

**ARTICLE 4: ZONING DISTRICTS**

**Section 4.01 Establishment of Districts**

1. Purpose: For the purpose of these Regulations, the jurisdictional area defined in Section 1.03 is hereby divided into the following districts, the respective symbol for each district being set forth opposite its title:

A-1	Agricultural Preservation District
TA-1	Transitional Agricultural District
RPC-1	River Protection Corridor
RR-1	Rural Residential District
SR-1	Suburban Residential District
RM	Mobile Home Residential District
C-1	Commercial District
F-1	Flex District
I-1	Light Industrial District
V-1	Village District (Antonino, Catharine, Munjor, Pfeifer, Walker, Yocemento)
IV-1	Incorporated Village District (Schoenchen)
FP-1	Floodplain/Floodway Overlay District
PDO	Planned Development Overlay District
AO	Airport Hazard Area District

2. Designation: Each such district may be designated on the Zoning Map, in the Use and Bulk Tables and elsewhere in the text of these Regulations by symbol only.

**Section 4.02 Zoning Map**

1. General: The areas and boundaries of such districts are hereby established as shown on the Official Zoning Map, and said Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these Regulations. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the County Clerk and bear the seal of the County. The Official Zoning Map shall be the final authority as to the current zoning status of land, water areas, buildings and structures.
2. Zoning Map Changes. If, in accordance with the provisions of the Regulations changes are made in the district boundaries or on other matter portrayed on the Official Zoning Map, such changes shall be entered promptly after the amendment has been approved by the legislative body with an entry showing the nature of the change, the date, the signature of the Chairman of the County Board of Commissioners and the attestation by the County Clerk. No such change shall become effective until entry is made on the Map.

**Section 4.03 Rules for Interpretation of District Boundaries on the Official Zoning Map**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following County and/or City limits or the extraterritorial jurisdiction shall be construed as following such County and/or City limits or the extraterritorial jurisdiction.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Appeals shall interpret the district boundaries.
9. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this Ordinance, The Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

**Section 4.04 Land Use Categories Matrix Explanation**

The Matrix found in Section 4.05 of this Ordinance is a listing of uses that may be allowed within the variety of Zoning Districts.

1. The different uses are grouped into specific "Land Use Categories".
2. The "Land Use Categories" are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a "Land Use Category" is listed within a specific Zoning District, it DOES NOT indicate every use in the "Land Use Category" is allowed within the specific District.

The different uses within Section 4.05 are Exempt from Zoning per State Law (E), Outright Allowed (no permitted required (O), Permitted (P), Allowed upon approval of a Conditional Use Permit (C), Temporary (T) or not permitted (-).

In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

1. Find the Use Type that matches your application.
2. Look across the table and determine which of the Zoning Districts it may be allowed.
3. Determine any special criteria for the use(s) by referring to the specific District.
4. Determine where the specific Zoning Districts are by reviewing the Official Zoning Map.
5. Determine the necessary procedures to receive required permits after the land or property is the control of the applicant.
6. When doubt, please confer with Planning staff.

The Table in Section 4.05 also lists Accessory Uses which may be allowed or not allowed in any specific Zoning District. The Accessory Use listing can be found at the end of the Table.

Section 4.05 Land Use Categories/Matrix

E = Exempt from Zoning by State Law  
 P = Permitted  
 C = Conditional Use Permit  
 T = Temporary  
 "-" = not permitted

Use Category	Use Type	Zoning Districts											Additional Requirements
		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	I-1	V-1	IV-1	
Agriculture and Horticulture Uses	Agricultural buildings - general agricultural/storage uses	E	E	E	-	-	-	E	E	E	-	-	See Section 3.04
	Agricultural operations	E	E	E	-	-	-	E	E	E	-	-	See Section 3.04
	Livestock operations/Confined feeding operations	E	E	E	-	-	-	E	E	E	-	-	See Section 3.04, Section 8.13
	Cover crops	E	E	E	E	E	-	E	E	E	E	E	See Section 3.04
	Crop production	E	E	E	E	E	-	E	E	E	-	-	See Section 3.04
	Commercial greenhouse	P	P	P	-	-	-	C	C	C	C	C	
	Livestock sales	P	E	P	C	C	-	-	-	-	-	-	
	Roadside stands	P	P	P	-	-	-	P	P	P	-	-	See Section 8.23
	Livestock for 4-H purposes as a secondary use	E	E	E	P	C	-	-	-	-	-	-	
	Horses and other non-commercial livestock	E	E	E	P	P	-	-	-	-	-	-	
	Equestrian centers/stables	C	C	C	-	-	-	-	-	-	-	-	
Wineries	P	P	P	C	C	-	-	C	-	-	-		
Agricultural Sales and Service	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.	P	P	P	-	-	-	-	C	C	-	-	
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for personal use.	E	E	E	-	-	-	-	-	-	-	-	
	Agricultural implement & vehicle sales and service	P	P	P	-	-	-	P	P	P	C	C	
	Agricultural Cooperative/Distribution Facility	C	C	-	-	-	-	C	C	C	-	-	
	Agricultural research farm	E	E	E	-	-	-	-	C	C	-	-	
	Agricultural processing	P	P	P	-	-	-	-	C	C	-	-	
	Agriculture feed mixing and blending, seed sales and grain handling operations	P	P	P	-	-	-	P	C	P	C	C	
	Grain storage/Grain Storage System – personal	P	P	P	-	-	-	-	-	P	-	-	
	Grain storage/Grain Storage System – commercial	C	C	C	-	-	-	-	C	C	C	C	

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		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
Residential Living	Live-work unit	P	-	-	-	P	P	P	-	-	P	P	See Article 3 – various sections
	Multi-family dwelling	-	-	-	C	C	C	C	-	-	C	C	See Article 3 – various sections
	Condominiums	-	-	-	C	C	C	C	-	-	C	C	See Article 3 – various sections
	Mobile Home Dwellings in a Mobile Home Park	P	-	C	C	C	P	-	-	-	C	C	See Article 3 – various sections
	Mobile Home Dwelling - workers quarters	C	C	C	-	-	P	-	-	-	-	-	See Article 3 – various sections
	Seasonal dwelling or cabins	P	P	P	P	-	-	-	-	-	-	-	See Article 3 – various sections
	Single-family attached dwelling	-	-	-	P	P	P	-	-	-	P	P	See Article 3 – various sections
	Specialty dwelling, i.e. earthen and Quonset	P	P	P	P	P	P	-	-	-	P	P	See Article 3 – various sections
	Single-Family dwelling	P	P	P	P	P	P	-	-	-	P	P	See Article 3 – various sections
	Two-family/Duplex	-	-	-	C	C	P	-	-	-	P	P	See Article 3 – various sections
	Secondary Dwellings/Accessory Dwelling Units	C	C	C	P	P	-	-	-	-	P	P	See Article 3 – various sections
	Residential Design Manufactured Homes	P	P	P	P	P	P	-	-	P	P	P	See Section 8.04
Residential/ Commercial Institutions	Adult care homes	P	P	P	P	P	P	P	P	P	P	P	See Section 8.05
	Assisted Living Facilities	P	C	C	C	C	-	-	C	-	C	C	See Section 8.05
	Bed and Breakfast	C	C	C	C	C	-	-	-	-	C	C	See Section 8.19
	Convents	P	P	P	C	C	-	-	-	-	C	C	
	Emergency Residential Shelters	P	P	P	P	P	P	P	P	C	P	P	See Section 8.05
	Group Care Home	P	P	P	P	P	-	P	P	P	P	P	See Section 8.05
	Group Home	P	P	P	P	P	-	P	P	-	P	P	See Section 8.05
	Hospice	P	P	P	P	P	P	P	P	-	P	P	
	Life Care Facility	P	P	P	-	-	P	C	C	C	C	C	See Section 8.05
	Monasteries	P	C	C	C	C	-	-	-	-	C	C	
	Nursing Homes	P	-	-	C	C	-	C	C	-	C	C	See Section 8.05
	Retirement Homes	P	C	C	C	C	-	C	C	-	C	C	See Section 8.05
	Transitional housing	P	P	P	P	P	P	P	P	P	P	P	See Section 8.05



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		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
Day-Care, Public and Private Schools	Adult day-care home	P	P	P	P	P	P	P	P	-	P	P	
	Child Care Center	C	C	C	C	C	C	C	C	C	P	P	
	Child Care Home	P	P	P	P	C	C	P	P	P	P	P	
	Colleges and Universities	C	C	C	C	C	C	-	C	-	-	-	
	Day care centers	C	C	C	C	C	C	C	C	C	C	C	
	Preschools	C	P	P	P	P	C	P	P	-	P	P	
	Public & private schools (K-12)	P	P	P	P	P	P	-	P	-	P	P	
	Trade, career & technical schools	P	P	P	-	-	-	P	P	P	P	P	
Public Parks and Open Space	Arboretums	P	P	P	P	P	-	P	P	P	P	P	
	Athletic fields	C	C	C	C	C	-	P	P	P	C	C	
	Campground	C	C	C	-	-	-	-	-	-	-	-	
	Nature centers	P	C	P	-	-	-	C	-	-	-	-	
	Parks, trails, picnic areas, & playgrounds	P	P	P	P	P	-	P	P	P	P	P	
	State parks	P	P	P	P	P	P	P	P	P	P	P	
	Public pools and water parks	P	P	P	P	P	P	P	P	-	P	P	
	Dog Parks (not racing)	P	P	P	C	C	C	P	P	P	P	P	
Public/Private Utilities and Communication Services	Natural gas exploration & pumping	C	C	-	-	-	-	-	C	C	-	-	
	Natural gas depots	C	C	-	-	-	-	-	C	C	-	-	
	Wind Energy Conversion Systems - Commercial/Utility Grade	C	C	C	-	-	-	C	C	C	-	-	See Section 8.11
	Public works facilities	P	P	P	P	P	-	P	P	P	P	P	
	Wireless telecommunication, facilities & equipment, new tower	C	C	C	-	-	-	C	C	C	C	C	See Section 8.03
	Wireless telecommunication facilities & equipment, collocation and/or maintenance	P	P	P	-	-	-	P	P	P	P	P	See Section 8.03
	Neighborhood Solar	C	C	C	C	C	C	C	C	C	C	C	See Section 8.12
	Community Solar	C	C	C	-	-	-	C	C	C	C	C	See Section 8.12
Waste handling System for a commercial/Industrial use	C	C	-	-	-	-	C	C	C	C	C		

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		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
Animal Care	Animal Shelter	C	C	C	-	-	-	C	C	P	C	C	
	Kennel boarding or training	C	C	C	-	-	-	C	C	P	P	P	
	Kennel, commercial	C	C	C	-	-	-	C	C	P	P	P	See Section 8.07
	Pet cemetery	C	C	C	-	-	-	-	C	-	C	C	
	Pet crematorium	C	C	C	-	-	-	-	C	C	C	C	
	Pet grooming, Pet training	C	C	C	-	-	-	P	P	P	P	P	
	Animal hospital	P	P	P	-	-	-	P	P	P	P	P	See Section 8.06
Business and Household Services	Building maintenance & cleaning services	C	C	C	-	-	-	P	P	P	C	C	
	Copying, printing, mailing, & packaging services	C	C	C	-	-	-	P	P	P	P	P	
	Lawn, garden & yard maintenance services	C	C	C	-	-	-	P	P	P	P	P	
	Locksmiths and key duplication	C	C	C	-	-	-	P	P	P	P	P	
	Pest control services	C	C	C	-	-	-	-	P	P	P	P	
	Small appliances & household equipment repair	C	C	C	-	-	-	P	P	P	P	P	
	Well drilling/septic tank cleaning	C	C	C	-	-	-	P	P	P	P	P	
Financial Services	Banks	-	-	-	-	-	-	P	P	-	P	P	
	Automatic Teller Machine (ATM)	-	-	-	-	-	-	P	P	-	P	P	
	Brokerages	-	-	-	-	-	-	P	P	-	P	P	
	Credit Unions	-	-	-	-	-	-	P	P	-	P	P	
	Insurance offices	-	-	-	-	-	-	P	P	-	P	P	
	Financial advisory services	-	-	-	-	-	-	P	P	-	P	P	
	Specialty loan services	-	-	-	-	-	-	P	P	-	P	P	
Food and Beverage Services	Bakery, Retail	C	C	C	-	-	-	P	P	-	P	P	
	Banquet/reception facility	C	C	C	-	-	-	C	P	-	C	C	
	Brew-on Premises Store	-	-	-	-	-	-	P	P	-	C	C	
	Brewery	C	C	C	-	-	-	C	P	C	C	C	
	Craft Brewery (Commercial)	C	C	C	-	-	-	P	P	C	C	C	
	Catering service	C	C	C	-	-	-	C	P	C	C	C	
	Donut and pastry shops	C	C	C	-	-	-	P	P	-	P	P	
	Mobile Food Units	T	T	T	-	-	-	T	T	T	T	T	
	Restaurants w/o drive-through	-	C	-	-	-	-	P	P	-	-	T	

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		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
	Roadside produce stands	T	T	T	-	-	-	T	T	T	T	P	
	Tavern or bar	-	-	-	-	-	-	P	P	-	P	P	
	Drinking establishments	-	-	-	-	-	-	P	P	-	P	P	
	Coffee houses, coffee shops	-	-	-	-	-	-	P	P	-	P	P	
	Coffee kiosks	C	C	C	-	-	-	P	P	-	P	P	
General Commercial	Antiques and collectables shop	C	C	C	-	-	-	P	P	-	P	P	
	Art galleries	C	C	C	-	-	-	P	P	-	P	P	
	Artisan production shop	C	C	C	-	-	-	P	P	-	P	P	
	Artist Studio	C	C	C	-	-	-	P	P	-	P	P	
	Arts & crafts stores	C	C	C	-	-	-	P	P	-	P	P	
	Bicycle sales & service	C	C	C	-	-	-	P	P	-	P	P	
	Book store	C	C	C	-	-	-	P	P	-	P	P	
	Bridal sales & services	C	C	C	-	-	-	P	P	-	P	P	
	Business support services	C	C	C	-	-	-	P	P	-	P	P	
	Camping equipment sales	C	C	C	-	-	-	P	P	-	P	P	
	Computer hardware/software sales	C	C	C	-	-	-	P	P	P	P	P	
	Dance studios & schools	C	C	C	-	-	-	P	P	-	P	P	
	Electronic/appliance sales/service	C	C	C	-	-	-	P	P	P	P	P	
	Equipment sales/storage/rental	C	C	C	-	-	-	P	P	-	C	C	
	Equipment repair services	C	C	C	-	-	-	P	P	P	C	C	
	Exercise equipment sales	C	C	C	-	-	-	P	P	-	C	C	
	Fabric and sewing supply stores	C	C	C	-	-	-	P	P	-	C	C	
	Farmer's Market	P	P	P	-	-	-	P	P	-	C	C	
	Firearms and ammunition sales	C	C	C	-	-	-	C	P	C	C	C	
	Florists	C	C	C	-	-	-	P	P	-	C	C	
	Food store (specialty) incl. bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	C	C	C	-	-	-	P	P	-	P	P	
	Funeral homes, mortuaries, incl. crematoriums	C	C	C	-	-	-	P	P	P	C	C	
	Garden center	C	C	C	-	-	-	C	C	-	C	C	
	Heating/cooling sales and services	C	C	C	-	-	-	P	P	P	C	C	
	Lawn/garden equipment sales/ service	C	C	C	-	-	-	P	P	P	C	C	
	Musical instrument store	C	C	C	-	-	-	P	P	-	C	C	
	Pawn shops	C	C	C	-	-	-	P	P	-	C	C	
	Photographic equipment/supplies	C	C	C	-	-	-	P	P	-	C	C	
Pottery store	C	C	C	-	-	-	P	P	-	C	C		



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		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
	Religious book and card stores	C	C	C	-	-	-	P	P	-	C	C	
	Shoe stores and repair	C	C	C	-	-	-	P	P	-	C	C	
	Tanning Studio	C	C	C	-	-	-	P	P	-	C	C	
	Taxidermy Services	C	C	C	-	-	-	P	P	P	C	C	
	Tobacco store	C	C	C	-	-	-	C	C	-	C	C	
Special Commercial	Adult Entertainment	P	P	P	-	-	-	P	P	P	C	C	See Section 8.16
	Billiard halls	-	-	-	-	-	-	P	P	-	C	C	
	Boat dealers	-	-	-	-	-	-	-	P	P	-	-	
	Building materials dealers	-	-	-	-	-	-	-	P	P	C	C	
	Commercial greenhouses	C	C	C	-	-	-	-	P	P	C	C	
	Business Center	-	-	-	-	-	-	P	P	-	C	C	
	Concrete and cinder block sales	-	-	-	-	-	-	-	P	P	C	C	
	Convenience store	C	C	C	-	-	-	P	P	C	C	C	
	Drive-in theater	C	C	-	-	-	-	P	P	-	C	C	
	Equipment rental and leasing	C	C	C	-	-	-	-	P	P	C	C	
	Fencing dealers	C	C	C	-	-	-	C	P	P	C	C	
	Fireworks stands	T	T	T	-	-	-	T	T	T	T	T	
	Gasoline filling stations, incl. Self-Service	C	C	C	-	-	-	P	P	C	C	C	
	Liquor stores	C	C	C	-	-	-	C	C	-	C	C	
	Monument sales	C	C	C	-	-	-	P	P	P	C	C	
	Motels and hotels	-	-	-	-	-	-	C	P	-	C	C	
	Nurseries, retail sales	C	C	C	-	-	-	-	P	P	C	C	
	Parking Area, stand- alone	-	-	-	-	-	-	P	P	P	C	C	
	Pet Shop	-	-	-	-	-	-	P	P	-	C	C	
	Piercing Studio	-	-	-	-	-	-	P	P	P	C	C	
Swimming pool sales	C	C	C	-	-	-	P	P	P	C	C		
Tattoo Parlor	-	-	-	-	-	-	P	P	P	C	C		
Theaters and auditoriums	-	-	-	-	-	-	P	P	-	C	C		
Medical Uses, not including Home Occupations	Acupuncture offices	-	-	-	-	-	-	P	P	-	P	P	
	Chiropractor offices	-	-	-	-	-	-	P	P	-	P	P	
	Dental offices incl. orthodontics	-	-	-	-	-	-	P	P	-	P	P	
	Massage therapy	-	-	-	-	-	-	P	P	-	P	P	
	Medical offices	-	-	-	-	-	-	P	P	-	P	P	
	Optical sales & services	-	-	-	-	-	-	P	P	-	P	P	
	Rehabilitation facilities incl. out-patient services	-	-	-	-	-	-	P	P	-	P	P	

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Office Uses, not including Home Occupations	Accounting services counseling	-	-	-	-	-	-	P	P	-	P	P	
	Attorney offices	-	-	-	-	-	-	P	P	-	P	P	
	Business offices	-	-	-	-	-	-	P	P	P	P	P	
	Consultant offices	-	-	-	-	-	-	P	P	P	P	P	
	Investment counseling	-	-	-	-	-	-	P	P	-	P	P	
	Photographic studios	-	-	-	-	-	-	P	P	-	P	P	
	Real Estate offices	-	-	-	-	-	-	P	P	P	P	P	
	Utility/telephone company offices	C	C	C	-	-	-	P	P	P	P	P	
Recreational Commercial	Bowling alley	-	-	-	-	-	-	P	P	P	P	P	
	Commercial stables	C	C	C	-	-	-	C	P	-	C	C	
	Golf courses, public & private	P	C	C	C	C	-	C	P	-	C	C	
	Golf driving ranges	P	C	C	C	C	-	C	C	P	C	C	
	Gun clubs	C	C	C	C	C	-	C	C	C	C	C	
	Health clubs/spas	C	C	C	-	-	-	P	P	C	C	C	
	Miniature golf courses	-	-	-	-	-	-	P	P	-	P	P	
	Paintball Course	C	C	C	-	-	-	-	P	C	C	C	
	Racetrack	C	C	C	-	-	-	-	C	C	C	C	
	Recreational facility, Indoor	C	C	C	-	-	-	-	C	C	C	C	
	Recreational facility, outdoor	C	C	C	-	-	-	-	C	C	C	C	
	Recreational vehicle (RV) Park	C	C	C	-	-	-	C	C	C	C	C	
	Riding Academies	P	P	P	-	-	-	-	-	-	C	C	
	Roller- and ice-skating rink	-	-	-	-	-	-	P	P	-	C	C	
	Skate Park	-	-	-	C	C	-	P	P	-	C	C	
Special Event	C	C	C	-	-	-	C	C	C	C	C		
Amusement arcade	-	-	-	-	-	-	P	P	P	C	C		
Automotive	Auto body repair	-	-	-	-	-	-	C	P	P	C	C	
	Automotive/machinery repair shop	-	-	-	-	-	-	C	P	P	C	C	



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Use Category	Use Type	Zoning Districts											Additional Requirements
		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
Contractors, Contractor Yards, Storage and Supply	Building materials sales/storage yards (excl. asphalt/concrete mixing)	C	-	-	-	-	-	C	P	P	C	C	
	Bulk materials or machinery storage (fully enclosed)	C	-	-	-	-	-	P	P	P	C	C	
	Carpenters	C	C	C	-	-	-	C	P	P	P	P	
	Construction batch plants	C	C	C	-	-	-	C	P	P	C	C	
	Construction yards incl. Offices & equipment storage yards excl. heavy machinery	C	C	-	-	-	-	C	C	P	C	C	
	Electricians	C	-	-	-	-	-	P	P	P	P	P	
	Heating & ventilating contractors	C	C	C	-	-	-	P	P	P	P	P	
	Masons & bricklayers	C	C	C	-	-	-	P	P	P	C	C	
	Plumbers	C	C	C	-	-	-	P	P	P	P	P	
	Trade shops (incl. cabinet makers)	C	C	C	-	-	-	P	P	P	P	P	
	Above ground Storage Tanks	C	C	C	-	-	-	C	C	P	C	C	See Section 8.18
Large Contracting/ Materials Manufacturing	Asphalt contractors	-	-	-	-	-	-	C	C	P	C	C	
	Concrete block manufacturing	-	-	-	-	-	-	-	C	P	C	C	
	Concrete Contractors	C	C	C	-	-	-	C	C	P	C	C	
	Concrete products	-	-	-	-	-	-	-	C	P	C	C	
	Excavating contractors	C	C	C	-	-	-	C	C	P	C	C	
	Heavy construction companies	C	C	C	-	-	-	C	C	P	C	C	
	Highway/street construction co.	C	C	C	-	-	-	C	C	P	C	C	
	Manufactured housing fabrication	-	-	-	-	-	-	-	C	P	C	C	
	Prefabricated buildings & components manufacturing	-	-	-	-	-	-	-	C	P	C	C	
	Wrecking & demolition contractors	C	C	C	-	-	-	C	C	P	C	C	

**ARTICLE 4: ZONING DISTRICTS**

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Use Category	Use Type	Zoning Districts											Additional Requirements
		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
Food Processing and Manufacturing	Bakery Products Manufacturing	-	-	-	-	-	-	-	C	P	-	-	
	Beverage Blending and Bottling (Except Breweries)	-	-	-	-	-	-	-	C	P	-	-	
	Coffee, Tea and Spice Processing and Packaging	-	-	-	-	-	-	-	C	P	-	-	
	Creamery and Dairy Operations	C	C	C	-	-	-	-	C	P	-	-	
	Dairy Products Manufacturing	C	C	C	-	-	-	-	C	P	-	-	
	Egg Processing Plants	C	C	C	-	-	-	-	C	P	-	-	
	Flour, Feed and Grain Grinding and Milling	C	C	C	-	-	-	-	C	P	-	-	
	Fruit and Vegetable processing, Canning, preserving, Drying and freezing	C	C	C	-	-	-	-	C	P	-	-	
	Ice Manufacturing (Incl. Dry Ice)	-	-	-	-	-	-	-	C	P	-	-	
	Meat Processing	-	-	-	-	-	-	-	C	P	C	C	
Mining and Excavation	Brick, firebrick and clay products manufacturing	C	C	C	-	-	-	-	C	C	-	-	
	Monument & architectural stone manufacturing	C	C	C	-	-	-	-	C	C	-	-	
	Soil excavation/mining for commercial purposes	C	C	C	-	-	-	C	C	C	-	-	See Section 8.15
	Soil excavation/mining for a public entity/project	P	P	P	P	P	-	P	P	P	-	-	See Section 8.15
	Quarry	C	C	C	-	-	-	-	C	C	-	-	See Section 8.15
	Sand pit excavation	C	C	-	-	-	-	-	-	C	-	-	See Section 8.15
Metal Processing, Stamping	Culvert manufacturing	-	-	-	-	-	-	-	C	C	-	-	
	Fabricated metal products	-	-	-	-	-	-	-	C	C	-	-	
	Welding	-	-	-	-	-	-	-	C	C	-	-	
	Wire Rope and Cable Mfg.	-	-	-	-	-	-	-	C	C	-	-	

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Use Category	Use Type	Zoning Districts											Additional Requirements
		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
Waste Handling	Landfill, Construction Material	U	U	U	U	U	U	U	U	U	U	U	
	Landfill, Solid Waste	U	U	U	U	U	U	U	U	U	U	U	
	Recycling Center	U	U	U	U	U	U	U	U	C	C	U	
	Recycling Processing	U	U	U	U	U	U	U	U	C	C	U	
	Sanitary Transfer Station	U	U	U	U	U	U	U	U	C	C	U	
Products Manufacturing	Basket & hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	U	U	U	U	C	P	-	-	
	Millwork manufacturing	-	-	-	U	U	U	U	C	P	C	C	
	Electronics manufacturing	-	-	-	U	U	U	U	C	P	C	C	
	Machinery manufacturing	-	-	-	U	U	U	U	C	P	-	-	
	Musical instruments manufacturing	-	-	-	U	U	U	U	C	P	-	-	
	Pharmaceutics manufacturing	-	-	-	U	U	U	U	C	P	-	-	
	Printing and publishing plants	-	-	-	U	U	U	U	C	P	C	C	
	Tool, die, gauge and machine shops	-	-	-	U	U	U	U	C	P	C	C	
Wind turbine manufacturing	-	-	-	U	U	U	U	C	C	C	C		
General Manufacturing (High Hazard)	Automobile Wrecking Yard	-	-	-	-	-	-	-	C	C	-	-	See Section 8.20
	Bio-Fuels Manufacturing, including Ethanol production	C	C	C	U	U	U	U	C	C	-	-	See Section 8.21
	Grain Elevator and Storage Facilities	C	C	C	-	-	-	-	C	C	C	C	
	Oils, Shortenings, and Fats (edible) Processing and Storage	-	-	-	U	U	U	U	C	P	-	-	
	Oils, Vegetables, and Animal (non-edible) Processing and Storage	-	-	-	U	U	U	U	C	P	-	-	
	Petroleum, Gasoline, or Lubricating Oil Refining, & Wholesale Storage	-	-	-	U	U	U	U	C	P	C	C	
	Salvage Operations	-	-	-	U	U	U	U	C	C	-	-	See Section 8.20
	Scrap or Salvage Yards	-	-	-	U	U	U	U	C	C	-	-	See Section 8.20
	Waste Recovery Facilities – Commercial, Industrial & Residential	-	-	-	U	U	U	U	C	P	-	-	
	Wood Preserving Treatment	-	-	-	U	U	U	U	C	P	-	-	

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Use Category	Use Type	Zoning Districts											Additional Requirements
		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
Accessory Uses	Accessory off-street parking and loading spaces	P	P	P	P	P	P	-	P	P	P	P	
	Animals and Livestock on Residential Acreages	P	P	P	P	P	-	-	-	P	-	-	
	Awnings	P	P	P	P	P	P	P	P	P	P	P	
	Barns	P	P	P	P	P	P	-	P	P	-	-	
	Bins, grain storage	P	P	P	-	-	-	-	P	P	-	-	
	Carports	P	P	P	P	P	P	-	P	P	P	P	
	Decks, gazebos, patios (elevated or on-grade)	P	P	P	P	P	P	-	-	-	P	P	
	Fences	P	P	P	P	P	P	P	P	P	P	P	See section 3.36
	Flagpoles	P	P	P	P	P	P	P	P	P	P	P	
	Freestanding canopy	P	P	P	P	P	P	-	-	-	P	P	
	Fuel storage does not apply to convenient stores and gas stations	P	P	P	-	-	-	-	P	P	-	-	
	Fuel tanks and Dispensing Equipment	P	P	C	-	-	-	-	C	P	-	P	
	Garages, Private	P	P	P	P	P	P	-	-	-	P	P	See section 3.25
	Garage, Storage	P	P	P	P	P	P	-	P	P	P	P	See section 3.25
	Gate or guard house for subdivisions	P	P	P	P	P	P	P	P	P	P	P	
	Gate or guard house for businesses	P	P	P	P	P	P	P	P	P	P	P	
	Grain Storage Systems	P	P	P	-	-	-	-	P	P	-	-	
	Greenhouses, Non-commercial	P	P	P	P	P	P	-	P	-	P	P	
	Ham and Shortwave towers and transmitters	P	C	C	C	C	C	C	C	C	C	C	
	Heliports	C	C	C	-	-	-	-	C	C	C	-	
	Home Occupations	P	P	P	P	P	P	P	-	-	P	P	See Section 8.01 and Section 8.02
	Home-based Businesses	P	P	P	P	P	P	P	-	-	P	P	See Section 8.01 and Section 8.02
	Lighting, Exterior	P	P	P	P	P	P	P	P	P	P	P	
	Outdoor Wood Furnaces	P	P	P	C	-	-	C	C	C	C	C	
	Parabolic and satellite dish style antennae	P	P	P	P	P	P	P	P	P	P	P	
	Parking areas including loading areas	P	P	P	-	-	-	-	P	P	P	C	
	Portable on-demand storage containers	T	T	T	T	T	T	T	T	T	T	T	
	Porch, unenclosed	P	P	P	P	P	P	-	-	-	P	P	
	Private Airstrip	C	C	C	-	-	-	-	-	C	-	-	
	Private Wells	P	P	P	P	P	P	P	P	P	P	P	
	Recreational Equipment	P	P	P	P	P	P	-	-	-	P	P	
	Secondary/Accessory Dwellings	C	C	C	-	-	-	-	-	-	C	C	
	Silos	P	P	P	P	P	-	-	P	P	-	-	
	Solar energy systems for use on individual properties or buildings	P	P	P	P	P	P	P	P	P	P	P	See Section 8.12
Storage building using multiple storage containers	P	P	P	C	C	P	C	C	P	C	P		

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Use Category	Use Type	Zoning Districts											Additional Requirements
		A-1	TA-1	RPC-1	RR-1	SR-1	RM	C-1	F-1	L-1	V-1	IV-1	
	Storage Sheds	P	P	P	P	P	P	P	P	P	P	P	See Section 3.25
	Swimming pools	P	P	P	P	P	P	-	-	-	P	P	
	Tennis courts	P	P	P	P	P	P	-	-	-	P	P	
	Vending Machines	P	P	P	-	-	P	P	P	P	P	P	
	Wind Energy Conversion System	C	C	C	C	C	C	C	C	C	C	C	See Section 8.10



**ARTICLE 4: ZONING DISTRICTS**

**Section 4.06 A-1 – Agricultural District**

**4.06.01 Intent:**

The regulations set forth in this Section or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "A-1" Agricultural District. The purpose of this District is to provide for a full range of agricultural activities on land used for agricultural purposes, including processing and sale of agricultural products raised on the premises; and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectional, hazardous, incompatible and unsightly uses. The District is also intended to protect watersheds and water supplies; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of suburban residential, rural residential, and/or more dense urban development. In this regard, all lands used for agricultural purposes, as defined in these regulations, are and shall be exempt from all restrictions or limitations.

No administrative interpretation shall be made resulting in any restriction or stipulation on land used for agricultural purposes as herein defined; provided, however, consistent with state law, new agricultural buildings shall be subject to floodplain regulations and to setback requirements on the 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 the requirements of these Regulations.

**4.06.02 Permitted Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.06.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the A-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.06.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.06.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.06.06 Height and Lot Requirements:**

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Front Yard (feet)	Rear Yard ** (feet)	Side Yard ** (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	5 <sup>+</sup>	300	300	*	20*	10*	45****	20
Other Permitted Uses	5 <sup>+</sup>	300	300	*	20*	10*	45****	20
Grain Bins and other Agricultural structures (not on the same property as a farmstead)	3	100	100	*	20*	10*	45****	-
Conditional Uses	5 <sup>+</sup>	300	300	*	20*	10*	45****	20
Seasonal dwellings	5 <sup>+</sup>	300	300	*	20*	10*	45****	20
Accessory structures	-	-	-	*	20*	10*	45****	-

+ Minimum lot size can be reduced to two acres if property is served by a public water supply system.

\* All yard setbacks will be 63 feet from center of county road or 30 feet from right of way, whichever is greater.

\*\* Rear and Side Yard Setbacks may be reduced to noted setbacks when adjacent to another property line.

\*\*\*\* Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:

1. When a building or structures is within 150 feet of a residential district, said structure shall not exceed 35 feet in height.
2. When a structure is more than 150 feet from a residential district, said structure shall not exceed the maximum height permitted by FAA and FCC regulations in affect at the time the building is erected.

**Note:**

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the “No Build Zone”, see Section 3.29. This shall also apply to trees being placed within the space.

**4.06.07 Supplementary Regulations**

1. The maximum density for residential dwellings in the A-1 District is:
  - A. A maximum of two dwelling units per quarter section. Dwelling units on a half-section line shall be assigned to a specific ¼ section.
  - B. The maximum density may be exceeded through issuance of a Conditional Use Permit by the County, provided:
    - i. All additional residential units shall not take direct access from a county road; unless the Public Works Director determines they meet minimum separation distances and sight distance requirements. All new accesses, unless otherwise allowed, shall be via a service road connected to an existing driveway.
2. Roadside stands for sale of agricultural produce shall not exceed 400 square feet in area.
3. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.

**Table 4.06.1: Separation distances for specific uses to dwellings & dwellings to uses.**

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowner’s residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

\*Distances shall be measured to dwellings and dwellings to the listed uses.

**ARTICLE 4: ZONING DISTRICTS**

**Section 4.07 TA-1 – Transitional Agricultural District**

**4.07.01 Intent:**

The intent of this district is to recognize the transition between agricultural uses of land and communities; to encourage the continued use of land which is suitable for agriculture but limit the land uses detrimental to the efficient pursuit of agricultural production, including processing and sale of agricultural products raised on the premises; and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectional, hazardous, incompatible and unsightly uses. The District is also intended to protect watersheds and water supplies; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of suburban residential, rural residential, and/or more dense urban development. In this regard, all lands used for agricultural purposes, as defined in these regulations, are and shall be exempt from all restrictions or limitations.

No administrative interpretation shall be made resulting in any restriction or stipulation on land used for agricultural purposes as herein defined; provided, however, consistent with state law, new agricultural buildings shall be subject to floodplain regulations and to setback requirements on the 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 the requirements of these Regulations.

**4.07.02 Permitted Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.07.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.07.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.07.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.07.06 Height and Lot Requirements:**

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Front Yard (feet)	Rear Yard ** (feet)	Side Yard ** (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	3+	200	200	*	20*	10*	45****	20
Other Permitted Uses	3+	200	200	*	20*	10*	45****	20
Grain Bins and other Agricultural structures (not on the same property as a farmstead)	3	100	100	*	20*	10*	45****	-
Conditional Uses	3+	200	200	*	20*	10*	45****	20
Seasonal dwellings	3+	200	200	*	20*	10*	45****	20
Accessory structures	-	-	-	*	20*	10*	45****	-

+ Minimum lot size can be reduced to two acres if property is served by a public water supply system.

\* All yard setbacks (except for irrigation accessory equipment) will be 60 feet from center of county road or 27 feet from right of way, whichever is greater.

\*\* Rear and Side Yard Setbacks may be reduced to noted setbacks when adjacent to another property line.

\*\*\* Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:

1. When a building or structures is within 150 feet of a dwelling district zone, said structure shall not exceed 35 feet in height.
2. When a structure is more than 150 feet from a dwelling district zone, said structure shall not exceed the maximum height permitted by FAA and FCC regulations in effect at the time the building is erected.

**Note:**

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the “No Build Zone”, see Section 3.29 This shall also apply to trees being placed within the space.

**4.07.07 Supplementary Regulations**

1. The maximum density for residential dwellings in the TA-1 District is:
  - A. A maximum of four dwelling units per quarter section. Dwelling units on a half-section line shall be assigned to a specific ¼ section.
  - B. The maximum density may be exceeded through issuance of a Conditional Use Permit by the County, provided:
    - i. All additional residential units shall not take direct access from a county road; unless the Public Works Director determines they meet minimum separation distances and sight distance requirements. All new accesses, unless otherwise allowed, shall be via a service road connected to an existing driveway.
2. Roadside stands for sale of agricultural produce shall not exceed 800 square feet in area.
3. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.

**Table 4.07.1: Separation distances for specific uses to dwellings & dwellings to uses**

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle racetracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowner’s residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

\*Distances shall be measured to dwellings and dwellings to the listed uses

**ARTICLE 4: ZONING DISTRICTS**

**Section 4.08 RPC –River Protection Corridor District**

**4.08.01 Intent:**

The intent of this district is to recognize agricultural uses of land along major waterways, especially rivers within or along the county. Land suitable for agriculture and livestock production are encouraged to be used in such a manner, including processing and sale of agricultural products raised on the premises; and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectional, hazardous, incompatible and unsightly uses. The District is also intended to protect watersheds and water supplies; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of suburban residential, rural residential, and/or more dense urban development. In this regard, all lands used for agricultural purposes, as defined in these regulations, are and shall be exempt from all restrictions or limitations, except when consistent with state law, new agricultural buildings shall be subject to floodplain regulations and to setback requirements on the part of agricultural lands fronting on designated major roads and highways.

**4.08.02 Permitted Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.08.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RPC District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.08.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.08.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.08.06 Height and Lot Requirements:**

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Front Yard (feet)	Rear Yard ** (feet)	Side Yard ** (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	5+	300	300	*	20*	10*	45****	20
Other Permitted Uses	5+	300	300	*	20*	10*	45****	20
Grain Bins and other Agricultural structures (not on the same property as a farmstead)	3	100	100	*	20*	10*	45****	-
Conditional Uses	5+	300	300	*	20*	10*	45****	20
Seasonal dwellings	5+	300	300	*	20*	10*	45****	20
Accessory structures	-	-	-	*	20*	10*	45****	-

+ Minimum lot size can be reduced to two acres if property is served by a public water supply system.

\* All yard setbacks will be 63 feet from center of county road or 30 feet from right of way, whichever is greater.

\*\* Rear and Side Yard Setbacks may be reduced to noted setbacks when adjacent to another property line.

\*\*\* Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:

1. When a building or structures is within 150 feet of a dwelling district zone, said structure shall not exceed 35 feet in height.
2. When a structure is more than 150 feet from a dwelling district zone, said structure shall not exceed the maximum height permitted by FAA and FCC regulations in effect at the time the building is erected.

**Note:**

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone", see Section 3.29. This shall also apply to trees being placed within the space.

**4.08.07 Supplementary Regulations**

1. The maximum density for residential dwellings in the RPC-1 District is:
  - A. One dwelling unit per quarter section.
    1. The maximum density may be exceeded through issuance of a Conditional Use Permit by the County, provided:
      - i. All additional residential units shall not take direct access from a county road; unless the Public Works Director determines they meet minimum separation distances and sight distance requirements. All new accesses, unless otherwise allowed, shall be via a service road connected to an existing driveway.
2. Roadside stands for sale of agricultural produce shall not exceed 400 square feet in area.
3. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.

**Table 4.08.1: Separation distances for specific uses to dwellings & dwellings to uses**

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle racetracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowner's residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

\*Distances shall be measured to dwellings and dwellings to the listed uses

**ARTICLE 4: ZONING DISTRICTS**

**Section 4.09 RR-1 Rural Residential District**

**4.09.01 Intent:**

The intent of this District is to provide for platted rural, low-density developments while retaining the character of a rural area with very limited residential development. This District is intended to accommodate low-density rural residential development and to serve as a transition from agricultural lands to more dense, suburban development. Hence, it is suitable in rural locations where adequate roads and services are available, but it is not suitable in all rural locations. It is inappropriate in areas predominately agricultural in character where services are adequate only to meet the needs of farm residences and farm operations.

**4.09.02 Principal Uses:**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.09.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RR-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.09.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.09.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.09.06 Height and Lot Requirements:**

The height and minimum lot requirements shall be as follows:

Use	Lot Area (A)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	3***	250	**	20	10*	35	60
Other Permitted Uses	3***	250	**	20	10*	35	60
Conditional Uses	3***	250	**	20	10*	35	60
Accessory structures	-	-	**	20	10*	25	-

\* Side yard setbacks shall be increased to 30 feet when on a corner lot.

\*\* The depth of the front yard shall be at least 30 feet or a minimum of 70 feet from the centerline of the existing right-of-way, whichever is greater.

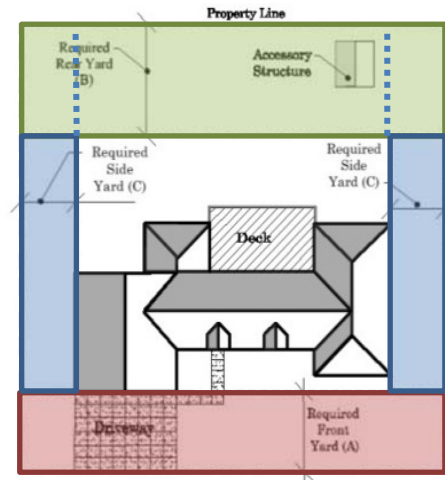
\*\*\* The minimum lot size may be reduced to two-acres if the development is supplied with centralized water.

**Note:**

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone", see Section 3.29 This shall also apply to trees being placed within the space.

**4.09.07 Supplemental Requirements:**

1. All access to said properties shall meet the criteria established by the Public Works Director specifications.



**Section 4.10 SR-1 Suburban Residential District**

**4.10.01 Intent:**

The intent of this District is to provide for the platted development of low-density residential neighborhoods while retaining the character of the basically rural area and yet allow an influx of residential development. This district is limited to those areas of Ellis County where adequate water, sewage disposal and other infrastructure presently exists; or may be approved outside such areas only when adequate water, sewage disposal and other infrastructure, as well as the delivery of support services can be demonstrated and proved to the satisfaction of the County. The density of any individual proposed development shall be determined by the adequacy of the site to meet the development standards and policies of these and all other Ellis County rules and regulations, including but not limited to the Subdivision Regulations, Environmental/Sanitary Code, soil suitability classification, and other such factors that will justify and support such proposed density. The burden of proof for such proposed density shall be on the person proposing the development and the County may require any and all such proof deemed necessary before any approval of the project may be granted.

**4.10.02 Principal Uses:**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.10.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the SR-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.10.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.10.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.10.06 Height and Lot Requirements:**

The height and minimum lot requirements shall be as follows:

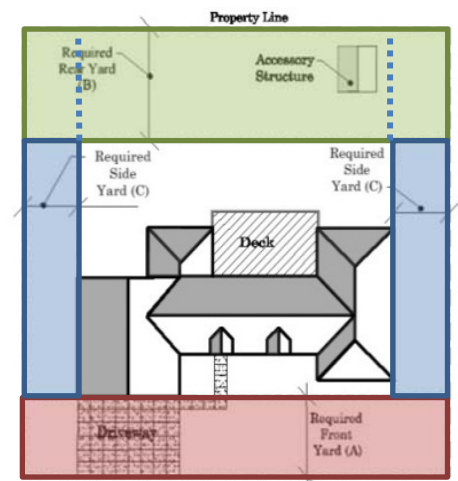
Use	Lot Area (A)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	2**	100	30	20	10*	35	60
Other Permitted Uses	2**	100	30	20	10*	35	60
Conditional Uses	2**	100	30	20	10*	35	60
Accessory structures	-	-	30	20	10*	25	-

\* Side yard setbacks shall be increased to 30 feet when on a corner lot.

\*\* The minimum lot size may be reduced to 14,000 square feet if the development is supplied with centralized water and sanitary sewer.

**4.10.07 Supplemental Requirements:**

1. All access to said properties shall meet the criteria established by the Public Works Director specifications.





**Section 4.11 RM Mobile Home Residential District**

**4.11.01 Intent:**

This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

**4.11.02 Permitted Uses:**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

**4.11.03 Conditional Uses:**

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the RM District as recommended by the Planning Commission and approved by the County Board.

**4.11.04 Temporary Uses:**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33

**4.11.05 Accessory Uses and Structures:**

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.05 and Sections within Article 4 for more detail.

**4.11.06 Special Design Criteria for this District**

1. A mobile home development shall have a lot area of not less than two acres. No mobile homes or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State or Federal Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:
  - A. Side yard setback (C) shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
  - B. Front yard setback (A) shall not be less than 25 feet.
  - C. Rear yard setback (B) of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
  - A. Maximum height for principal uses shall be 35 feet.
  - B. Maximum height for accessory uses shall be 10 feet.
5. Each lot shall have access to a hard-surfaced drive not less than 24 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the County. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. Storm shelters shall be required and shall meet the following criteria:
  - A. Shelter space equivalent to two persons per mobile home lot,
  - B. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
  - C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
10. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.
11. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.

**4.11.07 Special Requirements**

1. All lots must be platted in accordance with the Subdivision Regulations of Ellis County and shall also contain the following information:
  - A. A complete plan of the mobile home development shall be submitted showing:
  - B. A development plan and grading plan of the court.
  - C. The area and dimensions of the tract of land.
  - D. The number, location, and size of all mobile home spaces.
  - E. The area and dimensions of the park, playground and recreation areas.
  - F. The location and width of roadways and walkways.
  - G. The location of service buildings and any other proposed structures.
  - H. The location of water and sewer lines and sewage disposal facilities.
  - I. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

**ARTICLE 4: ZONING DISTRICTS**

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**Section 4.12 C-1 – Commercial District**

**4.12.01 Intent**

This district is intended to provide a blend of residences and a wide range of commercial uses which are compatible with other uses permitted in this district and in adjacent districts.

**4.12.02 Principal Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.12.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.12.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.12.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.12.06 Height and Lot Requirements**

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	150	25	15	15	60**	40
Permitted Uses w/ community waste treatment	10,000 sf	150	25	15	15	60**	40
Conditional Uses w/ on-site waste treatment	3 acres	150	25	15	15	60**	40
Conditional Uses w/ community waste treatment	10,000 sf	150	25	15	15	60**	40
Accessory structures	-	-	25	15	15	20	-

\* The setback along a front, rear, and/or side shall be increased to a minimum of 50 feet from the right-of-way line when one or more of the yards is adjacent to a County Road or State/Federal Highway.

\*\* The Maximum Height shall be decreased to 35 feet when a structure is located within 100 feet of a structure within a RR-1, SR-1 or R-M District.

**Note:**

At county road intersections, the minimum setback for structures shall meet the requirements of Section 3.29. In no case shall any structure or trees be placed within the space at right angles from this point.

**Section 4.13 F-1 – Flex District**

**4.13.01 Intent**

The purpose of this district is to provide for a wide range of commercial and industrial uses including retail sales and services; warehousing and distribution; and industrial uses which are compatible with other uses permitted in this district and in adjacent districts. The focus of this district is towards highway-oriented businesses and industry.

**4.13.02 Principal Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.13.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the Flex District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.13.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.13.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.13.06 Height and Lot Requirements**

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	40
Permitted Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	40
Conditional Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	40
Conditional Uses w/ community waste treatment	10,000	150	35	25	10	60**	40
Accessory structures	-	-	35	25	10	20	-

\* The setback along a front, rear, and/or side shall be increased to a minimum of 50 feet from the right-of-way line when one or more of the yards is adjacent to a County Road or State/Federal Highway.

\*\* The Maximum Height shall be decreased to 35 feet when a structure is located within 100 feet of a structure within a RR-1, SR-1 or R-M District.

**Note:**

At county road intersections, the minimum setback for structures shall meet the requirements of Section 3.23. In no case shall any structure or trees be placed within the space at right angles from this point.

**4.13.07 Site Plan Approval**

An applicant for a zoning permit and/or a conditional use permit in the Flex District shall submit a site, development plan for review and approval by the County which shall include the following information:

1. A topographic map of the area showing contour intervals of two feet and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, such as schools and firehouses, utility easements and facilities, parks and recreational areas and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
  - A. Building location.
  - B. Building Setbacks.
  - C. Number of parking spaces including handicapped parking.
  - D. Size of parking spaces.
  - E. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
  - F. Location and exact sizes of any outdoor sales area.

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- G. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
- H. Signs.
- 4. The Planning Commission or the Zoning Administrator may ask for any other features to be added to the site plan prior to review.
- 5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment must be filed by the developer.

**4.13.08 Supplemental Requirements**

- 1. Additional Use Regulations:
  - A. Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, if no materials or equipment shall be stored to a height greater than the wall or fence.
  - B. No use shall be permitted and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the district or in the vicinity in adjoining districts because of excessive odor, fumes, dust, smoke, cinders, dirt, refuse, wastes, noise, vibration, illumination, glare, heat, unsightliness or other nuisance conditions or because of undue exposure to hazard of fire, explosion or radio-activity.
  - C. Any industrial operation serving any of the uses in Table 4.13.1 adjacent to but on a separate lot, is not subject to the setbacks in Table 4.13.1

**Table 4.13.1: Separation distances for specific uses to dwellings & dwellings to uses**

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Racetracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners' residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

\*Distances shall be measured to dwellings and dwellings to the listed uses

\*New dwellings shall observe the same separation distances for a use listed in Table 4.15.1

**Section 4.14 I-1 – Light Industrial District**

**4.14.01 Intent**

The purpose of this district is to provide for businesses involved in the manufacturing or handling of light industrial materials.

**4.14.02 Principal Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.14.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 Light Industrial District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.14.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.14.05 Accessory Uses**

Refer to the definitions of Accessory Uses and Structures, as well as Section 4.05 and Sections within Article 3 for more detail.

**4.14.06 Height and Lot Requirements**

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	50
Permitted Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	50
Conditional Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	50
Conditional Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	50
Accessory structures	-	-	35	25	10	25	-

\* The setback along a front, rear, and/or side shall be increased to a minimum of 50 feet from the right-of-way line when one or more of the yards is adjacent to a County Road or State/Federal Highway.

\*\* The Maximum Height shall be decreased to 35 feet when a structure is located within 100 feet of a structure within an RR-1, SR-1, or RM-1 District.

**Note:**

At county road intersections, the minimum setback for structures shall meet the requirements of Section 3.29. In no case shall any structure or trees be placed within the space at right angles from this point.

**4.14.07 Site Plan Approval**

An applicant for a zoning permit and/or a conditional use permit in the I-1 Light Industrial District shall submit a site, development plan for review and approval by the County which shall include the following information:

1. A topographic map of the area showing contour intervals of two feet and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, such as schools and firehouses, utility easements and facilities, parks and recreational areas and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
  - A. Building location.
  - B. Building Setbacks.
  - C. Number of parking spaces including handicapped parking.
  - D. Size of parking spaces.
  - E. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
  - F. Location and exact sizes of any outdoor sales area.

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- G. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
- H. Signs.
- 4. The Planning Commission or the Zoning Administrator may ask for any other features to be added to the site plan prior to review.
- 5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment must be filed by the developer.

**4.14.08 Supplemental Requirements**

- 1. Additional Use Regulations:
  - A. Front yards, except for access drives and guest parking, shall be landscaped and maintained with trees, shrubs, plantings, and lawn.
  - B. All other yards shall be landscaped and maintained with trees, shrubs, plantings, and lawns when they abut or are located across any street or road from an A-1, TA-1, RR-1, SR-1 or RPC district. Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than the wall or fence.
  - C. No use shall be permitted, and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the district or in the vicinity in adjoining districts by reason of excessive odor, fumes, dust, smoke, cinders, dirt, refuse, wastes, noise, vibration, illumination, glare, heat, unsightliness or other nuisance conditions or by reason of undue exposure to hazard of fire, explosion or radioactivity.
  - D. Any industrial operation serving any of the uses in Table 4.14.1 adjacent to but on a separate lot, is not subject to the setbacks in Table 4.14.1

**Table 4.14.1: Separation distances for specific uses to dwellings & dwellings to uses**

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Racetracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

\*Distances shall be measured to dwellings and dwellings to the listed uses

**Section 4.15 V-1 – Unincorporated Community District – Antonino, Catharine, Munjor, Pfeifer, and Walker**

**4.15.01 Intent:**

This district is intended to accommodate the different uses found in unincorporated communities in Ellis County and under the jurisdiction of the County, specifically Munjor.

**4.15.02 Principal Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.15.03 Conditional Uses**

The following uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the V-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.15.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.15.05 Accessory Uses**

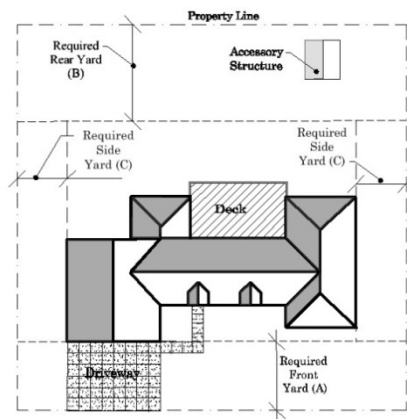
Refer to the definitions of Accessory Uses and Structures, as well as Table 4.05 and Sections within Article 3 for more detail.

**4.15.06 Height and Lot Requirements** The minimum area and maximum height regulations are as follows:

Use	Lot Area (SF or A)	Lot Width (feet)*	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling w/ on-site treatment	3 A	100	20*	20	10	35	30
Single-family dwelling w/ community waste treatment**	10,000	100	20*	20	10	35	30
Other dwellings with w/ on-site treatment	3A	100	20*	20	10	35	50
Other dwellings with w/ community waste treatment**	10,000	100	20*	20	10	35	50
Other Permitted Uses w/on-site treatment	3A	100	20*	20	10	35	50
Other Permitted Uses w/community waste treatment**	10,000	100	20*	20	10	35	50
Other Conditional Uses w/on-site treatment	3A	100	20*	20	10	35	50
Other Conditional Uses w/community waste treatment**	10,000	100	20*	20	10	35	50
Accessory structures	-	-	20*	5	5	-	10

\* On a corner lot, both street frontages shall be treated as a front yard setback.

\*\* Community waste system shall be approved by Ellis County Environmental Office.





**ARTICLE 4: ZONING DISTRICTS**

**Section 4.16 IV-1 – Incorporated Community District - Schoenchen**

**4.16.01 Intent:**

This district is intended to accommodate the different uses found in Schoenchen (an incorporated community) within Ellis County. Schoenchen has requested Ellis County establish and enforce zoning regulations within the corporate limits of the community.

**4.16.02 Principal Uses**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.05 to determine specific uses allowed as Permitted Uses.

**4.16.03 Conditional Uses**

The following uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the IV-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.05 to determine specific uses allowed under a Conditional Use.

**4.16.04 Temporary Uses**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.33.

**4.16.05 Accessory Uses**

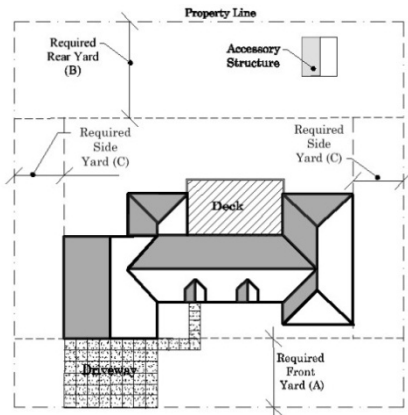
Refer to the definitions of Accessory Uses and Structures, as well as Table 4.05 and Sections within Article 3 for more detail.

**4.16.06 Height and Lot Requirements** The minimum area and maximum height regulations are as follows:

Use	Lot Area (SF or A)	Lot Width (feet)*	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling w/ on-site treatment	3 A	100	20*	20	10	35	30
Single-family dwelling w/ community waste treatment**	10,000	100	20*	20	10	35	30
Other dwellings with w/ on-site treatment	3A	100	20*	20	10	35	50
Other dwellings with w/ community waste treatment**	10,000	100	20*	20	10	35	50
Other Permitted Uses w/on-site treatment	3A	100	20*	20	10	35	50
Other Permitted Uses w/community waste treatment**	10,000	100	20*	20	10	35	50
Other Conditional Uses w/on-site treatment	3A	100	20*	20	10	35	50
Other Conditional Uses w/community waste treatment**	10,000	100	20*	20	10	35	50
Accessory structures	-	-	20*	5	5	-	10

\* On a corner lot, both street frontages shall be treated as a front yard setback.

\*\* Community waste system shall be approved by Ellis County Environmental.



**Section 4.17 PDO – Planned Development Overlay District****4.17.01 Intent:**

This district is intended to be applied in instances where tracts of land of considerable size are to be developed as integrated and harmonious units and where physical, economic, design and scale conditions warrant modification of the standards contained in the underlying zone and flexibility that could not otherwise be achieved to a single zoning use district. Public control will be achieved through use of site development standards and site plan approval.

**4.17.02 Principal Uses**

All uses permitted by the district regulations for the underlying (parent) district.

**4.17.03 Conditional Uses**

All uses permitted as conditional uses by the district regulations for the underlying (parent) district and all uses permitted as principal uses or by conditional use in any Residential, Commercial or Industrial Zone are permitted by conditional use subject to the conditions imposed by the underlying district regulations and the County Board.

**4.17.04 Designation of the Planned Development Overlay District**

When a property owner or developer intends to develop a tract of land that meets the minimum area requirements for a planned development, he may apply for an amendment to the Zoning Map for the designation Planned Development Overlay District to supplement and amend the underlying zoning district regulation otherwise applicable to his land. The applicant shall comply with the procedures specified herein.

**4.17.05 Submission of Preliminary Development Plan**

1. The applicant, upon filing application for zoning amendment, shall submit a preliminary development plan for review and approval by the Planning Commission which shall include:
  - A. A statement of the total acreage within the proposed Planned Development; the number of acres to be devoted to residential, commercial, industrial, open space, streets, utilities and other uses; and the overall density of development.
  - B. A location map showing the proposed planned development district and the surrounding area; the development and zoning of all property within 200 feet; the general location of streets, public utilities, parks, drainage, sewer and water facilities in the surrounding area.
  - C. A plot plan showing the proposed location of roads, buildings, structures, parking areas, accessways and interior drives, open spaces, signs, utilities and other major site improvements, to be placed on the site.
  - D. A topographic map showing contour intervals of five feet.
  - E. A statement of the method of assuring that open spaces will be permanently preserved including proposed covenants, easements or other restrictions.
  - F. A schedule showing the timetable for submittal of plans and development of the tract.

**4.17.06 Submission of the Final Development Plan and Approval of the District**

1. Review of the Preliminary Development Plan by the Planning Commission and approval by the County Board shall constitute permission to file the Final Development Plan. Amendment of the Zoning Map shall not be effective and officially recorded until the final development plan and final subdivision plat has been approved by the Planning Commission and the County Board.
2. The Final Development Plan shall include:
  - A. All information required in the preliminary plan plus specific notations as to any changes or alterations requested by the Planning Commission and County Board and any deviations from the preliminary plans, including changes in the schedule for development.
  - B. A full legal description of the boundaries of the proposed Planned Development Overlay District.
  - C. The proposed location and proposed uses of each building and structure shown on the plot plan and whether they are permitted, or condition uses in the underlying zoning district regulations.
  - D. The Planning Commission and County Board shall not unreasonably disapprove or change a Final Development Plan, however, it may be disapproved if it varies the area devoted to each use, reduces the area set aside for open space, increases the overall density or changes the uses or site improvements of land within 300 feet of the outside boundary of the proposed district.

**4.17.07 Failure to Begin the Planned Development**

1. In the event that within 18 months following approval by the County Board, the applicant does not proceed with construction in accordance with the plan as approved, the Planning Commission shall initiate action to rezone the property to the underlying zoning district alone. A public hearing, as required by law, shall be noticed and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the County Board who shall take appropriate action.

**4.17.08 Submission of Final Development Plan**

1. No changes shall be made in the approved Final Development Plan which increases the number of dwelling units or establishments, rearranges lots, blocks or building location, increases the density, alters the number of parking spaces, realigns streets or roads, decreases the amount of open space provided or otherwise significantly alter the approved plan for development unless the applicant re-files for a zoning amendment consistent with the procedures authorized by Article 11 and this section and demonstrates that such modifications are necessitated by changes in conditions that have occurred since the Final Development Plan was approved or by changes in the development policies of the community. Notwithstanding the above, minor changes in the location, siting or height of buildings and other minor modifications may be authorized by the Planning Commission if necessitated by engineering or other circumstances not foreseen at the time the Final Development Plan was approved.

**4.17.09 Phasing of Development**

1. The construction and provision of all open spaces, recreational facilities and public improvements which are shown on the approved Final Development Plan must proceed at the same rate as the construction of dwelling units and/or commercial and industrial structures. The Zoning Administrator shall not issue Zoning Permits or shall revoke same if the developer is in violation of the above requirement.

**4.17.10 Issuance of Zoning Permits**

1. The Zoning Administrator shall issue zoning permits for buildings and structures that are planned in conformity with the approved Final Development Plan, the final subdivision plat and with all other applicable regulations. No zoning permit shall be issued without an approved Final Development Plan.

**4.17.11 Minimum Tract Size**

1. The minimum tract area for the A-1, RPC, TA-1, SR-1, and RR-1 Districts is five acres.
2. The minimum tract area for the C-1 and F-1 Districts is two acres.
3. The minimum tract area for the I-1 District is 10 acres.
4. The developer must set aside an area equal to not less than 10 percent of the tract for usable open space.

**4.17.12 Density Bonuses**

1. The use of the PDO District, in conjunction with Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
2. Density Bonuses shall be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

***For example:***

If a developer places 30 percent of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30 percent in order to maintain the same number of lots that would have been allowed by the Subdivision lot area and the minimum lot size of the Zoning District.

Normal Development

A developer has 10 acres of land to develop = 435,600 square feet  
Minimum lot area of the Zoning District = 10,000 square feet  
Total lots (not including streets) = 43.56

Development with Conservation Easements

Same site of 10 acres = 435,600 square feet

30% of site is placed in a Conservation Easement = 130,680 square feet

Density Bonus allows total lots of 43.56

New minimum lot area for Subdivision = 7,000 square feet

3. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below two acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic as regulated by the Ellis County Environmental.

**Section 4.18 AO Airport Hazard Area District**

**4.18.01 Intent**

The Airport Overlay District is designed to establish an airport zone surrounding Hays Regional Airport in Ellis County and to protect those using the airport from hazards that might be erected or constructed on surrounding properties. To this end, the District establishes additional restrictions on uses of property that may be stricter than those of the underlying district. When this occurs, the strictest requirements apply.

***Designated Public Airport***

The designated public airport for which these regulations have been prepared is the Hays Regional Airport located more or less in Section 12 Township 14S Range 18W.

**4.18.02 Definitions**

**Airport:** An area of land or water designed and set aside that is used or intended to be used for the landing and taking off takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes; includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

**Airport Hazard:** Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; that penetrates any approach, operation, transition, or turning zone.

**Airport Hazard Area:** Any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing and taking off at any airport, or is otherwise hazardous to such landing or taking off of aircraft.

**Airport Layout Plan:** A scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

**Approach Surface:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Section. The perimeter of the approach surface coincides with the perimeter of the approach zone.

**Approach, Transitional, Horizontal, and Conical Zones:** The zones established in this Section.

**Approach Zone:** A zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

**Conical Zone:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**Electric Facility:** An overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier for the transmission or distribution of electrical power to the electric supplier's customers.

**Existing Runway:** An instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

**Hazard to Air Navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Height:** For the purpose of determining the height limits in all zones set forth in this Article and shown on the Airport Zoning Maps, the datum shall be mean sea level elevation unless otherwise specified.

**Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

**Larger Than Utility Runway:** A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight, and jet-powered aircraft.

**Non-precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Section.

**Operation Zone:** A zone that is longitudinally centered on each existing or proposed runway.

**Person:** Any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

**Political Subdivision:** Any municipality, county, state, or Federal government.

**Precision Instrument Runway:** An existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this act, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

**Primary Surface:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in this Section. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Proposed Runway:** An instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

**Runway:** A defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

**Structure:** Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

**Transitional Surfaces:** These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of 20 feet horizontally for each 1 foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

**Tree** shall mean any object of natural growth.

**Turning Zone's Outer Limit:** The area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

**Utility Runway:** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout

plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

#### **4.18.03 Establishment of Airport Zones**

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

1. **Utility Runway Visual Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runway 4/22 at Hays Regional Airport.)
2. **Utility Runway Non-Precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runway 4/22 at Hays Regional Airport.)
3. **Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-precision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runway 16/34 at Hays Regional Airport.)
4. **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.
5. **Horizontal Zone:** The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual, and 10,000 feet for all others, from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
6. **Conical Zone:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

#### **4.18.04 Airport Zone Height Limitations**

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

1. **Utility Runway Visual Approach Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. **Utility Runway Non-Precision Instrument Approach Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. **Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone:** Slopes 34 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
4. **Transitional Zones:** Slopes 7 feet outward for each 1 foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits

sloping 7 feet outward for each 1 foot upward beginning at the sides of, and the same elevation as, the approach surface and extending to where they intersect the conical surface or horizontal surface.

5. **Horizontal Zone:** Established at 150 feet above the airport elevation.
6. **Conical Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
7. **Excepted Height Limitations:** Except in the Approach Zones, nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height up to 50 feet above the surface of the land.

#### 4.18.05 Use Restrictions

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

#### 4.18.06 Plan Approval Guidelines

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in these Regulations.

#### 4.18.07 Nonconforming Uses

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

#### 4.18.08 Permits

1. **Future Uses:** Except as specifically provided in A., B., and C. hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone herein created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions 4.18.04(4.) hereof.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Section, except as set forth in Section 4.18.04 (4.).

- A. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground; except when, because of terrain, land contour, or topographical features, such tree or structure would extend above the height limits prescribed for such zones.
- B. In areas lying within the limits of the approach zones but a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet height above the ground; except when such tree or structure would extend above the height limit prescribed for such approach zone.



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

### 4.18.09 Enforcement

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

### 4.18.10 Conflicting Regulations

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

## Section 4.19 FP-1 Floodplain Overlay District

### 4.19.01 Purpose

In conformance with the provisions of K.S.A. §12-741 et seq and in particular K.S.A. §12-766, it is the purpose of this Article to promote the public health, safety and general welfare; to carry out the purposes of the National Flood Insurance Program as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); to meet the requirements of 44 CFR 60.3(b) and K.A.R. 5-44-4; and to minimize those losses described in Section 17-102 by applying provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding, cause increased flood height beyond a one (1) foot rise in the 100-year surface elevation or cause increases in water velocities.
2. Require that uses vulnerable to floods, including public facilities which service such uses, be provided with flood protection at the time of initial construction.
3. Provide public information for evaluating land purchases that are unsuited for the intended development purposes due to flood hazards.
4. Assure that eligibility is maintained for property owners in the county to purchase flood insurance in the Federal Flood Insurance Program.

### 4.19.02 Findings of Fact

1. The special flood hazard areas of Ellis County, Kansas, are subject to inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by:
  - A. The cumulative effect of development in any delineated floodplain, causing increases in flood heights and velocities.
  - B. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others and which are inadequately elevated or otherwise protected from flood damages.

### 4.19.03 General Provisions:

1. **Land to which Regulations Apply.** This Article shall apply to all lands within the unincorporated portion of Ellis County, Kansas, identified as unnumbered A Zones on the Index Map dated 1986 (most recent date) of the Flood Hazard Boundary Map (FHBM) as amended, and any future revisions thereto. In all areas covered by this Article, no development shall be permitted except upon a floodplain development permit granted by the Zoning Administrator under the provisions established in Subsection 4.19.06 of this Section.
2. **Rules for Interpretation of District Boundaries.** The boundaries of the Floodplain Overlay Districts shall be determined by scaling distances on the floodplain maps. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the floodplain maps, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Administrator and/or Board of Zoning Appeals and to submit his own technical evidence, if he so desires.
3. **Compliance.** No structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations, except as established under Subsection 4.19.09.
4. **Abrogation and Greater Restrictions.** It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other regulations inconsistent with this Article are hereby repealed to the extent of the inconsistency only, except as established under Subsection 4.19.06.
5. **Interpretation.** The provisions of this Article shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.
6. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods

of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Ellis County or any officer or employee thereof for any flood damages that may result from reliance on this Article, or any administrative decision lawfully made there under.

7. **Adoption of Maps.** The Flood Hazard Boundary Maps dated 1986 (most recent) and are hereby adopted and incorporated by reference in this Section.

**4.19.04 Administration:**

1. **Floodplain Development Permit.** A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Subsection 4.19.03. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
2. **Designation of Floodplain Administrator.** The Land Use Coordinator is hereby appointed to administer and implement the provisions of these Regulations as the Floodplain Administrator.
3. **Duties and Responsibilities of Floodplain Administrator.** Duties of the Floodplain Administrator shall include, but not be limited to:
  - A. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of these Regulations have been satisfied.
  - B. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law.
  - C. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
  - D. Issue floodplain development permits for all approved applications.
  - E. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
  - F. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
  - G. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
  - H. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed; and
  - I. When flood proofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.
4. **Application for Floodplain Development Permit.** To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
  - A. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work.
  - B. Identify and describe the work to be covered by the floodplain development permit.
  - C. Indicate the use or occupancy for which the proposed work is intended.
  - D. Indicate the assessed value of the structure and the fair market value of the improvement.
  - E. Identify the existing base flood elevation and the elevation of the proposed development.
  - F. Give such other information as reasonably may be required by the Floodplain Administrator.
  - G. Be accompanied by plans and specifications for proposed construction; and
  - H. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

**4.19.05 Provisions for Flood Hazard Reduction:****1. General Standards.**

- A. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A zone unless the conditions of this section are satisfied.
- B. All areas identified as unnumbered A zones on the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of these Regulations. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
- C. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:
  - 1. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - 2. Construction with materials resistant to flood damage.
  - 3. Utilization of methods and practices that minimize flood damages.
  - 4. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - 5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  - 6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - (a) All such proposals are consistent with the need to minimize flood damage.
    - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
    - (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
    - (d) All proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.
- D. Storage, Material, and Equipment. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.
- E. Nonconforming Use. A structure, or the use of a structure or premises that was lawful before the passage or amendment of these Regulations, but which is not in conformity with the provisions of these Regulations, may be continued subject to the following conditions:
  - 1. If such structure, use, or utility service is discontinued for six consecutive months, any future use of the building shall conform to these Regulations.
  - 2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

**2. Specific Standards.**

- A. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Subsection 4.19.05 herein, the following provisions are required:
  - 1. Residential Construction. New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of one foot above base flood level. The elevation of the lowest floor shall be certified by a licensed land surveyor.

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2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood level or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor.

For new construction and substantial-improvements, fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided: and
  - (b) The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- B. In all areas of special flood hazard, once floodway data is obtained, as set forth in Subsection 4.19.05, the following provisions are required:
1. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one foot at any point; and
  2. The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

### 3. Manufactured Homes.

- A. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Require manufactured homes that are placed or substantially improved within unnumbered A zones on the community's FIRM or FHBM on sites:
  1. Outside of a manufactured home park or subdivision.
  2. In a new manufactured home park or subdivision.
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial-damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of one-foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor.
- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A zones on the community's FIRM or FHBM, that are not subject to the provisions of Subsection 4.19.05 of these Regulations, be elevated so that either:
  1. The lowest floor of the manufactured home is a minimum of one foot above the base flood level; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor.
3. Recreational Vehicles. Require that recreational vehicles placed on sites within unnumbered A zones on the community's FIRM or FHBM either:
  - A. Be on the site for fewer than 180 consecutive days, or
  - B. Be fully licensed and ready for highway use\*; or
  - C. Meet the permitting, elevating, and the anchoring requirements for manufactured homes of these Regulations.

(\* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.)

#### 4.19.06 Floodplain Management Variance Procedures:

1. **Establishment of Appeal Board.** The Ellis County Board of Zoning Appeals shall hear and decide appeals and requests for variances from the floodplain management requirements of these Regulations.
2. **Responsibility of Appeal Board.** Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Appeal Board, as defined in subsection 4.19.06.

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these Regulations.

3. **Further Appeals.** Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the District Court of the County as provided in K.S.A. §12-759 and §12-760.
4. **Floodplain Management Variance Criteria.** In passing upon such applications for variances, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of these Regulations, and the following criteria:
  - A. Danger to life and property due to flood damage.
  - B. Danger that materials may be swept onto other lands to the injury of others.
  - C. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - D. Importance of the services provided by the proposed facility to the community.
  - E. Necessity to the facility of a waterfront location, where applicable.
  - F. Availability of alternative locations, not subject to flood damage, for the proposed use.
  - G. Compatibility of the proposed use with existing and anticipated development.
  - H. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  - I. Safety of access to the property in times of flood for ordinary and emergency vehicles.
  - J. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
  - K. Costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.
5. **Conditions for Approving Floodplain Management Variances.**
  - A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of

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historic places upon determination, provided the proposed activity will not preclude the structure's continued historic designation.

- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
  - 1. showing of good and sufficient cause,
  - 2. determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - 3. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.
- F. A community shall notify the applicant in writing over the signature of a community official that:
  - 1. the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and
  - 2. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by these Regulations.

### **4.19.07 Amendments:**

The regulations, restrictions, and boundaries set forth in these Regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973. No such action may be taken until after a public hearing in relation thereto has been held as provided for amendments to these Regulations as outlined in Article 32 herein. These Regulations, as herein adopted, are in compliance with the National Flood Insurance Program regulations.

### **4.19.08 Penalties for Violation:**

Penalties shall be as established in Article 10 of these Regulations.

### **4.19.09 Definitions:**

Unless specifically defined below, or defined elsewhere in these Regulations, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application.

**Accessory Structure:** The same as "appurtenant structure."

**Actuarial or Risk Premium Rates:** Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act, and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

**Administrator:** The Federal Insurance Administrator.

**Agency:** The Federal Emergency Management Agency (FEMA).

**Appeal:** A request for a review of the Zoning Administrator's interpretation of any provision of this Article or a request for a variance.

**Appurtenant Structure:** A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**Area of Special Flood Hazard:** The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

**Base Flood:** The flood having one percent chance of being equaled or exceeded in any given year.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Building:** See "structure."

**Chief Engineer:** The chief engineer of the division of water resources, Kansas Department of Agriculture.

**Chief Executive Officer or Chief Elected Official:** The official of the community who is charged with the authority to implement and administer laws, rules, and regulations for that community.

**Community:** Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Development:** Any man-made change to improved or unimproved real estate, including but limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage or equipment or materials.

**Elevated Building:** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Eligible Community or Participating Community:** A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**Existing Construction:** For the purposes of determining rates, structures for which the "start construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactures homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these Regulations.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland waters.
- B. the unusual and rapid accumulation or runoff of surface waters from any source; and,
- C. the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item A.

**Flood Elevation Determination:** A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one percent chance of occurrence in any given year.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.



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**Flood Hazard Map:** The document adopted by the governing body showing the limits of:

- A. the floodplain.
- B. the floodway.
- C. streets.
- D. stream channel; and
- E. other geographic features.

**Flood Insurance Rate Maps (Firm):** Official maps of the County on which the Flood Administrator has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the County.

**Flood Insurance Study (FIS):** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Protection System:** Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

**Floodplain or Flood-prone Area:** Any land area susceptible to being inundated by water from any source (see "flooding").

**Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management Regulations:** Zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations (such as floodplain and grading regulations) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

**Flood proofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**Floodway or Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

**Functionally Dependent Use:** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers but does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been either:
  - 1. by an approved state program as determined by the Secretary of the Interior, or
  - 2. directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor:** The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable only for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

**Manufactured Home:** A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map:** The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

**Market Value or Fair Market Value:** An estimate of what is fair, economic, just and equitable value under normal local market conditions.

**Mean Sea Level:** For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**New Construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of these Regulations.

**NFIP:** The National Flood Insurance Program (NFIP).

**One Hundred (100) Year Flood:** The base flood having a one (1) percent chance of annual occurrence.

**Overlay District:** A district which acts in conjunction with the underlying zoning district. or districts. The original zoning district designation does not change.

**Participating Community:** Also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.

**Permit:** A signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as:

- A. the site plan.
- B. an elevation certificate; and

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C. any other necessary or applicable approvals or authorizations from local, state or federal authorities.

**Person:** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

**Principally Above Ground:** A structure that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**Recreational Vehicle:** A vehicle which is:

- A. built on a single chassis.
- B. 400 square feet or less when measured at the largest horizontal projections.
- C. designed to be self-propelled or permanently towable by a light-duty truck; and
- D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Flood Elevation:** An elevation 1 foot higher than the water surface elevation of the regulatory flood.

**Remedy A Violation:** To bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**Risk Premium Rates:** Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

**Special Flood Hazard Area:** See "area of special flood hazard."

**Special Hazard Area:** An area having special flood hazards and shown on a FHBM as an unnumbered A zone.

**Start of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. includes substantial improvements.

**State Coordinating Agency:** The Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the NFIP in the state of Kansas.

**Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For insurance purposes, a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- B. any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**Variance:** A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by these Regulations is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.