accompanied by a completed site or development plan of the real estate upon which said application is made, (see also Article 2). Said site plan shall be drawn to scale showing the following items, (see also Article 2):

1. Legal description of the real estate involved.
2. Location and size of all buildings and structures, including utilities, sewer, and water lines, and open yard space.
3. Width and length of all entrances and exits to and from said real estate.
4. All adjacent and adjoining roads and highways.
5. Sufficient grades and elevations to establish the proper placement of buildings, adequate sewage disposal systems, the proper drainage of the property, and the applicability of possible floodplains.

6. Location and specifications of all signs, fencing, screening, landscaping, and other such site improvements.

Site plans so furnished shall be filed by the Planning Commission and shall become a permanent record. A record of all conditional use permits, and so-called permanent land use or zoning certificates shall be kept on file in the Public Works Department.

- 7-104 **Fees:** An application for a conditional use permit shall be accompanied by such fee as shall be officially specified by resolution of the Governing Body from time to time.
- 7-105 **Issuance of Conditional Use Permits:** The Planning Commission will schedule the public hearing, conduct that meeting, and will at their next regularly scheduled meeting (on the 3rd Wednesday of each month at 7:00 P.M. – business pending) make a final determination of the approval or denial of the permit. The Planning Commission will also notify the Governing Body of their decision within 7 days. The applicant will be notified, by the Governing Body, within 14 days of the approval or refusal of the permit. A formal approved conditional use permit shall be issued at that time, if the permit is approved. When the Governing Body refuses to issue a conditional use permit, the applicant shall be advised of the reasons in writing, also within 14 days.
- 7-106 **Revocation of Permit:** A conditional use permit issued in accordance with the provisions of these Regulations may be revoked by the Planning Commission or Governing Body if they find that prior to the completion of the development for which the permit was issued there was a departure from the approved plans, specifications and/or requirements of conditions required under the terms of the conditional use permit, or the same was issued under false representation, or that any other provisions of these Regulations are being violated.
- 7-107 **Stop Order:** Failure, refusal or neglect of any property owner, or his authorized representative, to apply for and secure a valid conditional use permit, including the payment of the prescribed fee, shall be reason for the issuance of a "stop order" by the Planning Commission or Governing Body provided said owner or authorized representative shall have been notified in writing at least 48 hours prior to the issuance of said stop order that he is in violation of regulations of the County. Said stop order shall be posted on or near the property in question, in a conspicuous place and no further changes shall proceed. Where such changes have proceeded without filing for and receiving a valid permit, the fee for the issuance of a subsequent permit shall be doubled.
- 7-108 **Period of validity:** A conditional use permit shall become null and void one (1) year after the date on which it is issued unless within such (1) year period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.
- 7-109 **Land Use or Zoning Certificate:** When a conditional use permitted project is completed by the applicant, inspected and approved by the Public Works Department, a land use or zoning certificate will be issued by the Governing Body. A copy of this certificate will become a permanent record of the County along with the conditional use permit documents. Any further alteration of the property or acquired properties will require new conditional use permitting as per the Regulations with public notice, hearings and other requirements of these Regulations.
- 7-110 **Reports:** The Planning Commission shall periodically and/or annually report in writing to the Governing Body a summary of all conditional use permits issued during the preceding period, giving details of any permitted variations, as well as the current status of all applications in process for amendments, conditional uses, appeals, and variances. Such report shall include comments on any problems encountered in the administration of these Regulations, which may need correction, by amendment to these Regulations.

ARTICLE 8
SPECIAL EVENTS

Sections:

- 8-101 Purpose and Intent**
- 8-102 Special Event Defined**
- 8-103 Special Events Not Requiring a Permit**
- 8-104 Special Events Subject to an Administrative Permit**
- 8-105 Special Events Subject to Governing Body Approval**
- 8-106 Application and Fee**

8-101 Purpose and Intent: The purpose and intent of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Article to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Article to preserve the public health, safety and convenience.

8-102 Special Event Defined: The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations. The term "special event" shall not include amusement enterprises, garage sales at individual residence, transient merchants, or off-site promotional signs. There will be 2 broad categories of these events, those presently being carried out and new events. The following is a list of those events presently being carried out in Greenwood County that will not require permits:

- Madison Days
- Death Ride
- Hamilton Days and Alumni Reunion
- Collinge Team Penning and Cutting Horse Contests
- Quincy Alumni Reunion
- Eureka Downs Activities
- Eureka Days and Other City Celebrations and Events
- Greenwood County Cattlemen's Day
- Various 4-H Activities
- Various Summer Baseball and Softball and Sports Activities
- Various Men and Women's Club Activities
- Eureka Lake Activities
- 4th of July Celebrations
- Severy Labor Day Celebration
- Piedmont and Other Rodeos
- Shodeos
- Cattle Sales Events
- Eureka Airport Events
- Gun Club Events
- Various Field Trials
- Various Mud Runs
- Fall River Days
- Conservation and Extension Activities
- Toronto and Fall River Lake Activities
- Float Trips
- Private Sales and Other Types
- Church Socials and Holiday Celebrations
- Greenwood County Fair

Eureka Country Club Activities
Madison Golf Club Activities
Various Trail Rides
All School Events

New events of various types with expected attendance of greater than 500 people shall require an administrative or formal permit. These types include:

1. **Type 1.** Fund-raising or non-commercial events for nonprofit religious, educational or community service organizations, including any on-site signs and structures in conjunction with the event.
2. **Type 2.** Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights, or balloons.
3. **Type 3.** Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show or product demonstration.
4. **Type 4.** Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses, or parades.

8-103 Special Events Not Requiring a Permit: Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met.

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
2. Any structure used in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid building permit, and shall be promptly removed upon cessation of the event.
3. The special event shall be restricted to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.

8-104 Special Events Subject to an Administrative Permit: Special events meeting the following standards shall be issued a Special Event Permit administratively by the Planning Commission. In administering the provisions of this section, the Planning Commission shall be guided by applicable County policies as adopted by the Governing Body. Any applicant denied a Special Event permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial of the Governing Body.

1. Special events meeting the Type 2 or 3 definition, and Type 1 events not meeting the standards of Section 8-103, may be permitted administratively by the Planning Commission subject to the prior review and approval of special arrangements for traffic and crowd control by the Sheriff, County Fire Chief, and Public Works Department. No such administrative permit shall be issued unless all of the following performance standards are met:
 - A. An application is made and a fee paid in accordance with Section 8-106.
 - B. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
 - C. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.

- D. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
- E. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
- F. Any structure used in conjunction with the special event shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
- G. The special event shall be conducted on private property in a commercial/industrial or agricultural category, except that nonprofit organizations may conduct events on any property where the property owner has granted the appropriate permission.
- H. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

8-105 Special Events Subject to Governing Body Approval: Any special event not meeting the criteria of Sections 8-103 or 8-104 and all special events of Type 4 may be granted a Special Event Permit by the Planning Commission with the approval of the Governing Body. Such permit may be subject to such conditions and safeguards, as the Governing Body may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to the Governing Body expectations.
3. The provisions of traffic control or security personnel to increase the public safety and convenience.
4. Obtaining liability and personal injury insurance in such form and amount as the Governing Body may find necessary to protect the safety and general welfare of the community.

8-106 Application and Fee: No Special Event Permit shall be issued until an application has been submitted to the Planning Commission and the appropriate fee paid. The application shall be made on forms provided by the Planning Commission, and shall be accompanied by the following items as applicable:

1. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
2. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
3. A letter from the property owner and event manager, if different from the applicant agreeing to the special event.
4. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of Kansas as a nonprofit organization. The fee for all types of Special Events shall be as determined by the Governing Body by separate resolution.
5. The Special Event Permit shall be posted on the site for the duration of the event.

ARTICLE 9

AMENDMENTS

Sections:

9-101 Who May Petition or Apply

9-102 Procedures for Consideration of Request for Amendments, Revisions or Change

9-103 Referral of Amendments to Cities

9-104 Posting of Sign

9-105 Factors to be Considered

9-106 Traffic Studies

9-107 Limitations on Reapplication for Amendments

9-101 Who May Petition or Apply: Applications for amendments, revisions or changes in the Category Boundary Map in effect for Greenwood County, Kansas, or for a Conditional Use Permit as authorized by Article 2 and Article 7 may be made by any person who owns the land for which such an amendment, revision, change or Conditional Use Permit is sought, or by the owner's agent as defined by these Regulations. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for said owner prior to the setting of any public hearing.

Applications for amendments, revisions or changes to the Land Use or Zoning Regulations, the Category Boundary Map, and/or Conditional Use Permits may be made by the Planning Commission or the Governing Body; provided, such proposed amendments, revisions, changes of this document, the Category Boundary Map or Permits for Conditional Use shall first be submitted to the Planning Commission for recommendation and report and the final decision is made by the Governing Body.

9-102 Procedures for Consideration of Request for Amendments, Revisions or Changes: All applications or requests for amendments, revisions or changes to the Zoning Regulations, the Category Boundary Map or for a Conditional Use Permit shall be made to the Planning Commission on such forms as provided and acceptable to the Planning Commission. The payment of the application fee, as established by the Governing Body by separate resolution, shall be made at the time of the submission of the application. Immediately upon receipt of an application for a conditional use permit by the owner, or his agent, and the payment of the appropriate fee, the Planning Commission shall note thereon the date of filing and make a permanent record thereof.

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

If the application is not a general amendment, revision or change to the Land Use or Zoning Regulations, but is for a category change or Conditional Use Permit affecting specific property, the property affected shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed amendment, revision or change shall be mailed by first class U.S. mail at least 20 days before the public hearing to all owners of record of lands located within at least 5,280 feet of the area proposed to be altered; provided, said notice shall extend only 200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection in the office of the

County Clerk. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or Governing Body. The applicant shall provide a certified list of the owners of record and said lands at the time of the filing of the application.

Whenever five or more property owners of record owning ten or more contiguous or noncontiguous lots, tracts, or parcels of the same land use classification initiate a change in category of their own property, such amendment shall require notice by publication, but shall not require written notice and shall not be subject to protest petition as hereinafter provided for. Whenever the Planning Commission initiates a change in category of ten or more contiguous or noncontiguous lots, tracts or parcels of the same land use category having five or more owners of record, such amendment shall require notice by publication, but written notice shall be required to be mailed only to owners of record of the properties to be changed and only such owners shall be eligible to initiate a protest petition as hereinafter provided.

All notices shall include a statement that a complete legal description is available for public inspection in the office of the County Clerk. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or Governing Body. The applicant shall provide a certified list of the owners of record of said lands at the time of the filing of the application.

In the case of an application to amend, revise or change the Land Use or Zoning Regulations, whether by the Planning Commission or the Governing Body, all the above stated requirements shall be followed except:

1. No fee shall be required.
2. Notice of the public hearing shall not be required to be mailed to all affected persons; therefore, a certified list of the owners of land shall not be required.

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

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

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

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment, supplement, change, or Conditional Use Permit, if a protest against an amendment, supplement, or change or Conditional Use Permit is filed in the office of County Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of record of 20 percent or more of any property proposed to be changed, or by the owners of record of 20 percent or more of the total area within 5,280 feet of the area proposed to be altered by the amendment, supplement, change or Conditional use of a specific property, excepting public streets and highways, the resolution of approval shall not be passed except by unanimous vote of the Governing Body.

9-103 Referral of Amendments to Cities: To facilitate the mutual interest of proper planning for the urbanizing area around cities within Greenwood County, notice of any public hearing before the Greenwood County Planning Commission on proposed amendments to the text of these Regulations, or for any change in a category or the issuance of a Conditional Use Permit for a specific property within the designated planning area of any city within Greenwood County shall be mailed to such cities at least 20 days prior to the published date for such public hearing. Said cities may review such proposed amendment, category change or Conditional Use request and submit to the Greenwood County Planning Commission its comments and suggestions regarding said application; or said cities may appear before the Greenwood County Planning Commission and present its comments and suggestions in person. The planning area shall be mutually agreed upon between the cities and Greenwood County; however, such area shall not exceed that allowed for cities Comprehensive Planning under K.S.A. 12-747, as amended.

9-104 Posting of Sign: Each applicant for a category change and each applicant for a Conditional Use Permit shall, within 48 hours of filing such application, place a sign upon the lot, tract or parcel of land for which the application was filed. Said sign shall be furnished by the Planning Commission to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereinafter set forth.

Said sign shall read as follows:

CONDITIONAL USE PERMIT PENDING

Application Number

From:

To:

PUBLIC HEARING BEFORE THE
GREENWOOD COUNTY PLANNING COMMISSION

(Date) on (time)

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

Said sign shall be maintained and kept in place by the applicant until final disposition of such application, or until withdrawal of the application. The sign shall be removed by the applicant after final action on the application.

The bottom of said sign shall be a minimum of two (2) feet above the ground line. Said sign shall be placed within five (5) feet of the street right-of-way line, in a position on such lot, tract or parcel of land as to have no visual obstructions thereto and to be readily seen by passerby. If the lot, tract or parcel of land has more than one (1) street abutting thereto, signs shall be placed facing both streets. Failure to comply with this requirement shall not deprive the Planning Commission of its jurisdiction or affect any decision, but may be due cause for the Planning Commission to refuse to hear the application or to adjourn the hearing or to require further notice. Any such hearing may, for good cause at the request of the applicant, or in the discretion of the Planning Commission, be continued.

9-105 Factors to be Considered:

1. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:
 - A. Whether the change in classification would be consistent with the intent and purpose of these Regulations;
 - B. The character and condition of the surrounding neighborhood and its effect on the proposed change;
 - C. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
 - D. The current uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
 - E. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
 - F. The suitability of the applicant's property for the uses to which it has been restricted;
 - G. The length of time the subject property has remained vacant or undeveloped as classified; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped;
 - H. Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
 - I. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
 - J. The recommendations of any permanent or professional staff;
 - K. Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan;

- L. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification; and,
 - M. Such other factors as may be relevant from the facts and evidence presented in the application.
2. Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in categories, but are permitted as Conditional Uses when their proposed location is supplemented by additional requirements such as to make the use considered compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a Conditional Use, the minimum requirements of approval for all similar types of permitted uses in the same category must be met unless otherwise reduced by specific reference in the recommendation of the Planning Commission or the approval of the Governing Body. The requirements may be made more stringent if there is potentially injurious effects which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

The Planning Commission may recommend approval of a Conditional Use, and the Governing Body may approve such Conditional Use, using the following factors as guidelines:

- A. Whether approval of the Conditional Use would be consistent with the intent and purpose of these Regulations;
- B. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
- C. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided;
- D. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
- E. The length of time the subject property has remained vacant or undeveloped as classified; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped;
- F. Whether the applicant's property is suitable for the proposed use;
- G. The recommendations of any permanent or professional staff;
- H. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan;
- I. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use; and,
- J. Whether the proposed Conditional use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 3 and Article 7 of these Regulations), will not adversely affect the property in the area affected;
- K. Such other factors as may be relevant from the facts and evidence presented in the application.

9-106 Traffic Studies: In the case of an application for a Conditional Use Permit for a use which may, in the opinion of the Planning Commission or Governing Body, substantially change traffic patterns, or create traffic congestion, either the Planning Commission or Governing Body may require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such traffic study shall show that the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient manner and that no undue burden will be placed upon the existing public street system. The results of the traffic study shall be used in determining the impact of the proposed rezoning or Conditional Use Permit and guide the development of a recommendation or decision regarding the same.

9-107 Limitations on Reapplication for Amendments: Whenever an application for amendment, supplement, change, rezoning or Conditional Use Permit has been denied by the Governing Body, such application or one substantially similar shall not be reconsidered sooner than one (1) year after the said denial.

ARTICLE 10

INTERPRETATION, CONFLICT, REMEDIES AND PENALTY

Sections:

10-101 Interpretation and Conflict

10-102 Remedies Available

10-103 Penalty

10-101 Interpretation and Conflict: In interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare. It is not intended by these Regulations to interfere with, or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where these Regulations impose a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other rules, regulations, or by easements, covenants, or agreements, the provisions of these Regulations shall govern. If any property is not given a land use category classification on the Category Boundary Map because of error or omission, such property shall be classified Agricultural until changed by amendment, unless authorized by these Regulations.

10-102 Remedies Available: In case any building or structure is or is proposed to be erected, constructed, reconstructed, moved, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of these Regulations, the Planning Commission, County Attorney, or other appropriate authority of Greenwood County, Kansas, may, in addition to all other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of a building, structure or land.

10-103 Penalty: Any person or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of these Regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided.

ARTICLE 11
MISCELLANEOUS

Sections:

11-101 Validity

11-102 Severability

11-103 Effective Date

11-101 Validity: If any section, paragraph, subdivision, clause, phrase, or provision of these Regulations shall be adjudged invalid or held unconstitutional the same shall not effect the validity of these Regulations as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.

11-102 Severability: Each article, section and subdivision or a section of these Regulations are hereby declared to be independent of every other article, section, or subdivision or section, so far as inducement for the passage of these Regulations is concerned.

11-103 Effective Date: These Regulations, being designated as the "Zoning Regulations of Greenwood County, Kansas," shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3301 through 12-3305.

ADDENDUMS:

AMENDMENTS:

APPEAL PROCESS FORM:

EXCEPTION REQUEST:

EXCEPTION PERMIT:

VARIANCE REQUEST:

VARIANCE PERMIT:

CATEGORY BOUNDARY MAP:

CONDITIONAL USE PERMIT INFORMATION REQUEST SHEET:

CONDITIONAL USE PERMIT:

CONDITIONAL USE PERMIT APPLICATION NUMBERS:

CONDITIONAL USE PERMIT PENDING SIGNS:

CONDITIONAL USE OR ZONING CERTIFICATE:

CONDITIONAL USE CERTIFICATE NUMBERS:

SPECIAL EVENT ADMINISTRATIVE PERMIT:

SPECIAL EVENTS PERMIT:

SPECIAL EVENT APPLICATION & PERMIT NUMBERS:

STOP ORDER:

VARIOUS FEE SCHEDULES & RESOLUTIONS:

AMENDMENTS:

Requirements: The amendment of the Land Use Plan, the Category Boundary Maps, or the Conditional Use Permits require special procedures as below:

1. If the amendments are proposed by the public, they should be presented in writing to the County Clerk, (see Article 9).
2. A fee as determined by the Governing Body will be paid to the Clerk.
3. If the amendments are proposed by the Governing Body or the Planning Commission, no fee is required.
4. The proper meeting announcement and publication of the date, time, location, and purpose statement is to be carried out by the Clerk.
5. The following items are to be listed by any proposing an amendment;
 - a. Reason for the suggested amendment or change.
 - b. Section(s) of the Land Use Plan involved.
 - c. Suggested alteration(s).
 - d. Persons requesting the amendment(s).
 - e. Date of the request.
 - f. An exact legal description of and properties involved in the amendment.

APPEAL PROCESS FORM: to the Zoning Board of Appeals

Requested Action:

- (1.) Exception _____
- (2.) Variance _____

Statement of Purpose or Need for Variance or Exception:

Article and Section of Pertinent Regulation:

Legal Description of Area for Variance or Exception:

Individual or Individuals Requesting Hearing:

Fee Amount:

Signature: _____

Date: _____

Date of Notice Publication:

Date of Scheduled Meeting:

Location of Meeting:

Findings and Results:

Signatures of Zoning Board of Appeals Members:

Date: _____

Attest:

Date: _____

EXCEPTION REQUEST:

Conditional Use Permit Application Number, (if pertinent):

Name & Address of Entity:

Names & Addresses of Principals:

Name of Project:

Legal Description of Property:

Exception Requested:

Land Use Regulations Pertaining to Issue:

Date Requested:

Date, Time & Location of Hearing:

Signature of Acknowledgment of Zoning Board of Appeals:

Date:

EXCEPTION PERMIT:

Conditional Use Permit application Number, (if pertinent):

Name & Address of Entity:

Names & Addresses of Principals:

Name of Project:

Legal Description of Property:

Exception Requested:

Land Use Regulations Pertaining to Issue:

Date Requested:

Date, Time & Location of Hearing:

Exception Granted:

Exception Denied:

Reasons for Denial:

Date of Notification:

Signatures of Zoning Board of Appeals:

Date:

VARIANCE REQUEST. (see Article 6-103):

Conditional Use Permit Application Number, (if pertinent):

Name & Address of Entity:

Names & Addresses of Principals:

Name of Project:

Legal Description of Property:

Variance Requested:

Land Use Regulations Pertaining to Issue:

Date Requested:

Date, Time & Location of Hearing:

Signature of Acknowledgment of Board of Zoning Appeals:

Date:

VARIANCE PERMIT:

Conditional Use Permit Application Number, (if pertinent):

Name & Address of Entity:

Names & Address of Principals:

Name of Project:

Legal Description of Property:

Variance Requested:

Land Use Regulations Pertaining to Issue:

Date Requested:

Date, Time & Location of Hearing:

Variance Granted:

Variance Denied:

Reasons for Denial:

Date of Notification:

Signatures of Zoning Board of Appeals:

Date:

CATEGORY BOUNDARY MAPS:

See Appraiser's GIS Maps.

CONDITIONAL USE PERMIT INFORMATION REQUEST SHEET:

The following information and completed documents are required to be considered for a conditional use permit:

1. Entity name and current mailing and operating address.
2. Names and addresses of all principle owners, partners, or stockholders.
3. Individual, partnership, or corporate identification numbers.
4. Date of application.
5. Statement of intent.
6. Exact legal description of land or structures requested for consideration of a category change.
7. Current business plan.
8. Developmental Plan – including the following (see Article 2-104),
 - A. Topographical survey, of a specific type may be required by the Planning Commission or the Governing Body.
 - B. Certified environmental impact study, of a specific type may be required by the Planning Commission or the Governing Body.
 - C. Any supporting documents.
 - D. Site plan, to include:
 - (1.) The locations and sizes of all buildings and structures;
 - (2.) Diagrams of all open spaces;
 - (3.) A “utilities diagram”-including sewer, water supply, electrical, plumbing, heating and cooling;
 - (4.) Width and length of all entrances and exits to and from the real estate, traffic flow patterns expected and parking facilities;
 - (5.) Adjacent and adjoining roads and highways;
 - (6.) Grades and elevations;
 - (7.) Flood plain certification and proximity to flood plain boundaries;
 - (8.) Signs, fences, screening, landscaping and any other improvements
9. Other information requested by the Planning Commission or Governing Body.
10. Applicable fee or fees.

**GREENWOOD COUNTY CONDITIONAL USE PERMIT
APPLICATION NUMBER _____**

Name & Address of Entity:

Name & Addresses of Principals:

Individual, Partnership or Corporate Id. No.

Brief Statement of Intent:

Legal Description of Property:

Date of Application: _____

Date of Fee Payment: _____

Date of Application Completion: _____

Date of Public Hearing: _____

Signature of Public Works Supervisor: _____

Signatures of Planning Commission: **Date:** _____

Recommendations: **Approval:** _____ **Rejection** _____

CONDITIONAL USE PERMIT APPLICATION NUMBERS:

Numbering should start with the last two numbers of the year of application followed by a hyphen and then the number assigned for that document as: 01-1, 01-2, etc.

CONDITIONAL USE PERMIT PENDING

APPLICATION NO. _____

FROM:

TO:

PUBLIC HEARING BEFORE THE GREENWOOD COUNTY PLANNING COMMISSION

DATE: _____

TIME: _____

LOCATION: _____

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

**GREENWOOD COUNTY
CONDITIONAL USE CERTIFICATE NO. _____**

Conditional Use Permit Application Number: _____

Name & Address of Entity:

Individual, Partnership or Corporate Id. No.

Name of Project:

Legal description of Property:

Date of Application:

Date of Project Completion:

Date of Public Works Dept. Inspection:

Signatures of Planning Commission:

Date of Approval:

Signatures of Governing Body:

Date of Approval:

Attest:

Date of Attestation:

Greenwood County Clerk

Seal:

CONDITIONAL USE PERMIT CERTIFICATE NUMBERS:

Numbering should coincide with the individual application number of the project as: 01-1, 01-2, etc.

**GREENWOOD COUNTY
SPECIAL EVENT ADMINISTRATIVE PERMIT NO. _____**

Event Title:

Permit Dates:

Name & Address of Entity:

Names & Addresses of Principals:

Name & Address of Insuring Company:

Insurance Policy Number:

Legal Description of Host Property:

Name & Address of Property Owner(s):

Purpose of Event:

Dates & Corresponding Hours of Purposed Event:

Expected Attendance at Event, (per day):

Structures Planned for Event & Site Diagram, (attachment):

Signature of Planning Commission Chairman:

Date:

Fee Payment:

Date:

Special Requirements:

**GREENWOOD COUNTY
SPECIAL EVENT PERMIT NO. _____**

Event Title:

Permit Dates:

Name & Address of Entity:

Names & Addresses of Principals:

Names & Addresses of Legal Council & Manager:

Name & Address of Insuring Company:

Insurance Policy Number:

Legal Description of Host Property:

Name & Address of Property Owner(s):

Purpose of Event:

Dates & Corresponding Hours of Purposed Event:

Expected Attendance at Event:

Diagram of Traffic Flow Patterns, Parking & Adjacent Streets or Roads, (attachment):

Structures Planned for Event & Site Diagram, (attachment):

Security Plan, (attachment):

Signature of Sheriff:

Date:

Sanitary Facilities Planned, (attachment):

Signature of County Public Works Official:

Date:

Signature of County Fire Chief:

Date:

Safety Plans, (attachment -EMS, Hospital Contact, First Aid Facilities):

Signature of County EMS Director:

Date:

Signatures of Planning Commission:

Date:

Signatures of Governing Body:

Date:

Fee Payment:

Date:

SPECIAL EVENTS APPLICATION & PERMIT NUMBERS:

Special event numbers should start with **SE**, then the last two numbers of the year involved, followed by a hyphen then the number of the actual event as: **SE 01-1, SE 01-2, etc.**

STOP ORDER. (see Article 7-107):

Conditional Use Application Number:

Name of Project:

Legal description of Property:

Name & Address of Entity:

Violation or Reason for the Issuance of this Stop Order:

Land Use Plan Article & Section Violated:

Date of Issuance:

Signature of Public Works Official:

Signature of Planning Commission Representative:

Signature of County Attorney or County Counselor:

Signature of Governing Body Chairman:

Notification of Hearing Time:

Notification of Hearing Date:

Notification of Hearing Location:

Notice Delivered by:

Date:

Notice Received by:

Date:

VARIOUS FEE SCHEDULES AND RESOLUTIONS:

Conditional Use Permit Application Fee:

Resolution No. _____

Amount: _____

Land Use Plan Amendment Fee:

Resolution No. _____

Amount: _____

Special Event Permit Fee:

Resolution No. _____

Amount: _____