PROPOSED
ZONING REGULATIONS OF
CRAWFORD COUNTY, KANSAS

Proposed 2026

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ARTICLE 1

TITLE AND PURPOSE

Title

These regulations, including the zoning district maps incorporated herein, shall be known and cited as the "Zoning Regulations of Crawford County, Kansas."

Purpose and Intent

These zoning regulations, adopted pursuant to Kansas law pursuant to K.S.A. § 12-741 *et seq.,* are enacted for the purpose and intent of:

a. Promoting and serving the public health, safety, morals, comfort, and general welfare of the citizens of Crawford County, Kansas
b. Preserving and protecting property values
c. Regulating and restricting location and use of buildings and land
d. Creating a variety of zoning districts sensitive to the peculiarities of the various permitted and condition uses and designed to protect and enhance the values inherent in each zoning district
e. Providing adequate notice of future changes to these regulations and an opportunity for interested parties to be heard. Facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas
f. Informing the public regarding future development, thereby providing a basis for wise decisions with respect to such development.

Jurisdiction

These Zoning Regulations are intended to apply uniformly across the jurisdictional area of Crawford County, Kansas, and apply to the lands that lie within the unincorporated area subject to the Crawford County Board of County Commissioners, unless expressly provided for otherwise.

ARTICLE 2
RULES, INTERPRETATIONS AND DEFINITIONS

Section 2-1
Rules and Interpretations

Rules

1. Meaning and Intent. All provisions, terms, phrases and expressions contained in these regulations shall be construed in accordance with the purposes of these regulations.
2. Text. In case of any difference of meaning or implication between the text of these regulations and any drawing or figure, the text shall control.
3. Delegation of Authority. Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
4. Non-Technical and Technical Words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed and understood according to such meaning.
5. Public Officials, Bodies and Agencies. All public officials, bodies and agencies to which references are made are those of Crawford County.
6. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
    a. Words used in the present tense shall include the future.
    b. When a word is used in the singular form, it can also refer to the plural, and when used in the plural form, it can also refer to the singular.
    c. Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
        "And" indicates that all connected items, conditions, provisions or events shall apply; and
        "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
    d. The words "use," "used," "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.
    e. The word "shall" is mandatory, and the word "may" is permissive.
    f. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
    g. Unless otherwise specified, all distances shall be measured horizontally.

7. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope. Unless specifically provided, in computing any period of time prescribed or allowed by these regulations, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. "Legal holiday" includes any day designated as a holiday by the Congress of the United States or by the Kansas legislature. Whenever a notice, petition or other document is required to be filed within a specified time period, the notice, petition or document must be filed with the appropriate county official or in the appropriate county office not later than 4:30p.m. on the last day of the period as computed.

Interpretations

1. **Minimum requirements.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, morals and welfare.
2. **Overlapping or contradictory regulations.** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or of any other law, rule or regulation of any kind, the regulations which are more restrictive shall govern unless otherwise excepted.
3. **Private agreements.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
4. **Unlawful structures and uses.** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

Section 2-2
Separability

It is hereby declared to be the intention of Crawford County that the several provisions of these regulations are separable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provisions of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, the judgment shall not affect the applicability of the provisions to any other property or structure.

Section 2-3
Definitions

For the purposes of these Regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Abut. Touching or contiguous, as distinguished from lying near to or adjacent. The term generally means the same as "adjoin" although different objects such as a lot and a street are said to abut, while similar objects such as two lots are said to adjoin.

Accessory building. A subordinate building located on the same lot or groups of lots as a main building and which serves a function customarily incidental to the main use. Customary accessory buildings include detached garages, carports and small storage sheds.

Accessory use. A subordinate use which serves an incidental function to that of, or which is customarily found in connection with, the main use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, barbecue ovens, air conditioners, fireplaces and satellite dishes. This is to include but is not limited to modular container homes, tiny homes, and "mother-in-law" suites.

Adjacent. Lying near or close to; sometimes contiguous; neighboring.

Adjoin. To touch or to be contiguous, as distinguished from lying near to or adjacent.

Agricultural use. The use of property of not less than three (3) acres for the production of plants, animals, or horticultural products, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; beef cattle; sheep; swine; poultry, and horses; bees and apiary products; trees and forest products; fruits, nuts, and berries; vegetables; or nursery, floral, ornamental, or greenhouse products. Land used for agricultural purposes shall not include the following:

a. Land used primarily for commercial hunting operations, game preserves, or the finishing of game animals for sport or entertainment purposes; residential suburban property; and home sites and yard areas whose primary function is residential or recreational, even if such properties also produce or maintain some of the plants listed above

b.

c.

e. The operation of auction sales yards

f. The operation of a bed and breakfast

g. The operation of junk, scrap, or salvage yards

h.

i. The establishment of additional dwelling site for any purpose except as accessory dwellings for bona fide farm help employed on the premises.

Airport or heliport. Any landing area, runway or other facilities designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangers, other necessary uses, and open spaces.

Alter or alteration. Any change, addition or modification in construction or use of a structure.

Amendment. The change or alteration to the Zoning Regulations in one of the following forms:

a. A comprehensive revision or modification of the zoning text and/or maps
b. A text change in the zone requirements
c. The approval of a Conditional Use Permit as provided in these regulations
d. A change in the maps, i.e., the zoning designation of a particular parcel or parcels This form is also known as a "rezoning" and includes overlay zoning approval.

Animal clinic or hospital. Any building or structure designed for examination, observation, treatment, board or care of animals by a doctor of veterinary medicine.

Apartment. See **Dwelling, multiple**.

Architectural projections. Architectural features and accessories which are deemed desirable or necessary for the health or safety of the public, such as, but not limited to: cornices and eaves, architectural decorations (sills, pediments, etc.), ornamental columns (pillars, columns, moldings, etc.), entrance steps, decks, porches, balconies, permanent awnings and canopies, marquees, and bay windows. The term architectural projection, however, does not include any architectural feature which may be removed or retracted at will from the primary structure, such as a flag pole, retractable awning, or gutter.

Attached. A foundation, wall, or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

Automotive service and repair station. Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, including tire

recapping, major repair work such as motor replacement, body and fender repair or spray painting. A building or premises used for the display and/or sales of new or used automobiles, trucks or trailers.

Basement. That portion of a building that is partly or completely below grade plane for more than one-half of its perimeter. **See Story**.

Bed and breakfast inn. A residential structure other than a hotel or lodging house, where for compensation and by pre-arrangement for definite short term periods, sleeping rooms and meals are provided for one or more persons who are guests at the inn where the operator lives on the premises.

Block. A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, or a combination thereof.

Board of Zoning Appeals ("BZA"). The Board of Zoning Appeals established by **Article 13** of these regulations by the Governing Bodies of Crawford County.

Building. Any structure designed or intended for the enclosure, shelter, or protection of persons, animals or property.

Building, community. A building used and designed for social, educational, or recreational activities of a subdivision, mobile home park, neighborhood or community, providing such use is not for commercial gain.

Building, height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields the greater height:

a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of a building when such sidewalk or ground surface is no more than ten (10) feet above the lowest grade.

b. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in paragraph (a) above is more than ten (10) feet above the lowest grade.

Building line. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one-story unoccupied gable roofed areas over open porches, entrances or like appendages.

Building, principal or main. A non-accessory building in which a principal use of the lot on which it is located is conducted.

Building, public. A publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, hospitals and related medical facilities, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools.

Building setback line. A line within a lot or other parcel of land indicating the limit beyond which a building or structure may not be erected. See **Yard**.

Bulk regulations. Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

a. Maximum height
b. Maximum lot coverage
c. Minimum size of yards and setbacks.

Canopy. A structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements; or, a roof-like structure of permanent nature which projects from the wall of a structure and overhangs the public way.

Car wash. An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.

Cellar. A story having more than one-half of its height below grade.

Cemetery. Land used for burial and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child care facilities. See **Day care facilities**.

Church or place of worship. An establishment, the principal use of which is religious worship, but which may include accessory uses in the main structure or in separate buildings such as Sunday School rooms, child-care facilities, assembly rooms, kitchens, recreational facilities and libraries. This may include a parsonage house for specific use of clergy.

Comprehensive Plan. The currently-adopted Comprehensive Plan for Crawford County.

Conditional use. A use of any building, structure or parcel of land that, by its nature, is perceived to require special care and attention in sitting so as to assure compatibility with surrounding properties and uses. Conditional uses created after the effective date of these regulations are allowed only after public notice, hearing, and approval as prescribed in these regulations and may have special conditions and safeguards attached to assure that the public interest is served.

Conditional use permit. A written document of certification permitting the construction, alteration or establishment of a conditional use created after the effective date of these regulations.

Condominium. A building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. § 58-3710 *et seq.*) of the State of Kansas.

Convalescent homes. See **Nursing homes or retirement homes**.

County Board or County Commission ("BOCC"). The Board of County Commissioners of Crawford County, Kansas.

Day care facilities. Definitions for those of the following facilities which provide care for children are established by state law and promulgated by regulations of the Kansas Department of Health and Environment (KDHE) and the Kansas Department for Children and Families (DCF). Standards for such definitions may be periodically amended by changes to state regulations and such changes are incorporated by reference herein.

a. **Adult day care home.** A facility for adults having some or all of the characteristics of homes for the elderly, whether operated for profit or not, which through its operation provides one (1) or more personal services for five (5) or more persons not related by blood or marriage to the owner or operator, for periods of time of less than twenty-four (24) hours. Personal services are in addition to housing and food services, and include but are not limited to: personal assistance with bathing, dressing, housekeeping, eating, supervision of self-administered medication, individual or group activities, and assistance in securing health care from appropriate sources.

b. **Child care center.** A facility which provides care and educational activities for thirteen (13) or more children six (6) weeks to sixteen (16) years of age for more than three (3) and fewer than twenty-four (24) hours per day including daytime, evening and nighttime care; or which provides before and after school care for school-age children and licensed by the State as a child care center. A facility may have fewer then thirteen (13) children and be licensed as a center if the program and building meet child care center regulations as defined by the State of Kansas.

c. **Day care home.** A home in which care is provided for a maximum of twelve (12) children in compliance with the definitions and regulations of the State of Kansas, and licensed by the State as a day care home.

d. **Family day care home.** A home maintained for the purpose of providing children with day care away from such children's homes for fewer than twenty-four (24) hours a day, provided that not more than seven (7) children cared for at such place are under kindergarten age and not more than three (3) of the children cared for at such place are less than eighteen (18) months of age, or a maximum of ten (10) children under sixteen (16)

years of age operated in compliance with the definitions and regulations of the State of Kansas, and licensed by the State as a family day care home.

e. **Group day care home.** A home in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age, in compliance with the definitions and regulations of the State of Kansas, and licensed by the State as a group day care home. (K.A.R. 28-4-114(f)(1).)

f. **Preschool.** A day-care facility in compliance with the definitions and regulations of the State of Kansas, and licensed by the State as a preschool which:

Provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. § 72-1107I, and any amendments thereto, and who are thirty (30) months of age or older. Conducts sessions not exceeding three (3) hours per session; does not enroll any child in more than one (1) session per day; and does not serve a meal.

The term "preschool" shall include all educational preschools, nursery schools, church-sponsored schools, and cooperatives. A "preschool" may have fewer than thirteen (13) children and shall operate in compliance with the definitions and regulations of the State of Kansas, and be licensed by the State as a preschool.

Detached. A building that does not have a wall, roof or other structural member which is connected to and supported by the foundation, wall or roof of another building or structure.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Disability. Shall mean, with respect to a person:

a. A physical or mental impairment which substantially limits one or more of such person's major life activities; or
b. Having a record of having such an impairment; or
c. Being regarded as having such an impairment.

Such term does not include current illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Sec. 802).

Distance. Horizontal distances unless otherwise designated.

District. A section or sections of the zoning jurisdiction for which the regulations governing permitted use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.

Drinking establishment. Premises licensed as a drinking establishment by the State of Kansas, open to the public and selling alcoholic liquor by the individual drink, for consumption on the licensed premises, in accordance with K.S.A. § 41-2642 and amendments thereto. For purposes of these regulations, a drinking establishment shall be regulated the same as a tavern.

Drive-in/Drive thru service. The service of food or other goods, services or entertainment where patrons remain in their motor vehicles which are parked in spaces provided on the premises for that purpose. Service where patrons are served through a window or other opening while remaining in their motor vehicles and where products served to patrons are normally not consumed on the premises.

Duplex. The use of a lot for two principal dwelling units within a single building.

Dwelling. A building or portion thereof, which is designed and used exclusively for residential purposes.

Dwelling, multiple. A residential building having accommodations for and occupied by more than two (2) families, independently.

Dwelling, single-family. A residential building having accommodations for and occupied exclusively by one (1) family.

Dwelling, two-family. A residential building having accommodations for and occupied exclusively by two (2) families, independently.

Dwelling unit. One or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by not more than one family, or a congregate residence for five (5) or fewer unrelated persons, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

Easement. An interest in land that is held by someone other than the owner that entitles the holder to a specific limited use or right.

Engineer. The term engineer shall mean the Crawford County Engineer. When the context so requires, engineer shall mean an engineer licensed by the State of Kansas.

Established building line. A building setback line generally parallel to the street right-of-way line established by existing principal buildings in a block.

Exception. An exception from a provision of these regulations, which may be granted by a Board of Zoning Appeals only when such exception is specifically authorized in these regulations.

Family. One or more persons related by blood, marriage or adoption, or pursuant to legal guardianship, living together as a single housekeeping unit, or a group of not more than five (5) unrelated persons living together as a single housekeeping unit in a dwelling unit.

Fence. A free-standing structure intended to provide privacy, protection or confinement or to redirect a person's direction of travel. A fence may be constructed of but not limited to: wire, chain links, wood, stone or any standard building materials. A fence is not a structure unless it exceeds 80% visual blockage.

Flood plain. Consistent with definitions set by the Federal Emergency Management Agency, land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1%.

Floor area. For the purpose of applying the requirements of off-street loading and parking based on "floor area," floor area shall mean the floor area used or intended to be used by tenants, or for the service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall not include areas used for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, restrooms, utilities, kitchens, fitting or dressing rooms.

Floor area ratio. The relative comparison of building area to land area that is determined by dividing total floor area of all buildings on a platted lot or tract by the total area of the lot or tract.

Fraternal, civic and social organizations. A corporation, partnership, business trust or association which is nonprofit, which has been exempted from the payment of federal income taxes and for which the sale of alcoholic beverages to members and their guests may be allowed under the Class A club definition of the state statutes, provided it is secondary and incidental to the promotion of some other common objective of the organization. Said organizations may include, but are not limited to the following: V.F.W., Eagles, Elks, Knights of Columbus, American Legion, Masonic Lodges and Moose Lodges.

Frontage. All the property on one side of a street between two (2) intersecting streets (crossing or terminatings) measured along the line of the street. Where a street is dead-ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead-end of the street.

Garage, private. An accessory building to residential uses designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is an accessory.

Garage, public. A building, or portion thereof, other than a private or storage garage, designed for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

Garage, storage. A building or portion thereof, designed or used exclusively for housing motor-driven vehicles.

Governing body. The Board of County Commissioners of Crawford County.

Grade. A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the

reference plane shall be established by the lowest point(s) within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Group boarding home for minors. A residential dwelling unit for persons under 18 years of age who do not constitute a "family" as defined in this section, who for various reasons cannot reside in their natural home and where 24-hour adult care, supervision and consultation exists under license of the Kansas Secretary of the Department of Health and Environment or the Secretary of the Department for Children and Families (DCF); provided, however, that this definition shall not include an existing or proposed use of a residential dwelling unit which is in compliance with the definition of "group home" as defined in K.S.A. § 12-736. Such latter use shall be considered to be a single-family residential use and shall not be considered to be a "group boarding home for minors."

Group home. Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability which is a physical or mental impairment as defined by K.S.A. § 12-736, who need not be related by blood or marriage, and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home. Such a dwelling must be licensed as a group home by the Kansas Department for Children and Families or the Kansas Department of Health and Environment. See also **Large group home**.

Highway. A thoroughfare controlled and/or maintained by the Kansas Department of Transportation (KDOT).

Home occupation. An accessory occupational use conducted entirely within a dwelling unit by the occupants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site, except one sign that is no more than 4 square feet.

Hospital. A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the in-patient medical and surgical care of sick or injured humans, and which may include related facilities such as laboratories, pharmacies, out-patient departments, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel or motel. A building or structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin, motel or other type of lodging unit. For purposes of this regulations, the term "Hotel" shall include short-term or transient lodging offered through online platforms or similar arrangements (including, but not limited to, Airbnb, VRBO, or comparable services), whether operated in whole or in part within a dwelling

unit, provided that such use is offered to the general public for temporary occupancy and does not establish permanent residency.

Improvements. Any structure, grading, street surface, curbs and gutters, sidewalks, bike-ways, cross-walks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees and other additions or deletions from the natural state of land which increase its utility or habitability.

Institution. A building occupied by a nonprofit corporation or nonprofit establishment for public use.

Intensity. The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.

Junk. Materials that include, but are not limited to: scrap copper, brass rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicles or parts thereof; iron; steel; or other old or scrap ferrous or nonferrous material or similar materials.

Junk yard. See **Salvage yard**.

Kennel. Any place, area, building or structure where dogs (including those under one year of age) and other domesticated animals are boarded, housed, cared for, fed, or trained by other than the owner, or where more than three (3) domesticated animals, six (6) months of age or older, are kept for purposes of breeding, raising or as pets.

Laboratory, medical. An establishment which provides bacteriological, biological, medical, pathological and similar analytical or diagnostic services.

Landowner. The legal or beneficial owner or owners of a lot or tract. The holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract shall be deemed a landowner.

Landscape Material. Such living materials as trees, shrubs, ground cover, vines, turf grasses, and non-living materials such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

Landscaped Open Space. That part of the net land area which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, such space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas.

Landscaping. The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains,

statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Large group home. A group home occupied by more than ten (10) residents, including staff.

Laundry (self-service). An establishment equipped with individual coin- and/or card-operated washing, drying and/or dry cleaning machines.

Laundry. An establishment where commercial laundry and dry cleaning work is undertaken.

Licensed provider. A person or agency providing mental health services and licensed by:

a. The Department for Children and Families pursuant to K.S.A. § 75-3307b or K.S.A. § 65-425 *et seq.*, and amendments thereto; or
b. The Behavioral Sciences Regulatory Board pursuant to K.S.A. § 75-5346 *et seq.* or K.S.A. § 74-5301 *et seq.*, and amendments thereto; or
c. The State Board of Healing Arts pursuant to K.S.A. § 65-2801 *et seq.*, and amendments thereto; or
d. The Board of Veterinary Medicine pursuant to K.S.A. § 47-814 *et seq.,* and amendments thereto.

Loading or unloading space. An off-street space or berth, on the same tract and contiguous with the principle building or group of buildings for the temporary parking of commercial vehicles for loading and unloading of merchandise or materials.

Lot. A parcel or tract of land (legally described or platted) which is on record in the office of the Crawford County Register of Deeds. For the purposes of these regulations, a lot shall have a frontage upon a public street right-of-way.

Lot area. The area of a horizontal plane bound by the front, side and rear lot lines, excluding any road right-of-way or road easements. The total area within the property lines of a lot or tract.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front upon that street on which it has its least dimension. A corner tract made up of more than one platted lot shall conform to all requirements established for a corner or other lot and shall be deemed to front upon that street on which one or more of such platted lots, which would individually not be classified as corner lots, front.

Lot coverage. The total area of building expressed as a percentage of the total lot, plot or tract.

Lot, depth of. The horizontal distance between the front and rear lot lines measured at the mid-point between the two side lot lines.

Lot, double frontage. A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot, interior. A lot whose side line or lines do not abut upon any street. An interior lot is a lot other than a corner or through lot.

Lot, key. A corner lot adjoining two or more non-corner (interior or through) lots.

Lot lines. The lines bounding a lot as defined herein.

Lot of record. A lot which is a part of a subdivision, which has been recorded in the office of the Register of Deeds of Crawford County or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Crawford County.

Lot split. The division of a single lot into seperate tracts without having to re-subdivide said lot, providing that the resulting lots shall not again be divided without re-platting.

Lot, through. A lot, other than a corner lot, having frontage on two parallel or approximately parallel streets.

Lot width. The mean horizontal distance between the side lot lines.

Lot, zoning. A parcel of land that is designated by its owner or developer at the time of applying for a building permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of: (1) a single lot of record; or (2) a portion of a lot of record; or (3) a combination or complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

Manufacture. Any method of processing, developing, fabricating or assembling either raw material, semi-finished materials or parts into semi-finished or finished products.

Manufactured home. A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term “manufactured home,” when used by itself, shall not include a “residential-design manufactured home” as defined in these regulations.

Manufactured home lot. A plot of ground for the placement of one manufactured home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, sewage and electricity.

Manufactured home park. An area, parcel, tract or plot of ground equipped as required by these regulations for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, but under no circumstances shall the manufactured home spaces be sold or offered for sale individually. The term manufactured home park does not include lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage or sale.

Manufactured home skirting. The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home. See also **Residential design manufactured home**.

Manufactured home space. A plot of ground within a manufactured home park which can accommodate one manufactured home and which provides the necessary utility services for water, sewerage, gas and electricity.

Manufactured home subdivision. Any area, piece, parcel, tract or plot of ground used or intended to be used primarily for the purpose of selling lots for occupancy by manufactured homes, and residential design manufactured homes.

Manufacturing. Any method of processing, developing, fabricating, or assembling either raw materials, semi-finished materials, or parts into a semi-finished or finished product.

Manufacturing, light. Manufacturing which does not result in the emission of odor, dust, vibration, smoke, gas or noise offensive to the use and enjoyment of adjoining properties.

Medical, dental or health clinic. Any building designed for use by more than one person lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrist, podiatrists, and in which no patients are lodged overnight, but which may include a pharmacy.

Mobile home. A transportable, factory-built structure designed to be used as a year-round residential dwelling, which does not meet the standards of, or which was built prior to enactment of, the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. For purposes of these regulations, a mobile home is not a manufactured home. Mobile homes are neither a permitted nor a conditional use under these regulations.

Mobile Home Park. A parcel or contiguous parcels of land under single ownership or control that is planned, improved, and operated for the placement of two (2) or more mobile homes or manufactured homes for residential occupancy, whether on a temporary or permanent basis, and which may include internal streets, utility services, common areas, and accessory structures for the use of park residents.

Modular home. A residential structure manufactured off-site and built to a nationally-recognized and accepted construction standard published by the Building Officials and Code Administrators International, Inc. (BOCA) or the International Conference of Building Officials (ICBO) that is inspected and certified at the factory so that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures, as is required of residential design manufactured homes under these regulations, and shall be permanently situated on a concrete foundation.

Motel. See **Hotel**.

Motor home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.

Motor vehicle. A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.

Motor vehicle body shop. A building or premises used for vehicle body repair, including painting.

Motor vehicle storage yard. A building or premises where operable, inoperable, abandoned, wrecked or junked vehicles are stored while awaiting final disposition.

Nonconforming lot of record. A lot, whether with or without improvements, which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of subdivision regulations, and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located. See also **Lot of record**.

Nonconforming structure. An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

Nonconforming use. An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

Nursing homes, retirement homes or convalescent homes. A building operated by an institution or agency licensed by the State of Kansas for the reception, board, care or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, or alcohol or narcotics addiction.

Overlay district. A district which acts in conjunction with the underlying base zoning district.

Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Package liquor store. An establishment in which alcoholic beverages are sold for consumption off the premises.

Parcel. A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

Parish House. A residential dwelling or portion thereof owned, leased, or operated by a religious institution and used primarily as a residence for clergy, religious staff, or persons performing official duties for the institution, and which may include accessory spaces for meetings, counseling, or related religious activities customarily incidental to such residential use.

Parking lot. An area, other than a private parking area, street or alley, used for parking of motor vehicles and available for public or semi-public use.

Parking space. Any area surfaced for all-weather use, with materials approved by these regulations, used for the purpose of storing one parked motor vehicle.

Permanent wall foundation. An exterior wall designed to resist frost action. The wall must be continuous around the perimeter of the structure but may have such openings as required. The wall must be designed as a footing and foundation wall and constructed in accordance with the applicable standards.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Pharmacy. A place or premises used for the preparation, compounding and dispensing of drugs, medicines, medical-surgical supplies and prosthetic devices.

Place or court. An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Plat. A map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof.

a. **Plat, Final** means a drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.

b. **Plat, Preliminary** means a drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

Private club. An association organized and operated for profit or not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be served or sold to members and their guests, provided such service or sale of alcoholic beverages is in compliance with all federal, state and local laws.

Professional office. Any building or part thereof used by one or more persons engaged in the practice of a recognized profession, included but not limited to accounting, medicine or law.

Public utility. Any business of which the purpose is to furnish any of the following to the general public:

a. Telephone and other telecommunication services
b. Telegraph service
c. Electricity
d. Natural gas
e. Water or stormwater control
f. Transportation of persons or property
g. Cable television

h. Sanitation control
i. Any other business so affecting the public interest as to be subject to supervision or regulation by a governmental agency.

Recreational vehicle. A vehicular-type unit built on or for use on a chassis and designed as living temporary living quarters, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses. At no time that, are these vehicles to be permanent or full time living quarters.

Rehabilitation home. A residential building which is used by an organized group licensed or regulated by the State of Kansas to supervise the rehabilitation of the individual occupants. Sometimes such homes are known as "halfway houses" for the rehabilitation of wayward juveniles, drug or alcohol addicts or former offenders.

Residential design manufactured home. A manufactured home on a permanent wall foundation which has minimum dimensions of twenty-two (22) body feet in width, a pitched roof, siding and roofing materials which are customarily used on site-built homes, and that complies with the architectural and aesthetic standards specified in these Regulations. See **Permanent wall foundation**.

Restaurant. A public eating establishment except drive-ins in which the primary function is the preparation and serving of food on the premises.

Restaurant, drive-in. See **Drive-in Service.**

Retirement homes. See **Nursing homes, retirement homes** or **convalescent homes**.

Safe house. A nonsecure facility providing 24-hour residential care for persons unrelated to the care givers. Emergency shelter and maternity care may be provided.

Sale, retail. The sale of goods, merchandise and/or commodities to the ultimate consumer.

Sale, wholesale. The sale of goods for resale, or the sale of goods produced or processed from raw materials which require bulk delivery of the product.

Salvage yard. A building or premise where junk, waste, three (3) or more inoperable motor vehicles, airplanes, boats and similar discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling.

School. Any public or private elementary, middle school, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction based on school board approved length of duration.

Service, gas or filling station. A building or group of buildings and adjacent surfaced area where motor vehicles are or may be refueled and serviced. Self-service pumps without buildings shall

also be included, but such service shall not include tire recapping, body repair, major overhaul, or sale or rental of motor vehicles (including automobiles, trucks, trailers, mobile homes, campers) or similar uses.

Setback. The distance that is required to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: The term "setback" refers to a required minimum area, while the term "yard" refers to the actual open area.)

Setback, front. A setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Setback, interior side. A setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Setback, rear. A setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

Setback, street side. A setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is abutting a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Sight distances. The area within which no sign, fence, wall, planting or other obstruction to vision shall be constructed, placed or maintained.

a. No such obstruction higher than three feet (3') above the established street grade shall occur within the area of a corner lot between the lines of the intersecting streets and a straight line connecting them at points twenty feet (20') distant from the intersection of the lot lines.
b. No wall or fence more than three feet (3') in height may project into or enclose any required front yard. Walls or fences of up to seven feet (7') in height may project into or enclose other required yards.
c. An area comprising a triangle with legs of five feet (5') measured from the curbline shall be free from any visual obstruction at all points where alleys intersect with public streets.

Storage area/storage yard. An off-street area used for the placement, keeping and storage of inoperable vehicles, vehicles awaiting repair, and parts thereof; building materials, supplies and equipment; trailers; heavy construction equipment and other motorized vehicles and equipment; but not for junkyard or salvage yard purposes.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above. If the finished floor level directly above a basement or unused underfloor space is six feet (6') or more above grade as defined herein for more than fifty percent (50%) of the total perimeter, or is eight feet (8') or more above grade for a total lineal distance of twenty feet (20') or more, such basement or unused underfloor space shall be considered a story.

Story above grade plane. Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

a. More than six (6) feet above grade plane,
b. More than six (6) feet above the finished ground level for more than fifty percent (50%) of the total building perimeter, or
c. More than twelve (12) feet above the finished ground level at any point.

Street. A right-of-way, dedicated to the public use, which provides principle vehicular and pedestrian access to adjacent properties.

Street line or street right-of-way line. A dividing line between a lot, tract or parcel of land and the contiguous street.

Street network.

a. **Arterial.** A street which provides for through traffic movement between and around areas and across the city, with very limited direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
b. **Collector.** A street which provides for traffic movement between arterials and local streets, with limited direct access to abutting property.
c. **Local.** A street which provides for direct access to abutting property and for local traffic movement whether in business, industrial or residential uses.

Structural alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any rebuilding of the roof or the exterior walls. For purposes of these regulations, the following shall not be considered a structural alteration:

a. Attachment of a new front where structural supports are not changed
b. Addition of fire escapes where structural supports are not changed
c. New windows where lintels and support walls are not materially changed
d. Repair or replacement of nonstructural members.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures do not include fences but do include, but are not limited to, buildings, walls, sheds and towers.

Subdivision. The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term "subdivision" includes re-subdivision, and the term "re-subdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use or other purposes, which varies from the latest, approved subdivision of the same.

Subdivision regulations. The Crawford County Subdivision Regulations, as adopted by the Governing Bodies and as amended from time to time.

Townhouse. A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Townhouse building. A grouping of two (2) or more townhouses.

Tract. A plot or parcel of land other than a lot in a subdivision which is recorded in the office of the Crawford County Register of Deeds.

Travel trailer. A structure, not to exceed nine feet (9') in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle. At no time that, are these vehicles to be permanent or full time living quarters.

Travel Trailer Park. A parcel or contiguous parcels of land under single ownership or control that is designed, improved, and operated for the placement of two (2) or more travel trailers, recreational vehicles, or similar temporary dwelling units for transient or short-term occupancy, and which may include internal roadways, utility hookups, common facilities, and accessory structures intended for the use of occupants.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permanent or a special use.

Variance. A specific variation granted by a Board of Zoning Appeals from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of these regulations will, in an individual case, result in unnecessary hardship. Such variance, however, shall not permit any use not permitted by the regulations for such district.

Vehicle, inoperable. Any vehicle that is unable to operate or move under its own power. It shall also mean any vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition which includes having uninflated tires, no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of

mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts, cannot be operated in a normal and safe manner. An inoperable vehicle shall not include vehicles needing only the installation of a battery or the addition of fuel in order to operate.

Vehicle, motor. Every vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled.

Vehicle, recreational. A unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet (8') and a body length not exceeding 40 feet (40'). Units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicles shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Zoning Administrator.

Wall. A barrier which encloses, or partially encloses, and which is built of any materials or combination of materials erected to enclose or partially enclose areas of land or portions of a structure.

Yard. A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these regulations.

Yard, front. A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.

Yard, rear. A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where no rear lot line exists, a line parallel to the front line shall be drawn, ten feet (10') in length between the side lot lines, and the required rear yard shall be measured from this line.

Yard, side. A yard between the main building and the side lot line, extending from the front lot line to the rear lot line.

Zone or district. A section of the zoning area for which uniform regulations are herein established governing the use, height, area, size, and intensity of use of buildings, land, and open space.

Zoning administrator (“ZA”). The person or persons authorized and empowered by the Governing Body to administer the requirements of these zoning regulations.

Zoning area. The area to be zoned as set out on the official zoning map filed of record.

Zoning map(s). The official zoning map for Crawford County as adopted by the Governing Body pursuant to K.S.A. §12-753.

Zoning regulations. The term zoning regulations or this or these regulations shall mean the "Zoning Regulations for Crawford County, Kansas."

Section 2-4

Building Permits

Building Permit Required. No building or structure shall be erected, constructed, reconstructed, moved, enlarged, or materially altered, nor shall any material alteration of an existing structure occur, unless a building permit has first been obtained from the Zoning Administrator. The Zoning Administrator is hereby authorized and required to issue such permits upon determination that the proposed work complies with the provisions of the Regulations and all other applicable laws and ordinances.

ARTICLE 3
DISTRICTS

Classifications

Section 3-1
District Classifications

In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, and of real property within the unincorporated areas of Crawford County, which is divided into three (3) districts, which are designated as follows:

"AG"	Agricultural District
"RR"	Rural Residential District
"GC"	General Commercial

Section 3-2
Zoning District Maps

The boundaries of the zoning districts established by these Zoning Regulations are shown on maps designated as the "Zoning Map of Crawford County, Kansas" with all legends, symbols, notations, references, district boundaries, and other information thereon, and are adopted and incorporated by reference as part of these Zoning Regulations as fully as if they were set out herein in detail.

Original copies of the Zoning Maps, which shall constitute the official record, are maintained in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to these Zoning Regulations, the maps maintained by the Zoning Administrator shall control.

Changes in the boundaries of any zoning district shall be reflected on the Zoning Maps promptly upon approval of the amendment by the Governing Body. It shall be the responsibility of the Zoning Administrator to update the Zoning Maps amended by action of the Governing Body.

If there is a difference, either real or apparent, between the Zoning Map adopted by these Zoning Regulations and previous zoning maps, regardless of whether the real or apparent differences appear or are found to be the result of errors or omissions, the Zoning Map adopted with these Zoning Regulations shall prevail and establish the zoning for all real property.

Section 3-3
Annexation

Land hereafter annexed into a city shall retain its zoning classification as given by Crawford County.

Section 3-4
Rules Where Uncertainty May Arise

It is the intent of these regulations that every part of the unincorporated area of Crawford County shall be included in one of the zoning districts established herein. The boundaries of the specific zoning districts are to scale on the zoning map and are to be interpreted by the corresponding measurements on the map. The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map.

Whenever a lot is divided by a zoning district boundary, the zoning regulations applicable within each district shall apply equally to each portion of the lot situated in a separate district. The dimensions of the zoning district(s) on the lot shall be determined by scaled measurements of the zoning district boundaries on the Zoning Map.

Where boundaries approximate blocks and lots, street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are shown as being within street and alley lines or within identifiable rights-of-way or waterways, the centerline thereof shall be construed to be the district boundary.

Where a district boundary divides an unsubdivided parcel, the location of the district boundary shall be determined by the use of the scale appearing on the Zoning Map unless indicated by dimensions.

Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.

Where a street, alley or right-of-way is lawfully vacated or abandoned, the zoning designation of the abutting property shall apply to the centerline of the vacated or abandoned street, alley or right-of-way.

Should any uncertainty remain about the location or meaning of a boundary indicated on the Zoning Map, the uncertainty shall be resolved by the Zoning Administrator, whose decision may be appealed to the appropriate Board of Zoning Appeals.

Section 3-5
Variances and Exceptions Required

Except as hereinafter provided for by variance or exception granted by a Board of Zoning Appeals as specifically authorized by these regulations or as provided for under Article 10 regarding lawful nonconformance:

a. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
b. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
c. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
d. The minimum yards and other open spaces required by these zoning regulations for each and every building existing at the time of passage of these zoning regulations or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of these zoning regulations.

Section 3-6
Violations Continue

Any violation of the previous zoning or subdivision regulations shall continue to be a violation under these regulations and shall be subject to penalties and enforcement, unless the use, development, construction or other activity is consistent with the express terms of these regulations, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of these regulations.

Section 3-7
Flood Plain Management and Development

Floodplain Development and Management. All development, construction, and land use within areas of special flood hazard shall be subject to the floodplain development and management regulations and any applicable state or federal requirements. No building permit or zoning permit shall be issued for any structure or development located wholly or partially within a designated floodplain until it has been determined by the Zoning Administrator that the proposed activity complies with all applicable floodplain regulations. The boundaries of floodplain areas shall be as shown on the Flood Insurance Rate Maps (FIRMs) and any accompanying Flood Insurance Study,

as adopted and maintained on file with the Crawford County Planning and Zoning Department, which maps are hereby incorporated by reference.

Section 3-8
Conditional Use Permit Standards

A Conditional Use Permit may be authorized only upon a finding that the proposed use complies with all applicable provisions of this Ordinance and shall not be deemed permitted by right or automatically granted. The Planning Commission and/or governing body shall determine that the proposed use, as conditioned, will not be detrimental to the public health, safety, or welfare. In making this determination, the reviewing authority shall consider whether the proposed use: (1) is consistent with the intent and purpose of the zoning district; (2) is compatible with existing and permitted land uses in the surrounding area; (3) will not result in excessive traffic, congestion, noise, dust, vibration, glare, or other adverse impacts; (4) will not adversely affect public utilities, services, drainage, or infrastructure; (5) is designed, located, and operated so as to minimize potential impacts through appropriate site layout, buffering, screening, and operational controls; and (6) complies with any additional conditions necessary to ensure compatibility with surrounding properties and compliance with these regulations. Reasonable conditions may be imposed to mitigate impacts and ensure ongoing compliance.

Conditional Use Permit Application Requirements

An application for a Conditional Use Permit shall be submitted to the Zoning Administrator on forms provided by the County and shall include, at a minimum: (1) the name and address of the applicant and property owner; (2) a legal description and parcel identification number of the subject property; (3) a written description of the proposed use and its operational characteristics; (4) a site plan or sketch drawn to scale showing property boundaries, existing and proposed structures, access points, parking areas, setbacks, utilities, and natural features relevant to the request; (5) identification of adjacent land uses and zoning classifications; (6) any studies, plans, or additional information deemed necessary by the Zoning Administrator or reviewing authority to evaluate compliance with this Ordinance; and (7) payment of the required application fee. No application shall be scheduled for review until it is determined to be complete.

ARTICLE 4
AGRICULTURAL DISTRICT

Section 4-1
Intent

The Agricultural Zoning District (AG) is intended to preserve and protect agricultural lands for farming, ranching, and related resource-based uses. It promotes rural character, supports food production, and limits development that may interfere with agricultural operations. Nothing in these Zoning Regulations shall conflict with agricultural exemptions specifically stated in K.S.A. § 19-2921and K.S.A. § 19-2908.

Section 4-2
Permitted Uses

The following uses are permitted by right in the AG zone:

1. Crop production and cultivation
2. Livestock raising and grazing
3. Farmsteads and single-family dwellings (one per parcel)
4. Barns, silos, and other agricultural structures
5. Roadside stands for sale of agricultural products
6. Home occupations (subject to performance standards)
7. Forestry, tree farming
8. Public parks and open space.

Section 4-3
Conditional Uses

The following uses require a conditional use permit pursuant to the Conditional Use Permit Procedure stated in the Zoning Regulations:

1. Commercial feedlots or concentrated animal feeding operations (CAFOs)
2. Farm equipment repair and service businesses
3. Agricultural processing facilities
4. Rural event venues (barn weddings, festivals)
5. Utility-scale renewable energy projects (e.g. wind, solar)
6. Communication towers
7. Cemeteries, crematories or mausoleums
8. Churches and similar places of worship
9. Veterinarian clinics or animal hospitals for large or small animals, including livestock

10. Municipal waste disposal sites, subject to all required governmental permitting and certification
11. Any public building or land used by any department of the county, state, or federal government.
12. Quarries or other mining operations
13. Building of manufactured homes as defined in Article 2.

Section 4-4
Bulk Regulations

The minimum lot size for any parcel, lot or tract of land in AG District shall be no less than ten (10) acres.

Setbacks. Unless otherwise specified, the following minimum setbacks apply:

Structure Type	**Front Yard**	**Side Yard**	**Rear Yard**
Principal buildings	50 ft	25 ft	50 ft
Accessory buildings	50 ft	15 ft	25 ft
Structures near public roads	75 ft (from centerline)	—	—

Height Limits. No non-agricultural building in the AG District shall exceed thirty-five (35) feet in height, except for exempt agricultural structures (e.g. silos), and shall have no height limit, subject to additional state and federal clearance and regulations as applicable.

Section 4-5
Development Standards

All lots must have direct access to a public road or legal easement.

All activities must comply with applicable Kansas Department of Health and Environment (KDHE) regulations. Additionally, property owners are responsible for controlling noxious weeds per K.S.A. § 2-1314, further outlined by K.A.R. 4-8-44. All non-agricultural developments within the AG District must acknowledge proximity to normal farm operations.

Section 4-6
Non-Conforming Uses and Administration

Existing non-agricultural uses that predate the zoning ordinance may continue, but expansion or change of use requires zoning review and approval.

Enforcement, conditional use permitting, and variance requests shall be handled by the Crawford County Zoning Administrator or Planning Commission, in accordance with K.S.A. Chapter 12.

Section 4-7
Quarry and Mining

Applicability; required approvals. No mineral extraction, quarrying, crushing, screening, washing, stockpiling, or related processing shall commence until the operator has obtained all required local approvals and maintains all required state and federal authorizations, including (as applicable) Kansas licensure/site registration and reclamation plan/bonding under the Kansas surface-mining reclamation program, and KDHE/EPA stormwater and water-quality permits for construction and industrial stormwater discharges.

Site plan; operations plan; reclamation. The application shall include a site/operations plan showing property boundaries, extraction limits and phases, processing areas, stockpiles, drainage features, haul-road connections, proposed screening/buffering, and adjacent land uses; and a reclamation plan and schedule consistent with state requirements, including stabilization, revegetation, slope safety, and final grade/drainage. Financial assurance shall be provided in the form and amount required by the state program and any additional surety required locally for road impacts.

Road use; haul routes; maintenance. Prior to operation, the operator shall identify proposed haul routes and obtain written authorization from the road authority(ies) with jurisdiction. The operator shall be responsible for keeping haul routes clean and safe (including track-out control), repairing damage attributable to the operation, and complying with posted weight limits and oversize/overweight permitting requirements. The Zoning Administrator may require a road use/maintenance agreement addressing dust control, signage, hours, turning improvements, and emergency access.

Hours; traffic controls. The permit may limit hours of extraction/processing and truck traffic, require on-site truck staging to prevent queueing on public roads, and require safe ingress/egress design (sight distance, turning radii) and appropriate warning signs.

Blasting and explosives. Blasting is prohibited unless specifically authorized as a condition of approval. If authorized, the operator shall submit a blasting plan prepared by a qualified blaster, including blast times, notification procedures, safety/misfire procedures, and vibration/airblast monitoring where warranted. Storage, transportation, and use of explosives shall comply with federal explosives law and ATF regulations (27 CFR Part 555) and applicable state/local fire code requirements (commonly administered through Kansas-adopted standards such as NFPA 495/related provisions where enforced locally).

Environmental performance standards (dust, noise, water, light).

1. **Dust:** The operator shall implement dust controls (watering, stabilized entrances, covered loads where needed, and control of windblown stockpiles) to prevent visible dust beyond

the property line, except for occasional short-duration events during high winds. KDHE air-quality guidance and recognized best practices may be used to demonstrate compliance.

2. **Noise:** Operations shall be conducted to avoid unreasonable noise impacts on adjacent properties through setbacks, berms, equipment mufflers, and operational limits as conditions may require.

3. **Stormwater/erosion:** The operator shall obtain and comply with KDHE/EPA stormwater permit coverage (construction and/or industrial, as applicable), maintain erosion/sediment controls, and prevent off-site sedimentation and polluted discharges.

4. **Spills/materials:** Fuels, lubricants, and chemicals shall be stored and handled to prevent releases; spill response materials shall be maintained on-site; and reportable spills shall be addressed consistent with applicable law.

5. **Lighting:** Outdoor lighting shall be shielded and directed downward to minimize glare onto public roads and neighboring residences.

Safety and regulatory compliance. The operation shall comply with applicable federal mine safety standards administered by MSHA (including 30 CFR Parts 56/57, as applicable to surface metal/nonmetal mining) and all other applicable state and federal requirements.

Setbacks; buffers; fencing. The permit may require setbacks from property lines, residences, and public rights-of-way; vegetated buffers/berms; fencing and controlled access around highwalls, pits, processing areas, and settling ponds; and signage warning of hazards.

Inspections; cessation; enforcement. The operator shall allow reasonable inspections by the County for zoning compliance. If operations cease for a specified period (e.g., 12 months) without demonstrated intent to resume, the County may require interim stabilization and/or accelerated reclamation consistent with the approved plan and state requirements.

ARTICLE 5
RURAL RESIDENTIAL DISTRICT

Section 5-1
Intent

The Rural Residential District ("RR District") is established to provide low-density residential development in a rural environment, while preserving the agricultural character and open space of the area. The district allows for single-family dwellings on large lots, with appropriate provisions for utilities and infrastructure.

Section 5-2
Permitted Uses

The following uses shall be permitted by right:

1. Single-family detached dwellings
2. Accessory buildings and structures customary to residential uses (e.g. garages, storage buildings)
3. Home occupations (subject to Article 2 of zoning code)
4. Agricultural uses (excluding confined animal feeding operations)
5. Public parks and playgrounds
6. Utility lines and easements.

Section 5-3
Conditional Uses

The uses may be permitted upon approval of a Conditional Use Permit Procedure stated in the Zoning Regulations:

1. Churches, cemeteries, and other places of worship
2. Public or private schools
3. Bed and breakfasts
4. Veterinary clinics and kennels
5. Telecommunications towers
6. Day care centers (as defined by Kansas law)
7. Small-scale commercial greenhouse or plant nursery
8. Building of manufactured homes as defined in Article 2
9. Other accessory uses stated within these regulations.

Section 5-4
Bulk Regulations

The minimum lot size for any parcel, lot or tract of land in RR District shall be no less than two (2) acres but no more than ten (10) acres.

Setbacks. Unless otherwise specified, the following minimum setbacks apply:

Standard	**Requirement**
Minimum Lot Area	Two (2) acres
Minimum Lot Width	100 feet
Minimum Front Yard Setback	30 feet from road right-of-way
Minimum Side Yard Setback	15 feet each side
Minimum Rear Yard Setback	40 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	50%

Height Limits. No non-agricultural building in the RR District shall exceed thirty-five (35) feet in height, except for exempt agricultural structures (e.g. silos), and shall have no height limit, subject to additional state and federal clearance and regulations as applicable.

Additional Regulations.

Driveway Access: All lots must have access to a public road or an approved private road.

Accessory Structures: All accessory structures must be in side/rear yards.

Waste Disposal: On-site wastewater systems must comply with county health department regulations.

Water Supply: Domestic water supply must meet state and local health standards.

Floodplain Development: Any development in a designated floodplain shall comply with the applicable floodplain management ordinance.

Subdivisions: Any subdivision of land must comply with the county subdivision regulations.

ARTICLE 6
GENERAL COMMERCIAL DISTRICT

Section 6-1
Intent

The General Commercial (GC) District is established to accommodate a broad range of retail, service, and office uses that serve the community and regional markets. It is intended to promote economic development while ensuring compatibility with surrounding land uses.

Section 6-2
Permitted Uses

The following uses are permitted by right in the GC District:

1. Retail sales and services (e.g. grocery stores, department stores, hardware stores)
2. Personal Services (e.g. salons, laundromats, fitness centers)
3. Business and professional offices
4. Medical and dental clinics
5. Banks and financial institutions
6. Restaurants and cafes (including drive-through)
7. Commercial recreational facilities (indoor)
8. Mixed-use developments
9. Car washes and auto service stations

Section 6-3
Conditional Uses

The uses may be permitted upon approval of a Conditional Use Permit Procedure stated in the Zoning Regulations:

1. Bars, taverns, and nightclubs
2. Outdoor commercial recreation
3. Telecommunications towers
4. Vehicle sales and rentals
5. Wind or solar energy systems (when exceeding specified thresholds)
6. Travel Trailer Parks (*or mobile home parks*)
7. Storage Facilities
8. Event Centers
9. Any items as a generally-permitted use in AG or RR district.

Accessory Uses

1. Off-street parking and loading areas

2. Sign areas
3. Outdoor storage.

Section 6-4
Development Standards

Standard	Requirements
Minimum Lot Area	Three (3) acres
Minimum Lot Width	100 feet
Maximum Building Height	45 feet
Minimum Front Setback	50 feet from road right-of-way
Minimum Side Setback	25 feet each side from commercial and 50 feet each side from residential
Lot Coverage	50% maximum

Parking Requirements

Use Type	Minimum Required Parking
General retail or service	1 space per 250 sq. ft. of gross floor area
Restaurants or cafes	1 space per 3 seats or 1 space per 100 sq. ft., whichever is greater
Offices (professional, medical)	1 space per 300 sq. ft. of gross floor area
Motels / Lodging	1 space per guest room + 1 per employee
Agricultural supply/equipment	1 space per 500 sq. ft. of display area + 1 per employee
Churches or assembly halls	1 space per 4 fixed seats or per 40 sq. ft. of assembly space
Auto or truck repair	3 spaces per service bay + 1 per employee
Warehousing / Storage	1 space per 1,000 sq. ft. of floor area

Loading and Service Areas

At least one loading/unloading space shall be provided for commercial uses exceeding 5,000 sq. ft. Loading areas must not block parking spaces or drive aisles. Accessible parking shall be provided in accordance with the Americans with Disabilities Act (ADA).

Signs

One on-premises sign located at the situs of a business shall be permitted by right, provided such sign does not exceed four (4) square feet in area. Any sign exceeding four (4) square feet, any sign not located at the situs of the business, or any stand-alone sign shall be permitted only upon approval of a Conditional Use Permit in accordance with the provisions of these regulations.

ARTICLE 7
SUBDIVISIONS

Section 7-1
Purpose, Intent and Applicability

The purpose of a Subdivision is to encourage innovative, flexible, and unified development that results in a higher quality, more integrated design than would be possible under standard zoning regulations. A Subdivision may include a mix of residential, commercial, recreational, and institutional uses and must be consistent with the Comprehensive Plan. A Subdivision may be proposed in any zoning district, subject to approval, and is typically required for:

- Developments over 10 acres
- Mixed-use projects
- Projects seeking relief from standard dimensional or use requirements.

Section 7-2
Application and Setup Process

Pre-Application Conference. Before submitting a Subdivision application, the developer must attend a pre-application meeting with the Zoning Administrator to review concept plans, code compliance, and procedural requirements.

Application Requirements

The Subdivision application shall include:

A. Legal description of the property
B. Site plan and development layout
C. Proposed land uses and densities
D. Phasing plan (if applicable)
E. Landscaping and open space plan
F. Transportation and access analysis
G. Utility and drainage plans
H. Architectural design standards (if proposed)
I. Statement of how the Subdivision conforms to the Comprehensive Plan.

Review and Approval Process

- **Step 1: Staff Review** — Planning staff reviews the application for completeness and conformance with County plans and regulations.
- **Step 2: Public Hearing** — A hearing is held by the Planning Commission, with public notice in accordance with K.S.A. § 12-757.
- **Step 3: Planning Commission Recommendation** — The Commission recommends approval, denial, or modification.
- **Step 4: Governing Body Action** — Final approval is by ordinance or resolution of the County Commission.

Section 7-3
Standards for Approval

A Subdivision must meet the following criteria:

- Conformance with the Comprehensive Plan and adopted area plans
- Compatibility with surrounding land uses
- Adequate public infrastructure and services
- Preservation of natural features and open space
- Overall design quality and pedestrian connectivity
- Provision of internal consistency in use, density, and layout.

Section 7-4
Amendments and Revisions

Minor Amendments. Planning staff may approve minor adjustments, such as slight shifts in lot lines or building footprints, if consistent with the Subdivision intent.

Major Amendments. Changes in use, density, circulation, or open space require approval through the same process as the original Subdivision.

Section 7-5
Expiration and Vesting

Subdivision approval shall expire after **24 months** if substantial construction has not commenced, unless extended by the Governing Body. Once a Final Development Plan is approved and vested, development rights are protected for **five (5) years**, subject to continued compliance.

Section 7-6
Administration

Final Development Plan (FDP). Prior to receiving building permits, the applicant must submit a Final Development Plan conforming to the approved Subdivision. The FDP must include:

- Finalized site and utility plans
- Construction documents
- Development schedule
- HOA or master association documents (if applicable).

Monitoring. The Planning Department shall track Subdivision development progress and ensure compliance with phasing and plan requirements.

Section 7-7
Enforcement and Remedies

Enforcement Authority. The Zoning Administrator or their designee shall enforce all terms of the Subdivision ordinance and associated development agreements.

Violations. Failure to comply with Subdivision conditions constitutes a zoning violation and may result in:

- Revocation of Subdivision approval
- Stop-work orders
- Civil penalties as allowed by K.S.A. §12-761
- Injunction or legal action through the District Court.

Appeals. Applicants may appeal decisions related to Subdivision enforcement to the Board of Zoning Appeals (BZA) in accordance with local procedures and K.S.A. § 12-759.

Section 7-8
Recording and Notification

A certified copy of the approved Subdivision ordinance and all relevant plans shall be recorded with the County Register of Deeds and filed with the Planning Department. Notification must be provided to all affected utility agencies and departments.

Section 7-9
Lot Splits

Authority. The Zoning Administrator may approve lot splits and boundary adjustments as provided herein, subject to appeal of the Board of County Commissioners.

Applicability. These provisions apply to unincorporated Crawford County. Any division not meeting this Article shall require platting and any necessary rezoning.

One-and-Done Rule. Unless expressly allowed in this Article, only one administrative split of a Parent Tract is permitted. Any further division of any resulting lot requires platting and/or rezoning as applicable.

Definitions

Parent Tract. The legally-described tract existing on the effective date of the application.

Agriculture Split. An administrative split creating one (1) additional lot from a Parent Tract used and zoned for agriculture, Article 4.

Homestead Split. A split to carve out a lot containing an existing, habitable dwelling and customary outbuildings; may rely on an access easement.

Mortgage-Purpose Split. A split creating a financing-only lot with no immediate development rights.

Administrative Split. A split approvable by the Zoning Administrator without platting when criteria in this Article are met.

Submittal Requirements

Survey. Certificate of survey by a Kansas-licensed land surveyor, scale ≥ 1"=100', showing existing/proposed lot lines, structures, rights-of-way, easements, access, and setbacks. Survey should also include legal descriptions of the Parent Tract and all resulting lots.

Acreage & Dimensions. Net lot areas, lot width/depth, and depth-to-width ratio certification.

Frontage/Access. Location and width of public road frontage or proposed access easements; proposed driveway location.

Utilities. Location of existing/proposed water, wastewater, electric, gas, and telecom service.

Easements & Access Control. Existing and proposed, with recording references.

Title Evidence. Current owner-of-record and encumbrances affecting access/easements.

Approval Block. 3"×5" space for County approvals and recording references.

Approval Standards

No split shall be approved if any of the following apply, unless expressly permitted in this Article:

1) Creation or extension of public streets, or vacation of streets/alleys/setbacks/access control/easements is required.

2) Resulting lots would lack required public right-of-way width or become landlocked (except where Homestead access easement is approved).

3) Required easements or access cannot be obtained or secured.

4) Any resulting lot fails to meet minimum area, frontage, setbacks, or shape controls in this Article or the Zoning Regulations.

5) Any resulting lot would exceed a 4:1 lot depth-to-lot width ratio (measured at the building line), unless waived.

6) The split would circumvent subdivision intent or materially injure adjacent properties, drainage, or public facilities.

Administrative Timeframe. The Zoning Administrator shall approve, conditionally approve, or deny an administrative split within 15 working days of a complete application.

Types of Splits

A. Boundary Adjustments (No New Lots)

A boundary shift between adjoining properties that does not create a new lot and does not create a substandard lot may be approved administratively by the ZA if all standards are met.

B. Agriculture Split (Administrative)

The purpose of an Agriculture Split is to allow one additional lot for agricultural families/operations while preserving rural character. This split can create up to 1 additional lot from the Parent for a total of up to 2 lots total after the split.

Dimensional and Design Standards.

- Minimum Lot Area (new lot): 10 acres.
- Frontage: Direct frontage on a public road meeting County standards.
- Shape: Depth-to-width ≤ 2:1; minimum width at building line 150 feet unless zoning requires more.

- Utilities: Demonstrate potable water and wastewater feasibility per County Sanitarian standards.

Further Division. After an Agriculture Split, no further split of the Parent Tract or any resulting lot is permitted without platting under Article 14 (and rezoning if required).

C. Homestead Split (Easement Access Allowed)

The purpose of a Homestead Split is to recognize historic homestead sites that may lack direct public road frontage, while ensuring durable access and preservation of agricultural land.

Standards.

Eligibility:

1) The new Homestead Lot must contain an existing habitable dwelling at the time of application.

2) The Parent Tract is zoned and used for agriculture.

Lot Parameters:

1) **Area**. 5 to 10 acres (inclusive) unless the ZA finds a smaller area (not less than 3 acres) better captures the existing homestead envelope; larger than 10 acres only upon BOCC approval with findings.
2) **Access**. A recorded access easement (minimum 30 feet width) to a public road; easement maintenance agreement required.
3) **Shape**. Depth-to-width ≤ 4:1 (may be waived to follow existing tree lines/farm lanes).
4) **Protection of Remainder**. The County may require an APO or conservation easement on the balance to preserve agricultural acreage and prevent additional unplatted splits.

Review Path:

1) Notice: Applicant must provide mailed notice to owners of record within 1,000 feet; 14-day written comment period.
2) Decision: If no written objections are received and all standards are met, the ZA may approve administratively. If objections are received or standards need discretionary relief, the application proceeds to the Planning Commission for public hearing with final action by the BOCC.

Further Division. No further split of the Homestead Lot or remainder without platting and any required rezoning; APO/easement amendments require BOCC approval.

D. Mortgage-Purpose Split (Financing-Only Lot)

The purpose of a Mortgage-Purpose Split is to enable financing of agricultural improvements by creating a loan collateral parcel while preventing premature residential development.

Standards.

1) Area: 5 to 10 acres (inclusive)
2) Access: Direct public road frontage or a recorded access easement
3) No Immediate Dwelling Right: No building permit for a dwelling shall be issued on the Mortgage-Purpose Lot unless and until the owner demonstrates control of contiguous land sufficient to meet the base agricultural district's minimum acreage (or secures rezoning/platting as applicable).
4) Protection of Remainder: Record a conservation easement on the balance of the Parent Tract, as determined by the ZA, to maintain the minimum agricultural acreage and prevent serial administrative splits.
5) Further Division. The Mortgage-Purpose Lot shall not be further divided without platting; APO removal or modification requires BOCC approval upon Planning Commission recommendation.

Further Division. The Mortgage-Purpose Lot shall not be further divided without platting, or modification requires BOCC approval upon Planning Commission recommendation.

ARTICLE 8
WIND ENERGY CONVERSION SYSTEMS

Section 8-1
Purpose and Intent

The regulations set forth in this Article or set forth elsewhere in these regulations when referred to in this Article, are the regulations governing the placement and operation of both commercial and domestic Wind Energy Conversion Systems ("WECS"). The intent of this Article is to allow commercial WECS as conditional uses in the Agricultural District (Article 4) and General Commercial District (Article 6), with any conditional use permit for such use required to comply both with the relevant provisions within these regulations. It is the further intent of this Article to allow domestic WECS as accessory uses subject to compliance with the relevant provisions for such use set forth in this Article.

Section 8-2
Definitions

a. ***Wind Energy Conversion System*:** An electrical generating facility comprised of one or more wind turbines and accessory structures including transmission lines, meteorological equipment, substations, and other structures both temporary and permanent as needed, that operate by converting kinetic wind energy into electrical energy, which is transmitted to a storage and/or distribution facility.

b. ***Commercial Wind Energy Conversion System*:** A single Wind Energy Conversion System exceeding 100 kW or exceeding 120 feet in height above grade, or more than one Wind Energy Conversion System of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels or as a unified or single generating system. The primary purpose of such system is the sale, resale or off-site use of electrical power.

c. ***Domestic Wind Energy Conversion System*:** A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW, which is less than 100 feet in height above grade and which is intended to primarily reduce on-site consumption of utility power and not primarily for commercial power production.

d. ***Wind Energy Conversion System Height*:** The distance measured from the ground level at the base of the tower structure to the highest point on the Wind Energy Conversion System, including the rotor blades.

e. ***Blade Glint:*** The intermittent reflection of the sun off the gloss surface of wind turbine blades.

f. ***Ice Throw:*** Ice build-up that is thrown by spinning blades.

g. ***Shadow Flicker:*** A readily observable, moving shadow cast upon an observer when the blades of an operating wind turbine pass between the sun and an observer.

h. ***Feeder Line:*** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid; in the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

i. ***Structure:*** Anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

Section 8-3
Commercial Wind Energy Conversion Systems

Development Plan: The application for a conditional use permit for a Commercial Wind Energy Conversion System shall be for all the Agricultural-zoned land within the perimeter of the proposed development and shall include all lands needed to meet all commercial requirements, including setbacks, required within this application. One application, with landowner's signature, shall be required for each parcel of land located within the perimeter of the proposed Commercial Wind Energy Conversion System.

The application shall consist of the following:

a. **Introduction:** A written document providing the following general information on the proposed project:

1. Title of the project

2. Two (2) maps showing project location and vicinity, one at 1:100,000 scale, and one at 1:2,000 scale (USGS scale)

3. Name and address of the developer, and phone number and e-mail addresses of a contact person for the project. A statement from the developer providing relevant information regarding an overview of the company, qualifications and experience in Commercial Wind Energy Conversion System development. In addition, the name, address, phone numbers and e-mail address of the manager of the proposed project.

4. The location of any operation or maintenance facilities serving the projection including temporary assembly areas, and public access roads needed.

5. Relevant background information on the project, including a general overview of the project location, rationale and need for the project, timeframe and project life, phases of development, likely markets for the electricity produced, and possibilities for future expansion.

6. Environmental guidelines and industry codes of practice that will be followed if approved.

7. Reclamation Plan.

b. **Project Description:** A detailed description of the project and its life span, including the construction, operation, and decommissioning phases, and any infrastructure and off-site accessory structures required for the project, including:

1. A general description of the major components and on-site facilities of the Commercial Wind Energy Conversion System, including information on the wind turbine specifications, transmission line and accessory facilities such as control rooms, transformers, substations, maintenance facilities, underground infrastructure, and interior access roads. The number, location, capacity, and dimensions of the turbines shall also be included.

2. A description and schedule of major construction activities for the turbines, transmission lines, and accessory structures.

3. A description of the proposed site preparation involving removal of vegetation.

4. Estimates of the quantities of raw materials required for construction activities (sand, gravel, etc.) and their likely source.

5. The volume and designated route for traffic generated during the construction phase, including routes for oversized and heavy equipment, and the proposed method of providing assurances to the public entities responsible for the roads of repairs and ongoing maintenance to the roads and bridges needed to support the project.

6. The designated route for traffic generated during the utilization of the facilities, including routes for oversized and heavy equipment needed for maintenance or repairs, and the proposed method of providing assurances to the public entities responsible for the roads of repairs and ongoing maintenance to the roads and bridges needed to support the project.

7. Operation and maintenance requirements (including frequency of maintenance activities) for the turbines and internal transmission lines connecting the individual turbines within the project and the transmission lines connecting the system to the "grid."

8. Width of transmission line easement required, including access requirements to the easement and any restrictions necessary on land use, development, and access within said easement.

c. **Site Plan.** A Site Plan with the following specifications shall be submitted:

1. Scale of 1" = 2000';

2. Scale and north point (up);

3. Name / address of land owner(s) and land developer(s);

4. Boundaries of site. This includes boundary of property and boundary of area included within the requested Conditional Use Permit;

5. Topography with contours at intervals of 20';

6. Adjoining roads, streets, railroads, landing strips and airports;

7. Transmission lines, including casing and casing lines, as required by current Crawford County Road and Bridge Department policies, including but not limited to County rights-of-way and section lines;

8. All houses within 1000' of the site boundary;

9. Acreage of site; point(s) of access to the project;

10. Schematic location of turbines, electrical collection systems, and maintenance roads;

11. Boundaries of the 100-year floodplain as identified on the Federal Insurance Administration's "Flood Hazard Boundary Maps" of Crawford County, Kansas;

12. The location of any underground pipelines and other utility easements; and

13. Title and notice of property owners within 1000 feet of each parcel in the project area, certified by a Kansas licensed title examiner.

d. A written report addressing the items identified herein, including Performance Standards, as they relate to Commercial Wind Energy Conversion Systems. In particular, these should address the following topics:

1. Off-Site Infrastructure

2. Overview of existing environment

3. Noise

4. Surface water

5. Groundwater

6. Air

7. Visual effects

8. Ice throw

9. Fire hazard analysis

10. Communication interference

11. A Decommissioning & Reclamation Plan for the entire site

12. Proposed measures to mitigate the effects of adverse impacts to the existing environment resulting from the construction, operation and decommissioning of the proposed facility

13. A Decommissioning & Reclamation Plan for the entire site, including approved recycling of propellers and tower materials, as approved by the Crawford County Board of County Commissioners

14. Road Use and Bridge plans, including haul routes, alternative haul routes, a plan defining primary and alternate haul routes, roads, bridges, culverts, etc. Furthermore, these plans shall include financial compensation for damage, repair, and bonding.

15. Depth of transmission lines to be determined by individual permit after consideration of geographical, geological, and road use conditions.

Performance Standards.

a. In order to receive and maintain a Conditional Use Permit issued in accordance with the provisions of these regulations, a Commercial Wind Energy Conversion System shall conform to the following performance standards:

(1) **Off-Site Infrastructure.** All roads not a part of the primary highway system of the State of Kansas intended to be used by the applicant as a means of ingress and egress to the proposed facility shall be designated on the application. Final approval of the designated roads to be used shall be made a part of the Conditional Use Permit, if approved. A construction and maintenance agreement between the applicant and Crawford County shall be required, unless waived by the Board of County Commissioners. Such agreement shall specify the standards to which such roads will be reconstructed, if necessary, and the standards to which such roads will be subsequently maintained by the owner/operator of the Commercial Wind Energy Conversion System. The agreement shall also specify the form, manner, timing, and frequency of maintenance and upkeep. The responsibility of determining sufficiency of compliance with the road agreement shall be with Crawford County or its designee.

In addition, documentation shall be provided indicating any proposed changes or upgrades to electrical substations, existing power transmission systems, or realignment of other utility systems required to support the project. Acknowledgement from the owners of those systems shall be provided to prove that they are aware and have reached agreement with the applicant to provide for those changes, and that any additional approvals required by these Regulations for such expansions have been or will be made prior to any construction by the applicant or that utility system.

The Board of County Commissioners may grant one or more extensions of time related to any County-issued Conditional Use Permit for Wind Conversion approval, permit condition, compliance deadline, reclamation deadline, or required improvement, upon good cause shown, provided the extension is consistent with the public health, safety, and welfare and does not substantially increase impacts beyond those originally approved.

(2) **Overview of existing environment.** A system should not be located in areas that have a strong potential for biological and/or environmental conflicts with a system. A written description of the project site location, including an overview of the existing environment that may be affected by the construction and operation of the project, must be provided. Said overview shall include information regarding:

a) Flora – vegetation species, endangered and threatened species (officially listed), critical habitat and habitat conditions for such species

b) Fauna – species, habitat assessment, endangered and threatened species (officially listed), migratory species, critical habitat, and habitat conditions for such species

c) Geoconservation – sites of geoconservation significance listed on the state/national database

d) Flood zones

e) A map of the known or mapped archeological, cultural or historical sites or structures within a mile of the project.

(3) **Noise.** A system should not be located in such proximity to residences so that noise from turbines is greater than 50 dBA during the day (7:00 a.m. to 10:00 p.m. and 45 dBA at night (10:00 p.m. to 7:00 a.m.). A noise report shall be prepared pursuant to established methodologies, such as International Electrotechnical Commission (IEC) Technical Specifications 61400-11-2, that identifies current decibel levels surrounding the project site and the decibel levels and source noise if development occurs. This shall be in effect during all construction, operation and maintenance of all facilities in the project, including using appropriate methods to mitigate impacts.

(4) **Surface water.** Water Quality Standards utilized for construction sites in Kansas under the requirements of the Clean Water Act shall be in effect during all construction, operation, and maintenance of all facilities in the project, including using appropriate methods to mitigate impacts.

(5) **Groundwater.** The project must be consistent with the objectives and requirements of all relevant water management policies of the county and state. The following issues shall be addressed by a hydrologist licensed by the State of Kansas:

a) Protection of the quality and quantity of the area's groundwater resources

b) Maintenance of groundwater quality

c) Preparation of a hydrology survey of the property within the project.

(6) **Soil Erosion.** Construction, operation and decommissioning shall be done in a manner so as to minimize soil erosion. Facilities should avoid steep or erodible slopes, and the number and width of roadways and construction staging areas should be kept to a minimum.

(7) **Air.** Dust emissions control measures shall be utilized during the construction phase and from all access roads that impact all non-agricultural uses, including farm residences, during the life of the project.

(8) **Visual Effects.** The following standards shall apply:

a) Systems shall use non-reflective, neutral-color finishes. All towers and blades shall bear only limited markings for names of manufacturers or logos or similar identifying markings of the owners of the system.

b) The layout of the system shall limit shadow flicker to 30 hours annually at occupied residential structures. Occupied residences may waive shadow flicker limitation in writing.

c) All lighting necessary to comply with the FAA lighting requirements shall be installed on the minimum number of structures to comply with the requirements and shall consist of dual lighting structures with daytime strobe lights on medium intensity and nighttime red lights only. No high-intensity strobes or nighttime strobes shall be permitted.

d) No telecommunications dishes, antennas, cellular telephone repeaters, or similar devices shall be attached to towers.

(9) **Ice Throw.** All tower structures shall be located such that the maximum potential distance of ice throw from any individual structure shall be on the land owned by the lessor on which the structure is located. Specific documentation shall be provided to quantify the basis of the distance assumed and shall be included with the application materials. Ice throw shall not be allowed onto public roads or adjoining property.

(10) **Fire Hazard Analysis.** Specific measures shall be documented to assure that risks from fire caused by any individual structure shall be minimized. These include redundant mechanical equipment to shut down any rotor suffering from high heat from internal failure, and safety plans to be utilized during construction and maintenance.

In addition, mitigation plans are to show how the towers and equipment are protected from fire originating from outside the site, especially in the event of a fire originating from a controlled burn or other source that might encroach into the project area.

(11) **Communication Interference.** Provide documentation regarding the risk of interference to other communication signals (radio, television, microwave, radar) and actions to mitigate potential adverse effects.

(12) **Environmental Assessment and Mitigation.** Provide an environmental assessment of the potential adverse impacts from the proposed development and measures to be taken to mitigate such impacts. The assessment and mitigation plan must include the following:

a) Impact on wildlife and wildlife habitat both on the site and in a biologically significant area surrounding the site

b) Impact on any endangered or threatened species on the site and in a biologically significant area surrounding the site

c) Impact on avian population, including migratory birds

d) Impact on flora on the site and in a biologically significant area surrounding the site

e) Impact of the development on soil erosion

f) Impact of the development upon quality of groundwater and surface water in the area

g) Impact on historic, cultural, and archaeological resources in the area.

(13) **Decommissioning and Reclamation/Abandoned Towers.** Approval of the Conditional Use Permit for a Commercial Wind Energy Conversion System shall be accompanied by a cash escrow account or surety bond, or other means of financial assurance of a form, and in an amount, approved by the Board of County Commissioners as reasonably necessary to pay for the cost of decommissioning the facility and reclaiming the site to its pre-construction condition, which shall be reviewed and revised every five (5) years by an independent contractor at the expense of the applicant. The purpose of this financial assurance is to ensure the removal of all improvements subject to permit in the event of abandonment of the facility and reclamation of the site. Decommissioning shall include the requirement that all equipment, including buried transmission infrastructure, shall be removed from the site; the foundations shall be removed to a depth of five (5) feet below the ground surface; access roads shall be removed to the landowners' satisfaction; and the ground shall be restored to the condition specified in the reclamation plan. Access roads may be maintained if so requested by the landowner(s) and not included within the reclamation requirements. Additionally, all remaining subsurface structures shall be identified by pin on the GPS mapping program.

An individual turbine shall be considered to have been abandoned when the turbine is incapable of producing more than 20% of the average amount of electricity produced by such turbine in comparable previous time periods (adjusted for actual wind conditions), as determined by the Zoning Administrator, for a period of at least six consecutive months, and there is no demonstrated viable plan to restore the equipment to operating condition. An entire project shall be considered to have been abandoned when at least 50% of the individual turbines have not produced electricity for a period of at least six consecutive months and there is no demonstrated viable plan to restore the equipment to operating condition. An extension of the six-month time period may be granted by the Board of County Commissioners upon the presentation of sufficient justification by the project owner.

Crawford County requires permanent notification of deadlines and decommissioning with an itemized map of remaining structures. Such map shall be recorded with the Crawford County Register of Deeds in each county parcel.

County Review of Adequacy of Application. In making its review of an application for a conditional use permit, the County may: (a) rely upon the information as submitted by the applicant, (b) supplement the information submitted with additional analysis and/or certification by qualified sources, the cost of which may be assessed back to the applicant, or (c) advise the applicant, prior to its submission of the application, that certain analysis and study will be performed by a qualified party selected by the County, with the reasonable costs so incurred to be assessed to the applicant as part of its application fee.

Monitoring and Review. Each approved Commercial Wind Energy Conversion System shall provide a monitoring, review and reporting program for each part of the project to confirm compliance with the above-listed performance standards. At the time of application, a written report shall be submitted detailing the proposed pre-construction monitoring/studies, sites to be sampled, sampling procedures, the parameters to be analyzed, frequency of sampling, and reporting. A site plan showing sampling locations is also required.

Additional Conditions. A Commercial Wind Energy Conversion System shall meet the following requirements:

a. Strict conformance to all relevant performance standards set out in the Crawford County Zoning Regulations. The requirement for construction to begin within one (1) year may be extended by the Zoning Administrator to 18 months on written request by the applicant showing that circumstances beyond their control have prevented the applicant from obtaining a building permit.

b. A Wind Energy Conversion System shall meet the following setback requirements:

    1. The height of the Wind Energy Conservation System shall not exceed 600 feet.

    2. The height of the Wind Energy Conservation System plus 50 feet from the edge of the rights-of-way of all public roads is required.

    3. A distance equal to twice the Wind Energy Conversion System height from a residential structure. Landowners may reduce this distance to not less than the Wind Energy Conversion System Height by providing written approval.

    4. A distance of 1.1 multiplied by the Wind Energy Conversion System Height from any property line for property not subject to the conditional use permit.

    5. A distance of at least 300 feet from another tower.

c. All communication lines and power collection lines shall be installed underground, under or at the edge of the access roads. Aboveground transmission lines may be used

only in public rights-of-way or easements.

d. The applicant shall apply for a building permit for each Wind Energy Conversion System structure and shall do so prior to commencing construction.

e. The lowest point of the rotor blades shall be at least 50 feet above ground level at the base of the tower.

f. No significant quantities of lubricants shall be kept on site. No hazardous materials shall be kept on site.

g. The permit holder shall maintain continuous liability insurance coverage in an amount not less than $1,000,000.00, with the County named as an additional insured. In lieu of such coverage, the permit holder may provide an indemnification agreement satisfactory to the County.

h. The permit holder shall maintain ongoing compliance throughout the life of operations, including construction, completion, production, workovers, decommissioning and site reclamation. County approvals are issued subject to continuing compliance, and may be subject to enforcement action if compliance is not maintained. The permit holder shall provide written notice to the Zoning Administrator within ten (10) business days of any material change in operations or site conditions that could reasonably affect compliance with County approval conditions, performance standards, or change of operators.

Section 8-4
Domestic Wind Conversion Systems

As Accessory Use in the Agricultural District. In the "A" Agricultural District, domestic WECS are allowed as an accessory use in Rural Resident Districts with a conditional use permit.

a. **Domestic wind energy conversion systems.** The following conditions and restrictions shall apply to domestic wind energy conversion systems:

1. **Minimum parcel size.** No system shall be located on a parcel of less than 5 contiguous acres.

2. **Density.** No more than one (1) system shall be located on each 5 acres of a parcel.

3. **Spacing.** No system may be located within 300 feet of another domestic system or a commercial wind energy conversion system.

4. **Setbacks.** Every system shall meet the following minimum setbacks:

(a) A setback from the nearest property line a distance equal to twice the height of the system, including the rotor blades

(b) A setback from the nearest public road right-of-way a distance equal to the height of the system, including the rotor blades, plus an additional 50 feet.

5. **Blade height.** The lowest point of the rotor blades shall be at least 50 feet above ground level at the base of the tower.

6. **Tower height.** A maximum of 100 feet.

ARTICLE 9
SOLAR ENERGY COLLECTION SYSTEMS

Section 9-1
General Provisions

1. Authority. These regulations are adopted under K.S.A. §12-741 *et seq.,* and applicable county zoning authorities (Ch. 19, Art. 29).
2. Purpose. To establish reasonable standards for siting, constructing, operating, and decommissioning Commercial Solar Energy Conversion Systems (CSECS) and Commercial Solar Energy Facilities (CSEF). Additionally, these regulations are to ensure that Commercial Solar Energy Collection Systems are properly maintained throughout their operational life to:
    a. Protect public health, safety, and welfare;
    b. Preserve community aesthetics and property values;
    c. Prevent abandoned, unsafe, or deteriorated facilities; and
    d. Ensure continued compliance with approved site plans and zoning approvals.
3. Applicability. Applies to any proposed commercial, ground-mounted solar energy project whose primary purpose is wholesale or retail sale of electricity or exceeds 25 kilowatts of nameplate generating capacity.

Section 9-2
Definitions

1. **Commercial Solar Energy Conversion System (CSECS)**. Ground-installed devices that use solar energy to generate electricity for sale.

2. **Commercial Solar Energy Facility (CSEF).** A commercial solar farm comprising energy collection, any energy storage, and distribution components.

3. **Domestic Solar Collection.** a device or array of devices installed on a residential property to capture sunlight and convert it into energy (electricity or heat) primarily for use by that home. A domestic system production shall be no greater than 25kw.

Section 9-3
Use Authorization and Districts

1. Commercial Solar Energy Systems and Commercial Solar Energy Facilities are permitted by a Conditional Use Permit in Agricultural districts and others as designated.
2. Domestic systems are permitted in Agricultural and Residential districts with notice.

3. A further Conditional Use Permit is required for any expansion of any Commercial Solar Energy System.

4. Prohibited where not listed as permitted or conditional.

Section 9-4
Application and Development Plan Requirements

Development Plan: The application for a conditional use permit for a Commercial Solar Energy Conversion System shall be for all the Agricultural-zoned land within the perimeter of the proposed development and shall include all lands needed to meet all requirements, including setbacks, required within this application. One application, with landowner's signature, shall be required for each parcel of land located within the perimeter of the proposed Commercial Solar Energy Conversion System.

The application shall consist of the following:

Introduction: A written document providing the following general information on the proposed project:

1. Title of the project

2. Two (2) maps showing project location and vicinity, one at 1:100,000 scale, and one at 1:2,000 scale (USGS scale)

3. Name and address of the developer, and phone number and e-mail address of a contact person for the project. A statement from the developer providing relevant information regarding an overview of the company, qualifications and experience in Commercial Energy Conversion System development. In addition, the name, address, phone numbers and e-mail address of the manager of the proposed project.

4. The location of any operation or maintenance facilities serving the project including temporary assembly areas, and public access roads needed.

5. Relevant background information on the project, including a general overview of the project location, rationale and need for the project, timeframe and project life, phases of development, likely markets for the electricity produced, and possibilities for future expansion.

6. Environmental guidelines and industry codes of practice that will be followed if approved.

7. Reclamation Plan.

Project Description: A detailed description of the project and its life span, including the construction, operation, and decommissioning phases, and any infrastructure and off-site accessory structures required for the project, including:

1. A general description of the major components and on-site facilities of the Commercial Solar Energy Conversion System, including information on the panel specifications, transmission line and accessory facilities such as control rooms, transformers, substations, maintenance facilities, underground infrastructure, and interior access roads. The number, location, capacity, and dimensions of the systems shall also be included.

2. A description and schedule of major construction activities for the systems, transmission lines, and accessory structures.

3. A description of the proposed site preparation involving removal of vegetation.

4. Estimates of the quantities of raw materials required for construction activities (sand, gravel, etc.) and their likely source.

5. The volume and designated route for traffic generated during the construction phase, including routes for oversized and heavy equipment, and the proposed method of providing assurances to the public entities responsible for the roads of repairs and ongoing maintenance to the roads and bridges needed to support the project.

6. The designated route for traffic generated during the utilization of the facilities, including routes for oversized and heavy equipment needed for maintenance or repairs, and the proposed method of providing assurances to the public entities responsible for the roads of repairs and ongoing maintenance to the roads and bridges needed to support the project.

7. Operation and maintenance requirements (including frequency of maintenance activities) for the systems and internal transmission lines connecting the individual systems within the project and the transmission lines connecting the system to the "grid."

8. Width of transmission line easement required, including access requirements to the easement and any restrictions necessary on land use, development, and access within said easement.

Site Plan. A Site Plan with the following specifications shall be submitted:

1. Scale of 1" = 2000';

2. Scale and north point (up);

3. Name / address of land owner(s) and land developer(s);

4. Boundaries of site. This includes boundary of property and boundary of area included within the requested Conditional Use Permit;

5. Topography with contours at intervals of 20';

6. Adjoining roads, streets, railroads, landing strips and airports;

7. Transmission lines, including casing and casing lines, as required by current Crawford County Road and Bridge Department policies, including but not limited to County rights-of-way and section lines;

8. All houses within 1000' of the site boundary;

9. Acreage of site; point(s) of access to the project;

10. Schematic location of systems, electrical collection systems, and maintenance roads;

11. Boundaries of the 100-year floodplain as identified on the Federal Insurance Administration's "Flood Hazard Boundary Maps" of Crawford County, Kansas; and

12. The location of any underground pipelines and other utility easements.

Written Report. A written report addressing the items herein, Performance Standards, as they relate to Commercial Solar Energy Conversion Systems. In particular, these should address the following topics:

1. Off-Site Infrastructure

2. Overview of existing environment as shown by a required pre-construction inspection

3. Noise

4. Surface water

5. Groundwater

6. Air

7. Visual effects

8. Fire hazard analysis

9. Communication interference

10. A Decommissioning & Reclamation Plan for the entire site, including approved recycling of panel materials, as approved by Crawford County Board of County Commissioners

11. Proposed measures to mitigate the effects of adverse impacts to the existing environment resulting from the construction, operation and decommissioning of the proposed facility

12. Road Use and Bridge plans, including haul routes, alternative haul routes, a plan defining primary and alternate haul routes, roads, bridges, culverts, etc. Furthermore, this plan shall include financial compensation for damage, repair, and bonding.

13. Depth of transmission lines to be determined by individual permit after consideration of geographical, geological, and road use conditions.

Performance Standards.

a. In order to receive and maintain a Conditional Use Permit issued in accordance with the provisions in these regulations, a Commercial Solar Energy Conversion System shall conform to the following performance standards:

A. **Off-Site Infrastructure.** All roads not a part of the primary highway system of the State of Kansas intended to be used by the applicant as a means of ingress and egress to the proposed facility shall be designated on the application. Final approval of the designated roads to be used shall be made a part of the Conditional Use Permit, if approved. A construction and maintenance agreement between the applicant and Crawford County shall be required, unless waived by the Board of County Commissioners. Such agreement shall specify the standards to which such roads will be reconstructed, if necessary, and the standards to which such roads will be subsequently maintained by the owner/operator of the Commercial Solar Energy Conversion System. The agreement shall also specify the form, manner, timing, and frequency of maintenance and upkeep. The responsibility of determining sufficiency of compliance with the road agreement shall be with Crawford County or its designee.

In addition, documentation shall be provided indicating any proposed changes or upgrades to electrical substations, existing power transmission systems, or realignment of other utility systems required to support the project. Acknowledgement from the owners of those systems shall be provided to prove that they are aware and are in negotiations for an agreement with the applicant to provide for those changes, and that any additional approvals required by these

Regulations for such expansions have been or will be made prior to any construction by the applicant or that utility system.

The Board of County Commissioners may grant one or more extensions of time related to any County-issued Conditional Use Permit for Solar Conversion approval, permit condition, compliance deadline, reclamation deadline, or required improvement, upon good cause shown, provided the extension is consistent with the public health, safety, and welfare and does not substantially increase impacts beyond those originally approved.

B. **Overview of existing environment.** A system should not be located in areas that have a strong potential for biological and/or environmental conflicts with a system. A written description of the project site location, including an overview of the existing environment that may be affected by the construction and operation of the project, must be provided. Said overview shall include information regarding:

C. Flora – vegetation species, endangered and threatened species (officially listed), critical habitat and habitat conditions for such species

D. Fauna – species, habitat assessment, endangered and threatened species (officially listed), migratory species, critical habitat, and habitat conditions for such species

E. Geoconservation – sites of geoconservation significance listed on the state/national database

F. Flood zones

G. A map of the known or mapped archeological, cultural or historical sites or structures within a mile of the project.

b. **Noise.** A system should not be located in such proximity to residences so that noise from systems is greater than 55 dBA during the day (7:00 a.m. to 10:00 p.m. and 45 dBA at night (10:00 p.m. to 7:00 a.m.). A noise report shall be prepared pursuant to established methodologies, such as International Electrotechnical Commission (IEC) Technical Specifications 61400-11-2, that identifies current decibel levels surrounding the project site and the decibel levels and source noise if development occurs. This shall be in effect during all construction, operation and maintenance of all facilities in the project, including using appropriate methods to mitigate impacts.

c. **Surface water.** Water Quality Standards utilized for construction sites in Kansas under the requirements of the Clean Water Act shall be in effect during all construction, operation, and maintenance of all facilities in the project, including using appropriate methods to mitigate impacts.

d. **Groundwater.** The project must be consistent with the objectives and requirements of all

relevant water management policies of the county and state. The following issues shall be addressed by a hydrologist licensed by the State of Kansas:

A. Protection of the quality and quantity of the area's groundwater resources

B. Maintenance of groundwater quality

C. Preparation of a hydrology survey of the property within the project.

e. **Soil Erosion.** Construction, operation and decommissioning shall be done in a manner so as to minimize soil erosion. Facilities should avoid steep or erodible slopes, and the number and width of roadways and construction staging areas should be kept to a minimum.

f. **Air.** Dust emissions control measures shall be utilized during the construction phase and from all access roads that impact all non-agricultural uses, including farm residences, during the life of the project.

g. **Fire Hazard Analysis.** Specific measures shall be documented to assure that risks from fire caused by any individual structure shall be minimized. [
In addition, mitigation plans are to show how the equipment are protected from fire originating from outside the site, especially in the event of a fire originating from a controlled burn or other source that might encroach into the project area.

h. **Communication Interference.** Provide documentation regarding the risk of interference to other communication signals (radio, television, microwave, radar) and actions to mitigate potential adverse effects.

i. **Environmental Assessment and Mitigation.** Provide an environmental assessment of the potential adverse impacts from the proposed development and measures to be taken to mitigate such impacts. The assessment and mitigation plan must include the following:

A. Impact on wildlife and wildlife habitat both on the site and in a biologically significant area surrounding the site

B. Impact on any endangered or threatened species on the site and in a biologically significant area surrounding the site

C. Impact on avian population, including migratory birds

D. Impact on flora on the site and in a biologically significant area surrounding the site

E. Impact of the development on soil erosion

F. Impact of the development upon quality of groundwater and surface water in the area

G. Impact on historic, cultural, and archaeological resources in the area.

j. **Decommissioning and Reclamation.** Approval of the Conditional Use Permit for a Commercial Solar Energy Conversion System shall be accompanied by a cash escrow account or surety bond, or other means of financial assurance of a form, and in an amount approved by the Board of County Commissioners as reasonably necessary to pay for the cost of decommissioning the facility and reclaiming the site to its pre-construction condition. The amount of the cash escrow or surety bond shall be determined by decommissioning estimates, performed by three independent contractors, to be reviewed and renewed every five (5) years during the operations of the project. The purpose of this financial assurance is to ensure the removal of all improvements subject to permit in the event of abandonment of the facility and reclamation of the site. Decommissioning shall include the requirement that all equipment, including buried transmission infrastructure, shall be removed from the site, unless a depth of five (5) feet or more from the variable ground surface to a depth of five (5) feet below the ground surface; the foundations shall be removed to a depth of at least five (5) feet below the variable ground surface; access roads shall be removed to the landowners' satisfaction; and the ground shall be restored to the condition specified in the reclamation plan. Access roads may be maintained if so requested by the landowner(s) and not included within the reclamation requirements. Additionally, all remaining subsurface structures shall be identified by pin on the GPS mapping program.

An individual panel shall be considered to have been abandoned when the system is incapable of producing more than 20% of the average amount of electricity produced by such system in comparable previous time periods (adjusted for actual solar conditions), as determined by the Zoning Administrator, for a period of at least six consecutive months, and there is no demonstrated viable plan to restore the equipment to operating condition. An entire project shall be considered to have been abandoned when at least 50% of the individual systems have not produced electricity for a period of at least six consecutive months, and there is no demonstrated viable plan to restore the equipment to operating condition. An extension of the six-month time period may be granted by the Board of County Commissioners upon the presentation of sufficient justification by the project owner. If Crawford County determines that a facility is not being properly maintained, written notice shall be provided specifying the required corrective actions and a compliance deadline. Failure to correct deficiencies within the specified timeframe shall result in revocation of the conditional use permit, and other enforcement actions as permitted by Kansas law.

Crawford County requires permanent notification of deadlines and decommissioning with an itemized map of remaining structures. Such map shall be recorded with the Crawford County Register of Deeds for each county parcel.

County Review of Adequacy of Application. In making its review of an application for a conditional use permit, the County may: (a) rely upon the information as submitted by the applicant, (b) supplement the information submitted with additional analysis and/or certification by qualified sources, the cost of which may be assessed back to the applicant, or (c) advise the

applicant, prior to its submission of the application, that certain analysis and study will be performed by a qualified party selected by the County, with the reasonable costs so incurred to be assessed to the applicant as part of its application fee.

Monitoring and Review. Each approved Commercial Solar Energy Conversion System shall provide a monitoring, review and reporting program for each part of the project to confirm compliance with the above-listed performance standards. At the time of application, a written report shall be submitted detailing the proposed pre-construction monitoring/studies, sites to be sampled, sampling procedures, the parameters to be analyzed, frequency of sampling, and reporting. A site plan showing sampling locations is also required.

Section 9-5
Maintenance and Decommissioning

All commercial solar energy and domestic solar systems shall be continuously maintained in good working order, including all panels, mounting structures, fencing, access roads, electrical components, and ancillary equipment. Maintenance shall be conducted in accordance with manufacturer specifications, approved site plans and permit conditions; and applicable safety codes and regulations.

The owner and/or operator shall be responsible for all inspections, maintenance, and repairs. Crawford County may inspect facilities upon reasonable notice to ensure compliance.

Failure to Maintain. If Crawford County determines that a facility is not being properly maintained, written notice shall be provided specifying the required corrective actions and a compliance deadline. Failure to correct deficiencies within the specified timeframe shall result in revocation of the conditional use permit and other enforcement actions as permitted by Kansas law.

Decommission Trigger. A Commercial Solar Energy System shall be deemed abandoned if it either ceases operation for a continuous period of 12 months, or is no longer maintained in compliance with this Article.

Abandonment is defined as a solar energy system that has been continuously out of service or non-operational for a specified period of time, with the owner and/or operator notifying authorities or providing a plan for decommissioning.

Decommissioning. When a decommissioning trigger has been reached, an owner and/or operator shall provide a plan for decommissioning which includes removal of all equipment, grading, and completion of revegetation. All recycling and waste-handling must comply with KDHE rules and regulations. If no plan is submitted, Crawford County shall use the financial surety provided and any other enforcement actions as necessary to complete decommissioning.

Section 9-7

Setbacks

Setbacks for Commercial Solar Energy Collection Systems are as follows:

Height. The heights of the array shall be no more than 35 feet excluding substations and transmission lines.

Boundary Setback. All projects shall be setback 300 feet from the boundary line.

Fencing. All projects shall be surrounded by 6-foot minimum secure perimeter fencing with appropriate screening. Screening shall be required to protect from glare, noise, lighting, signate, and wildlife. Stormwater management must meet specified standards based on locality of the project.

Size. All projects shall be on no less than 25 acres of contiguous land.

ARTICLE 10
SPECIAL EVENTS

Section 10-1
Purpose and Intent

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

Section 10-2
Special Event Defined

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations, for one or more of the following types of activities:

1. **Type 1.** Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.

2. **Type 2.** Temporary banners attached to the wall of a building or placed across street rights-of-way.

3. **Type 3.** Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.

4. **Type 4.** Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration.

5. **Type 5.** Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short duration, particularly such activities as “locational” work by film companies. Additionally, the temporary placement of a portable asphalt plant and attendant materials and equipment during construction work on any public road, when such placement is not adjacent to said construction but will be placed within 1 and ¼ miles of said construction, may be allowed under this provision.

The term "special event" shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

Section 10-3
Special Events Not Requiring a Permit

Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.

2. Any structure used in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid zoning certificate, and shall be promptly removed upon cessation of the event.

3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.

Section 10-4
Special Events Subject to an Administrative Permit

Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Administrator. In administering the provisions of this section, the Zoning Administrator shall be guided by applicable County policies as adopted by the Governing Body. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body.

1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Administrator, provided that all of the following performance standards are met:

    A. An application is made and a fee paid in accordance with schedule.

    B. No more than one banner will be displayed when attached to the wall of a building.

    C. The banner shall not be more than 40 square feet in size.

    D. The banner will be displayed for a maximum duration of fifteen (15) days per permit.

2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards herein stated, may be permitted administratively by the Zoning Administrator subject to the prior review and approval of special arrangements for traffic and crowd control by the Sheriff, Fire Chief of the appropriate Fire District, and County Engineer. No such administrative permit shall be issued unless all of the following performance standards are met:

   A. An application is made and a fee paid in accordance with schedule.

   B. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

   C. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.

   D. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.

   E. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, odor, glare, litter or visual pollution. Specific mitigation measures shall be presented.

   F. Any temporary structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.

   G. The special event shall be conducted on private property where the property owner has granted the appropriate permission.

   H. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

Section 10-5
Special Events Subject to Governing Body Approval

Any special event not meeting the criteria of Sections 3 or 4 may be granted a Special Event Permit by the Governing Body. Such permit may be subject to such conditions and safeguards as the Governing Body may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.

2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Governing Body expectations.

3. The provision of traffic control or security personnel to increase the public safety and convenience.

4. Obtaining liability and personal injury insurance in such form and amount as the Governing Body may find necessary to protect the safety and general welfare of the community.

Section 10-6
Application and Fee

1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Administrator and the appropriate fee paid. The application shall be made on forms provided by the Zoning Administrator, and shall be accompanied by the following items as applicable:

   A. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.

   B. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.

   C. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.

2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of Kansas as a nonprofit organization. The fees shall be as established by the Governing Body by separate resolution.

3. The Special Event Permit shall be posted on the site for the duration of the event.

ARTICLE 11
NONCONFORMITIES

Section 11-1
General Provisions

Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses. Types of nonconformities are defined as follows:

a. **Nonconforming lots of record** means an unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded with the Crawford County Register of Deeds prior to the appropriate county's original adoption of zoning regulations and neither said lot nor parcel complies with the lot width and/or area requirements for the district in which it is located.

b. **Nonconforming structure** means an existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which the structure is located.

c. **Nonconforming use** means an existing, lawful use of a structure or land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

Section 11-2
Nonconforming Lots of Record

The Zoning Administrator may issue a zoning certificate for any nonconforming lot of record, provided that:

a. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and

b. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations, and

c. The lot can meet all yard regulations for the district in which it is located.

Section 11-3
Nonconforming Structures

a. **Authority to continue**. Any structure that is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does

not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

b. **Enlargement, repair, alterations**. Any nonconforming principal structure may be enlarged, maintained, repaired or remodeled. No such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. An enlargement which does not, in the Zoning Administrator's determination, extend the nonconformity beyond the existing nonconformity, shall not be an additional nonconformity or an increase in the degree of nonconformity.

c. **Damage or destruction**. In the event that any nonconforming principal structure is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its fair market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located.

d. **Moving.** No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same lot or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 11-4
Nonconforming Uses

a. **Authority to continue.** Any nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land which was lawful and in existence at the effective date of these regulations, and does not involve a structure or only involves a structure which is accessory to such use of land, may be continued, so long as it is otherwise lawful, and so long as it is not specified to be terminated by these regulations.

b. **Ordinary repair and maintenance.**
   1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.

   2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

c. **Extension.** A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to the following:

1. Extension of such use to any structure or land area other than that actually physically occupied by such nonconforming use on the effective date of these regulations or on the effective date of subsequent amendments to these regulations that cause such use to become nonconforming; provided, however, a one-time extension not to exceed twenty percent (20%) of the floor area of a structure or surface area of land shall be allowed.

2. Extension of such use within a building or other structure to any portion of the floor area that was not actually physically occupied by such nonconforming use on the effective date of these regulations or on the effective date of subsequent amendments to these regulations that cause such use to become nonconforming; provided, however, that such use may be extended throughout any part of such building or other structure that is found by the Zoning Administrator to have been lawfully and manifestly designed or constructed for such use on such effective date.

d. **Damage or destruction.** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its fair market value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

e. **Moving.** No structure that is devoted in whole or in part to a nonconforming use and no nonconforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

f. **Change in use.** Any change in use from nonconforming use to a different nonconforming use is prohibited.

g. **Abandonment or discontinuance.** When a nonconforming use is discontinued or abandoned for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land or buildings shall comply with the regulations of the zoning district in which such land is located.

h. **Nonconforming accessory uses.** No nonconforming use which is accessory to a principal nonconforming use shall continue after the cessation or termination of the principal nonconforming use.

ARTICLE 12
PLANNING COMMISSION AND BOARD OF ZONING APPEALS

Section 12-1
Organization

The Board of Zoning Appeals for Crawford County is created in accordance with the provisions of K.S.A. § 12-741 *et seq.* and K.S.A. § 19-2962, and amendments thereto. As established by Resolution No. _____, this Board shall consist of 9 members, which shall serve three-year terms. Members must reside within the county's zoning jurisdiction. Vacancies shall be filled by the Crawford County Board of Commissioners for the unexpired term of a vacating member. From the voting members, a Chairperson and Vice-Chairperson shall be elected annually at the first meeting of the calendar year. The Zoning Administrator or other person appointed by the Board of Commissioners shall serve as Secretary and manage the records and notices, but shall not serve as a voting member.

The Planning Commission in Crawford County is created in accordance with the provisions of K.S.A. § 12-741 *et seq.* and K.S.A. § 19-2962, and amendments thereto. As established by Resolution No. _____, this Commission shall consist of 9 members, which shall serve established terms set within the resolution. Vacancies shall be filled by the Crawford County Board of Commissioners for the unexpired term of a vacating member. From the voting members, a Chairperson and Vice-Chairperson shall be elected annually at the first meeting of the calendar year. The Zoning Administrator or other person appointed by the Board of Commissioners shall serve as Secretary and manage the records and notices, but shall not serve as a voting member.

Section 12-2
Purpose

The Board of Zoning Appeals is responsible for hearing and deciding: (1) appeals from decisions made by the Zoning Administrator, (2) requests for variances from zoning regulations, and (3) applications for special exceptions as permitted by regulations.

The purpose of the Planning Commission is to guide and promote the coordinated development of Crawford County in a manner that best achieves the health, safety, convenience, prosperity, and general welfare of its residents. The Planning Commission serves as the advisory and administrative body to (1) prepare and maintain Crawford County's Comprehensive Plan, (2) recommendation for zoning regulations, (3) review subdivisions and platting, (4) hold public hearings and provide a public forum for citizens and property owners, (5) advise the Board of County Commissioners, and (6) promote orderly growth and development.

Section 12-3
Meetings and Hearings

Meetings. The Board of Zoning Appeals shall hold meetings as needed up to monthly. Such meetings are subject to the Kansas Open Meetings Act, and are open to the public with agendas posted no more than seven (7) days in advance. A quorum of at least 5 members must be present to conduct business. All meetings shall be governed by Robert's Rules of Order for procedural conduct.

Types of Hearings for Board of Zoning Appeals.

a. Appeals. An appeal must be filed within 30 days of the administrative decision. During such hearing, the Board of Zoning Appeals may affirm, reverse, or modify the decision.

b. Variances. Variances may be granted for specific standards as outlined in K.S.A. § 12-759.

c. Special Exceptions. These exceptions are allowed only where specified in the regulations herein. These exceptions only apply to the specific outlined uses.

Types of Hearings for Crawford County Planning Commission.

a. Proposed Zoning Regulations. When Crawford County proposes new zoning regulations or a general revision, the Planning Commission must hold a public hearing on such proposals. Notice must be published at least 20 days before the hearing in *The Morning Sun.*

b. Amendments to Zoning and Rezoning Requests. Any proposed amendments to zoning must be submitted to the Planning Commission, and it will hold a public hearing, causing a written summary of the hearing proceedings to be made. Such hearing notice shall be published at least 20 days in advance, as well as mailed to property owners within 2,000 feet of the applicant's property metes and bounds. Furthermore, interested parties must have an opportunity to be heard at hearing.

c. Comprehensive Planning. Before the Planning Commission adopts or amends any part of Crawford County's Comprehensive Plan, it must a hold a public hearing. Notice must be published at least 20 days before the hearing in *The Morning Sun.* After adoption or amendment by the Commission, a written summary of the hearing must be submitted to the Board of County Commissioners.

d. Other Hearings. The Commission may also hold other public hearings pertaining to subdivision, conditional or special uses, site plans, or overall district proposal as necessary. Such hearings shall abide by the regulations and publish notice of such hearing at least 20 days prior.

Meeting/Hearing Procedure. The process for public hearing shall as follows:

a. Chair will open the hearing and explain the procedures.
b. Staff and applicant will present their case.
c. Public comments will be received and applicant rebuttal allowed.
d. Board will discuss and vote (majority of quorum required).
e. All documents are retained by the Zoning Administrator, and meetings shall be recorded and/or transcribed into minutes.

Section 12-4
Application Process

Applications for the Planning Commission or Board of Zoning Appeals shall be submitted to the Zoning Administrator. An application form, site plan, legal description, documentation, and filing fees are required for a completed application to be submitted. Notice of public hearing shall be published in *The Morning Sun* and mailed to property owners within 1,000 feet of the property line of the applicant's property at least 20 days in advance.

Section 12-5
Decisions and Appeals

Decisions of the Board of Zoning Appeals shall be final unless appealed to the District Court of Crawford County, Kansas within 30 days pursuant to K.S.A. § 12-759(f) and K.S.A. § 19-2913. Written Findings of Fact are entered into the official record.

Section 12-6
Conflicts of Interest

Members of the Board of Zoning Appeals shall disclose and recuse themselves in cases of conflict. Furthermore, all *ex parte* communication must be disclosed.

Section 12-7
Amendments

This policy may be amended by vote of the Board of Zoning Appeals, subject to approval by the Board of County Commissioners.

ARTICLE 13
AMENDMENTS AND REZONING

Section 13-1
Amendments

There are two (2) types of amendments allowed to these regulations: (1) text amendments (e.g. changes to the zoning regulations), and (2) map amendments (e.g. reclassification of land to a different zoning district).

Amendments may be initiated by the following:

1. The Board of County Commissioners
2. The Zoning Administrator
3. A landowner or authorized agent with interest in the subject property.

Prior to any application for an amendment, the applicant is required to have a pre-application meeting with the Zoning Administrator for review to determine: (1) the application content and process, (2) alignment with the comprehensive plan and County goals, and (3) filing deadlines and fees.

Section 13-2
Application Requirements

Applications for Amendments shall be submitted to the Zoning Administrator. An application form, site plan, legal description, documentation including justification, and filing fees are required for a completed application to be submitted. Applications must be submitted at least 30 days prior to any scheduled hearing/meeting.

Section 13-3
Notice of Public Hearing

Notice of public hearing shall be published in *The Morning Sun* and mailed to property owners within 1,000 feet of the property line of the applicant's property at least 20 days in advance.

Section 13-4
Board of County Commissioners Hearing

At a hearing before the Board of County Commissioners, staff shall present a report and recommendation, followed by the applicant's presenting of their case. Public comments are received. Board must approve with a 2/3 vote.

Protest Petitions. Valid Protest Petitions from 20% or more land area within 1,000 feet trigger a 3/4 supermajority requirement for approval. Petitions must be filed within 14 days of the hearing. Petitions must be notarized and legally valid.

Review Criteria. The Board of Commissioners shall review the applications with the following criteria:

1. Consistency with the comprehensive plan
2. Suitability of current and proposed uses
3. Compatibility with nearby zoning and uses
4. Infrastructure and service availability
5. Impacts on traffic, environment, and rural character.

Record and Effectiveness. The actions taken are documented by resolution or ordinance with findings of fact. Amendments are effective upon publication or on the date specified.

Reapplication Restrictions. Substantially similar amendments cannot be resubmitted for 12 months unless the Commission grants a waiver.

ARTICLE 14
ENFORCEMENT, VIOLATION AND PENALTY

Section 14-1
Enforcement

It shall be the duty of the Crawford County Zoning Administrator to enforce these regulations. Appeals from decisions of the Zoning Administrator shall be made to the Board of Zoning Appeals as provided herein.

Section 14-2
Interpretation and Conflict

In interpreting and applying the provisions of these zoning regulations, they shall be held to be the minimum requirements for promotion of public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended that these zoning regulations interfere with, or abrogate or annul, any easements, covenants, or other agreement between parties; provided, however, that where these zoning regulations impose a greater restriction upon the use of structures or premises or upon height of structures, or require larger open spaces, lot areas, setbacks and so forth than are imposed or required by other rules, regulations, or by easements, covenants, or agreements, the provisions of these zoning regulations shall govern.

Section 14-3
Validity

Should any section, clause or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, the same shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

Section 14-4
Repeal of Existing Regulations and Accrued Rights and Liabilities

The adoption of these regulations repeals the existing zoning regulations of Crawford County, Kansas. Despite the repeal of regulations existing at the time of adoption of these regulations, nothing contained in these regulations shall affect any rights accrued or liabilities incurred under any previously existing regulations.

Section 14-5
Penalties

Any violation of any provision of these zoning regulations shall be deemed to be a municipal offense and punishable by a fine of not to exceed $500. Each day's violation shall constitute a separate offense.

The Board of County Commissioners shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these zoning regulations, and to abate nuisances maintained in violation thereof. The Board of County Commissioners (BOCC) shall have the authority to delegate enforcement of violations of these regulations, including zoning and land use violations, to the Crawford County Codes Court, as authorized by law. The Codes Court shall exercise such enforcement authority in accordance with applicable statutes, ordinances, and procedures established by the BOCC.

Whenever any building or structure is, or is proposed to be erected, constructed, altered, converted or maintained, or any building, structure or land is, or is proposed to be used in violation of any zoning regulations, then Crawford County, Kansas, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of such structure or land.

Section 14-6
Effective Date

These zoning regulations shall become and are in full force immediately upon passage and publication in accordance with state law.