

ARTICLE 3: GENERAL REGULATIONS

Section 3.01 Regulations and Districts

As provided by K.S.A. §19-2960 the Board of County Commissioners, by Resolution, may provide for the adoption or amendment of zoning regulations for the unincorporated portion of the county in the manner, and for the purposes, provided by this act. Such regulations may (1) restrict and regulate the height, number of stories and size of buildings; (2) the percentage of lots that may be occupied; (3) the size of yards, courts and other open spaces; (4) the density of population, including minimum width, depth and area of lots; (5) the location and use of buildings, structures and land for industry, business, trade or residence; and (6) the use of land located in areas designated as floodplains. Such Resolution shall define the boundaries of zoning classifications by description contained therein or by setting out such boundaries upon a map incorporated and published as a part of such Resolution, or by providing for the incorporation by reference in such Resolution of an official map upon which such boundaries shall be fixed.

The regulations shall be made in accordance with a land use plan and, in addition to the purposes provided in K.S.A. §19-2956, shall be designed to: (1) Lessen congestion in each district; (2) provide adequate light and air; (3) prevent the overcrowding of land; (4) avoid undue concentrations of population; and (5) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to existing conditions, to the character of the district, its peculiar suitability for particular uses and with a view to conserving the values of buildings and encouraging the most appropriate use of land within the county.

Section 3.02 Provision for Official Zoning Map

3.02.01 The County is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Chair of the County Board and attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Resolution No. (____) of Ellis County, Kansas", together with the date of the adoption of this Resolution. If, in accordance with the provisions of this Resolution, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Commissioners.

3.02.02 In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Board of Commissioners may by Resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chair and attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (Resolution No. (____)) of Ellis County, Kansas." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 3.03 Provisions of these Regulations Declared to be Minimum.

For purposes of interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of these Regulations require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other regulation, the provisions of these Regulations shall govern. Wherever the provisions of any other regulation requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of these Regulations, the provisions of

such Regulations shall govern.

Section 3.04 Agricultural land exempted.

Except for feedlots and areas designated as a flood plain, these Regulations shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings are used for agricultural purposes and not otherwise.

Section 3.05 Agritourism Exemption
Add Language

Section 3.05 Nonconforming, General Intent

Regulations adopted under authority of this act shall not apply to the existing use of any buildings or land and shall not prevent the restoration of a building damaged not more than 50% of its assessed valuation by fire, explosion, act of God, or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage, but shall apply to any alteration, expansion or enlargement of a building or alteration of any land after the effective date of any such zoning regulation. No determination nor rule nor regulation shall be held to apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings erected thereon are used for agricultural purposes and not otherwise.

Section 3.06 Nonconforming Lots of Record

1. In any district where buildings and structures are permitted, notwithstanding limitations imposed by other provisions of this Regulation, use and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Regulation. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district; provided:
 - a. The yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located;
 - b. Such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and
 - c. Has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous Regulations would have prohibited creation of such lot.

Section 3.07 Nonconforming Structures

Except as otherwise provided herein, the lawful use of a structure existing on the effective date of these Regulations may be continued although such use does not conform to the provisions hereof. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. The nonconforming use of a structure may be hereafter extended throughout those parts of a structure which were lawfully and manifestly arranged or designed for such use at the time of the enactment of these Regulations.

Section 3.08 Nonconforming Uses of Land

Where open land is being used as a nonconforming use at the time of the enactment of these Regulations, and such use is the principal use and not accessory to the main use conducted in a structure, such use may be continued; provided, such nonconforming use shall not be extended or enlarged, either on the same or adjoining property. The protection afforded to nonconforming use of land by this section applies only to such land held under ownership or lease agreement for said activity on or before the effective date of these Regulations but shall not apply to new lands purchased or leased after said date. In addition, said protection shall not apply to any activities not legal under the terms of the regulations which these Regulations replace.

Section 3.09 Discontinuance of Nonconforming Uses

No land or structure or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment, fixtures, improvements or facilities are removed, shall again be used except in conformity with the regulations of the district in which such land or structure is located.

Section 3.10 Destruction of a Nonconforming Use

No structure which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the structure, immediately prior to damage, shall be restored except in conformity with the provisions of these Regulations, and all rights as a nonconforming use are terminated. If a structure is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided, that such repairs or reconstruction be substantially completed within 12 months of the date of such damage.

Section 3.11 Intermittent Use

The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 3.12 Existence of a Nonconforming Use

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Zoning Administrator, subject to appeal to the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board and of these Regulations.

Section 3.13 Repairs and Maintenance

1. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic area of the building as it existed at the time of passage of amendment of this Regulation shall not be increased.
2. Nothing in this Regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 3.14 Vesting of Development Rights

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

1. The rights of landowners of properties platted or subdivided for rural residential or suburban residential development in conformance with the definition of said terms in these Regulations shall be protected for use of said land for the intended rural residential or suburban residential purposes for a period of five years from the time in which such property was first platted or subdivided, provided:
 - A. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
 - B. Within said five-year period actual sales occur resulting in separate owners on the tracts of land.
 - C. The division of land was legally done in conformance with the then Ellis County Subdivision Regulations.
2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five year period shall be considered an unplatted lot, as defined in these Regulations, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations then in effect.
3. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with these Regulations and the Ellis County Subdivision Regulations. Persons who obtain a validly issued permit under the previous Ellis County Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous Ellis County Zoning Regulations does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these Regulations or the Ellis County Subdivision Regulations then in effect.

Section 3.15 Uses Under Conditional Use Permit Not Nonconforming Uses

Any use for which a Conditional Use Permit has been issued as provided in this Regulation shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

Section 3.16 Interpretation

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, moral, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

Section 3.17 Scope of Regulations

No building, structure, or land within the jurisdiction of Ellis County shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Regulation herein specified for the district in which it is located and except after receiving a zoning permit from the Ellis County Zoning Administrator and:

1. Every building hereafter erected shall be located on a lot of record.
2. Only one principal building will be permitted on one lot of record, unless otherwise allowed in this regulation.
3. In a Planned Unit Development, before a zoning permit can be granted, an application for a Zoning Compliance Certificate shall be submitted for approval.
4. After a county road has been classified as a **minimum maintenance** road or is an unimproved road, no zoning permits for residential dwellings, mobile home, or manufactured home shall be issued on any property adjoining such classified road.

Section 3.18 Zoning Standards

No nonconforming building, structure, or part thereof shall hereafter be erected or altered if it does not meet the requirements described in these regulations, unless a variance is granted:

1. To reduce any required yard setbacks
2. To exceed the height or bulk
3. To occupy a greater percentage of lot area
4. To erect or place any building, or structure, or part thereof into any zoning district to be used or occupied.
5. To relocate or transport any building, structure, or part thereof into any zoning district to be used or occupied.
6. To accommodate or house a greater number of families.

No part of a yard or other open space required in connection with any building, occupancy, or use for the purpose of complying with these regulations shall be included in the calculations to determine the size of area necessary to accommodate the off-street parking and loading space requirements.

Section 3.19 Right-of-Way Splits and Minimum Lot Requirements

In circumstances where a parcel of ground owned by one individual or party was split into two or more parcels by action taken by the KDOT or Ellis County and one or more of the resulting lots has been made a non-conforming tract(s) for development, the required minimum lot size may be less than required and may be approved administratively. However, in all circumstances, the minimum setback requirements shall be observed. In addition, said tract(s) was conforming prior to said action.

Section 3.20 Lot

1. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case, shall there be more than one principal building on a lot unless otherwise provided.
2. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances provided the Planning Commission approves the application through a Conditional Use Permit.
 - A. Institutional buildings,
 - B. Public or semi-public buildings,

ARTICLE 3: GENERAL REGULATIONS

- C. Multiple-family dwellings,
 - D. Commercial or industrial buildings,
 - E. Housing for the Elderly, or
 - F. Agricultural buildings.
3. In the event a lot is to be occupied by a group of two or more related buildings to be used for residential, school, institutional, hotel, or motel purposes, there may be more than one main building on the lot where such buildings are arranged around a court having a direct street access; provided, however:
 - A. Said court, between buildings are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for 1-story buildings, 40 feet for 2-story buildings, and 50 feet for 3-story buildings, and, in no case may such buildings be closer to each other than 15 feet;
 - B. Where a court having direct street, access is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 20 feet for 1-story buildings, 30 feet for 2-story buildings, and 40 feet for 3-story buildings.
 4. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
 5. Except as herein provided for accessory buildings and structures, whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
 6. Double Frontage Lots: The required front yard shall be provided on each street.
 7. Building Groupings: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.
 8. Corner Lots: On corner lots, a front setback shall be provided along the shorter street frontage. A setback of 15 feet shall be provided along the other street frontage.
 9. Front Yards: When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
 10. Through Lots: The required front yard shall be provided on each street.
 11. Side Yards: The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 24 feet, except where a side yard is adjacent to a business or industrial district, in which case the depth of the yard shall be as required in the district in which the building is located.

Section 3.21 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of these Regulations are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose as discussed in Section 3.19.

Section 3.22 Yard Requirements

1. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with these regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
2. No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.
3. All accessory buildings connected to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
4. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall contain landscaping and planting suitable to provide effective screening.
5. Any yard for a commercial or industrial use which is adjacent to any residential use or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening.

Section 3.23 Drainage

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the County or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 3.24 Permitted Obstructions in Required Yards

The following shall not be considered obstructions when located in the required yards:

1. All Yards:
 - A. Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley;
 - B. Chimneys projecting 24 inches or less into the yard;
 - C. Recreational and laundry-drying equipment;
 - D. Approved freestanding signs;
 - E. Arbors and trellises;
 - F. Flag poles;
 - G. Window unit air conditioners projecting not more than 18 inches into the required yard;
 - H. Fences or walls subject to applicable height restrictions are permitted in all yards; and
 - I. Egress windows and bulkhead enclosure.
2. Front Yards:
 - A. Bay windows projecting three feet or less into the yard are permitted;
 - B. Open or screened porches, platforms or terraces not over three feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch provided they do not extend or project into the yard more than six feet and has no more than 48 square feet of area; and
 - C. Awnings and canopies provided they do not extend or project into the yard more than six feet and has no more than 48 square feet of area.
3. Rear and Side Yards:
 - A. Open off-street parking spaces;
 - B. Balconies or outside elements of central air conditioning systems; and
 - C. Open or screened porches, platforms or terraces not over three feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch.
4. Building Groupings:
 - A. For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 3.25 Accessory Building and Uses

1. In no event shall a portable storage container be used as permanent storage/accessory building within any residential district.
2. No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
3. No accessory building shall be constructed in the required front yard in a Residential District.
4. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
5. Within the R-1, V-1, and IV-1 Districts, accessory buildings and structures may be located in a required rear yard; however, no accessory building may be located closer than 5 feet from a rear lot line.
6. Accessory buildings and structures shall maintain the same side and front yard setback as required for the principle structure.
7. When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 3.25 (4) above.

ARTICLE 3: GENERAL REGULATIONS

8. When a detached garage has access to an alley within the R-1, V-1 and IV-1 Districts, the rear yard setback shall be increased to 10 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise, it shall be a minimum of five feet.
9. Temporary and portable carports, within the R-1, V-1, and IV-1 Districts may be allowed in designated zoning districts provided the following criteria shall be met:
 - A. The carport shall be anchored to the ground with a permanent footing.
 - B. Carport shall not be allowed to have more than two sides covered with a siding material.
 - C. Siding material shall match the style of the primary structure on the lot.
 - D. Shall meet all minimum setbacks.
10. Detached private garages and outbuildings in the R-1, V-1, and IV-1 Districts within the jurisdiction of Ellis County for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction and meet the following:
 - A. Be constructed of materials that are in good repair,
 - B. The sidewalls of said building shall not exceed 10 feet in height,
 - C. Garages shall have an overhang of at least six inches,
 - D. Garages shall have a maximum width of 36 feet,
 - E. Garages shall be constructed and finished in materials customary to residential construction.
11. Regulation of accessory uses shall be as follows:
 - A. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 - B. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further provided that canopies and other similar coverings over the pumps and pump islands shall have at least 14 feet of clearance and shall not project beyond the property line.
 - C. Accessory storm shelters which are not a part of the main building may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.

Section 3.26 Occupancy of Basements and Cellars

Basements may be occupied for residential purposes until the remainder of the house has been substantially completed.

Section 3.27 Permitted Modifications of Height Regulations

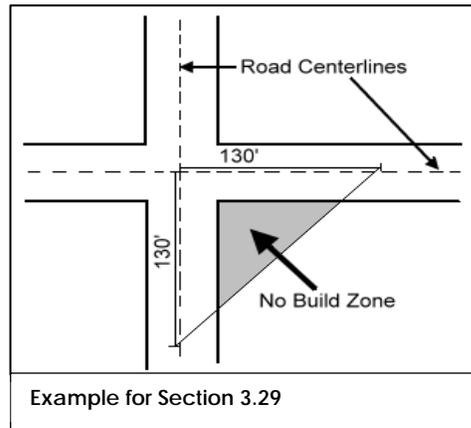
1. The height limitations of this Regulation shall not apply to:
 - Air-Pollution Prevention Devices
 - Barns, silos and other ag. structures
 - Belfries
 - Chimneys
 - Church Spires
 - Conveyors
 - Cooling Towers and Ventilators
 - Cupolas
 - Derricks
 - Domes
 - Elevator Bulkheads
 - Commercial Elevator Penthouses
 - Fire Towers
 - Grain Elevators
 - Masts and Aerials
 - Non-commercial wind turbines
 - Ornamental Towers and Spires
 - Observation Towers
 - Public Monuments
 - Radio/Television Towers less than 125 feet tall
 - Smokestacks
 - Solar Panels
 - Stage Towers or Scenery Lots
 - Tanks
 - Water Towers and Standpipes
 - Wind Energy Conversion System-Commercial / Utility grade
2. When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet.
3. Any necessary mechanical apparatus usually required to be placed above the roof level and not intended for human occupancy may be erected to any safe height not in conflict with any other existing federal, state or local regulations, or any other County regulations. These structures shall require permits as required by the County.

Section 3.28 Amenities, Fire

Open or lattice-enclosed fire escapes fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard, may be permitted by the Zoning Administrator for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct lights and ventilation.

Section 3.29 County Road Intersections

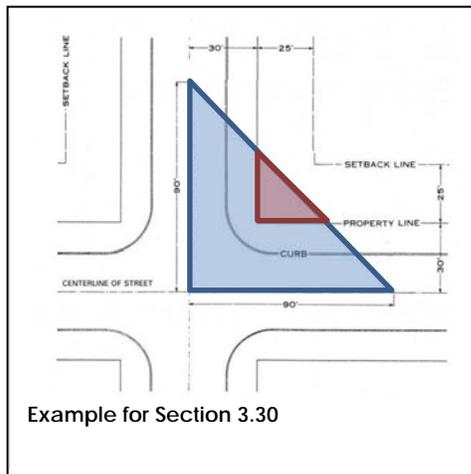
On a corner lot or the intersection of two county roads or a county road and a Federal or State Highway in any district, nothing shall be erected, planted or allowed to grow in such a manner as to materially impede vision between a height of three feet and 10 feet above the grades of the centerline of the intersecting street or road, from the point of intersection 130 feet in each direction measured along the centerline of the streets or roads.



Example for Section 3.29

Section 3.30 Obstructions to Vision at Street Intersections

On a corner lot within the R-1, V-1, and IV-1 Districts, within the area formed by the center line of streets at a distance of 90 feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At the intersection of major or arterial streets, the 90-foot distance shall be increased to 120 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. See "Sight Triangle," as defined in Article 2 of this Regulation.



Example for Section 3.30

Section 3.31 Reserved

Section 3.32 Building Setback

1. The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest exterior wall of the existing or proposed structure, or
2. Where the centerline of a road is identified, said setback shall be from the centerline of the road to a point horizontally located at the required minimum distance.

Section 3.33 Temporary Structures

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts.

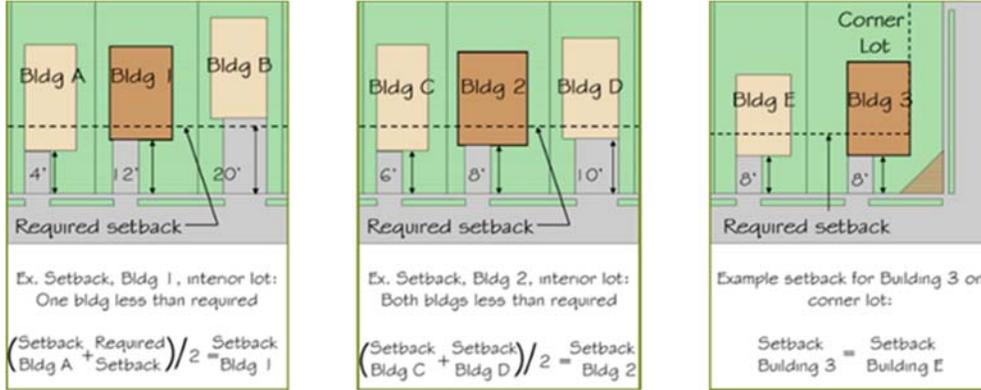
The following temporary uses of land are permitted subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

1. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
 - a. Such use shall continue only during the duration of the project and additionally that the contractor's office and equipment sheds are removed within 30 days after the project is complete.
2. Real estate offices (containing no sleeping or cooking accommodations) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
 - a. Such use shall continue only during the duration of the project and additionally that the real estate offices are removed within 30 days after the project is complete.
3. Seasonal sale of farm produce (including Christmas trees) grown on the premises on districts where permitted, to continue for not more than four months per year; structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
4. Temporary occupancy, of a mobile home for residential purposes may be allowed during the actual construction or reconstruction of a dwelling.

Section 3.34 Front Yards in Residential Districts

The front yards heretofore established may be adjusted in the following cases:

1. In the R-1, V-1, and IV-1 Districts where 40% or more of the frontage on one side of the street between two intersecting streets is developed with buildings that have a setback less than the required Front Yard setback of the District, then:
 - A. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard may be a line drawn between the two closest front corners or the adjacent buildings on the two sides



Section 3.35 Screening

1. Junkyards (salvage or wrecking yards) shall be screened with an eight-foot-high opaque, solid fence, brick wall, or earth berm so as to provide visual and aural separation between such use and adjacent areas.
2. Junkyards (salvage or wrecking yards) located next to railroad right-of-way shall have a 10-foot-high opaque, solid fence, brick wall, or earth berm on the property line common to the railroad right-of-way

Section 3.36 Fences, Walls, Hedges and Trees

1. Fences and walls up to six feet in height shall be permitted in any required yard, or along the edge of any yard, provided that within any required front yard in the R-1, V-1, V-2, and IV-1 Districts, no fence, wall or hedge shall be over four feet in height nor closer than 25 feet to any public right-of-way. The only exception to the foregoing shall be in Industrial Districts where height may exceed six feet, however such fences, walls and hedges shall be no closer than 25 feet to a county road right-of-way. No such hedges shall be permitted to encroach onto public rights-of-way or across property lines.
2. Trees or hedges reaching over six feet in height shall be permitted in any required yard or along the edge of any yard, provided that such trees or hedges be planted at least 25 feet from a county road right-of-way. No such trees and hedges shall be permitted to encroach onto public rights-of-way or across property lines. No such trees shall be planted under overhead utility lines.

Section 3.37 Public Utility Facilities Lot Size Requirements

Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located:

1. Electric and telephone substations and distribution systems, including transformer stations.
2. Gas regulator stations.
3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas, or water.
4. Broadcasting and microwave transmitting or relay stations and towers, except as may be required to meet setback requirements.
5. Water tower or standpipes.
6. Pumping stations.

Section 3.38: Sanitation Requirements

Hereafter all structures used for habitation, employment or otherwise - providing indoor plumbing facilities shall be connected to a municipal type, public benefit, or approved private sewerage disposal system. It shall be unlawful to occupy any structure without providing for said system. It shall be unlawful

to discharge sewage either beneath or on top of the ground without an approved system. It shall be unlawful to operate a malfunctioning sewerage system that discharges effluent to the surface of the ground.

Section 3.39 Prohibited Uses

All uses not specifically listed within a particular zoning district are deemed to be prohibited unless such use is deemed to be similar to a listed use or until some point where this Regulation is amended to include said use.

Section 3.40 Fees

The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted by the County Board of Commissioners by separate Resolution.