ARTICLE 1 TITLE, PURPOSE, DEFINITIONS, DISTRICT AND GENERAL REGULATIONS

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1-101 Title: These regulations, including the Zoning District maps and overlays made a part thereof, shall be known and may be cited as the "Zoning Regulations of Geary County, Kansas", and shall hereinafter be referred to as "these Regulations."

1-102 Purpose: These Regulations are intended to serve the following purposes:

1. To promote the health, safety, comfort and general welfare of the citizens of Geary County, Kansas.

2. To create a variety of zoning districts sensitive to the peculiarities of the various permitted uses and designed to protect and enhance the values inherent in each zone; while encouraging the redevelopment and revitalization of the cities within the County.

3. To conserve good agricultural land and protect it from the intrusion of incompatible uses, but not to regulate or restrict the primary use of land for agricultural uses.

4. To regulate and restrict the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; size of yards, courts, and other open spaces.

5. To provide for adequate light and air, and acceptable noise levels.

6. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.

7. To provide adequate notice on subsequent changes to these regulations and an opportunity for interested parties to be heard.

8. To provide information regarding possible flood hazards.

9. To facilitate the adequate provisions 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 and the Comprehensive Plan for Geary County, Kansas.

10. To promote the achievement of the Future Land Use Plan for Geary County, Kansas.

11. To inform the public regarding future development in Geary County, Kansas, thereby providing a basis for wise decisions with respect to such development.

1-103 Jurisdiction: These Regulations shall apply to all of Geary County, Kansas, lying outside the corporate limits of any incorporated city.

1-104 Definitions: For the purpose of these Regulations, certain terms and words are hereby defined. Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "building" shall include the word "structure"; the word "dwelling" shall include the word "residence"; the word "lot" shall include the word "plot"; the word "person" shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities; the word "shall" is mandatory and not directory while the word "may" is permissive; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for". Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.

1. **ABANDONED VEHICLE:** Any inoperable motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control.

2. **ABUTTING:** Adjoining or bordering.

3. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

4. **ACCESSORY BUILDING:** A subordinate building or portion of the main building, located on the same lot, the use of which is clearly incidental to that of the main building or to the use of the land on which it is located. Customary accessory buildings include, but are not limited to, garages, carports, garden houses, small storage sheds and children's playhouses. On properties zoned other than Agricultural, and especially on properties zoned Agricultural Residential, Rural Residential and Suburban Residential, agricultural buildings shall be considered an accessory building.

5. **ACCESSORY USE:** A subordinate use which serves an incidental function to that of the principal use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, air conditioners, barbecue grills, fireplaces, and satellite dish antennas. On properties zoned other than Agricultural, and especially on properties zoned Agricultural Residential, Rural Residential and Suburban Residential, agricultural uses shall be considered an accessory use.

6. **ADMINISTRATIVE OFFICER:** See Zoning Administrator.

7. **AGRICULTURAL PURPOSES, LAND USED FOR:** The use of a tract of land for the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Open hunting on agricultural lands and hunting reserves shall be considered as land used for agricultural purposes.

   Land used for agricultural purposes shall not include the following:

   A. Lands which are used for recreational purposes, even though such properties may produce or maintain some of the plants or animals listed herein.

   B. Lands which are used for suburban residential home sites and yard plots, whose primary function is for residential purposes even though such properties may produce or maintain some of the plants or animals listed herein.

   C. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at

retail.

D. The operation of an auction sales yard.

E. The operation of a junk yard.

F. The operation or maintenance of a commercial stockyard, feedlot or other confined animal feeding operation.

G. The operation of a boarding or breeder kennel.

H. The keeping of exotic birds and/or animals.

I. The operation of an airport or landing strip.

J. Quarrying or mining activities, even though the reclamation of same may be for water impoundments that support agricultural activities.

K. Wholesale or retail sales as an accessory use unless the same are permitted by these Regulations.

L. Any use which requires a Conditional Use Permit under the terms of these Regulations or which is identified as a prohibited use by these Regulations.

M. Hunting lodge and similar lodging facilities shall not be considered as lands used for agricultural purposes even though they may be located on agricultural lands and associated with established hunting preserves.

8. AGRITOURISM: An enterprise located at a working farm, ranch, or other agricultural operation conducted for the enjoyment and education of visitors, guests or clients. Agritourism refers to the act of visiting a working farm/ ranch or to any agricultural, horticultural or agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation. As established in this region, "agritourism" has included operations that feature trail rides, wagon rides, participation in farm operations such as prairie burns, and similar experiences intended to provide participants with "farming experiences." In addition, wine making operations shall be allowed as recognized under Kansas statutes. Operations of "corn mazes" and "haunted houses" that are seasonal shall not be considered as "agritourism", but may be authorized as either a Special Event or through the approval of a Conditional Use Permit.

Agritourism shall not include the following:

A. Bed and Breakfast operations.

B. Processing of farm products beyond the wholesale level, unless otherwise allowed by Kansas statute.

C. Facilities for group meetings and/or retreat operations, including serving of food.

D. Entertainment venues, including seasonal operations such as discussed above.

9. **AIRCRAFT:** A weight-carrying structure for navigation of the air that is supported either by its own buoyancy or by the dynamic action of the air against its surfaces. Aircraft includes, but is not limited to, airplanes, helicopters, gliders, ultra-light airplanes, hot-air balloons, and the like.

10. **AIRPORT OR AIRCRAFT LANDING FIELD:** Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tiedown areas, hangars, and other necessary buildings and open spaces.

11. **ALLEY:** A public or private thoroughfare which provides only a secondary means of access to abutting property.

12. **ALTERATION:** A change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered as an alteration.

13. **AMENDMENT:** The process of 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 within 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 "rezoning."

14. **ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. This does not include open kennels or runs.

15. **APARTMENT:** A room or a suite of rooms within an apartment house or complex arranged, intended or designed for a place of residence of a family.

16. **APPLICANT:** The owner of a tract of land, or his duly designated representative, for which an amendment has been requested. Consent shall be required from the record owner of the premises if the applicant is other than the owner.

17. **AUCTION SALES YARD:** A tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise offered on consignment.

18. **AUTOMOTIVE AND MACHINERY REPAIR SHOPS:** A building used for the repair of motor vehicles or machinery. This shall include, but not be limited to, body and paint shops, glass service shops and auto service centers.

19. **AUTOMOTIVE SALES AREA:** An open area, other than a street, used for display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor

vehicles to be displayed and sold on the premises.

20. **AUTOMOTIVE SERVICE STATION**: Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including tire recapping, major repair work such as motor replacement, body and fender repair or spray painting, provision of rental equipment, or open motor vehicle sales lots.

21. **BASEMENT:** A space wholly or partly underground and having more than one-half of its total usable space below building grade.

22. **BOARD OF ZONING APPEALS:** That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to these Regulations.

23. **BOARDING OR ROOMING HOUSE:** A dwelling in which roomers, lodgers and/or boarders are housed but individual cooking facilities are not provided.

24. **BUFFER AREA:** Open and unobstructed ground area of a plot in addition to any required yards or road widenings around the perimeter of any plot.

25. **BUILDABLE WIDTH**: The width of that part of a lot not included within any required open space.

26. **BUILDING:** Any site-built structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land, exclusive of fences.

27. **BUILDING, COMMUNITY:** A building used for noncommercial social, educational, or recreational activities of a neighborhood or community.

28. **BUILDING, COMPLETELY ENCLOSED:** Any building having no outside openings other than ordinary doors, windows and ventilators.

29. **BUILDING HEIGHT:** The vertical distance from the established grade to the highest point on the roof or parapet wall.

30. **BUILDING LINE:** A line, usually fixed parallel to the lot line, beyond which a building cannot extend under the terms of these Regulations. The building line is equivalent to the setback or yard line.

31. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the plot on which said building is situated. In any residential district, any dwelling shall be deemed to be a principal building on the plot on which it is located.

32. **BUILDING, PUBLIC:** A publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately owned buildings used for the same public-type purposes.

33. **BULKY WASTE:** Discarded or stored inoperative household appliances, disused furniture, disused

equipment, junk lumber and other building debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment; provided that bulky waste shall not mean abandoned or inoperable vehicles in whole or in part.

34. **CAMP:** Any plot, including its area of land and/or water, on which are located cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes; but not including a day camp, trailer camp, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction, or nursery school.

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

36. **CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.

37. **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.

38. **CHILD CARE CENTER:** A facility which:

A. provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care; or,

B. provides before and after school care for school-age children.

A facility may have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations.

39. **CHURCH:** A location, whether in a building or not, used for religious worship. If in a building, a church may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, assembly rooms, kitchen, recreational facilities and/or library.

40. **CIRCUS AND/OR CARNIVAL**: A temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food services, sales, or small scale games.

41. **CLINIC:** A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.

42. **CLUB:** Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

43. **CLUB, MEMBERSHIP:** Membership clubs, including private clubs, as defined by K.S.A. 41-2601

et seq and succeeding amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.

44. **CLUSTER HOUSING:** The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

45. **COMMON OPEN SPACE:** An area of land, water or combination thereof, planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

46. **COMPREHENSIVE PLAN:** The currently adopted Comprehensive Plan for the unincorporated portion of Geary County, Kansas, and amendments thereto.

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

48. **CONDITIONAL USE PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or establishment of a Conditional Use.

49. **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.

50. **CONFINED ANIMAL FEEDING OPERATION:** Any lot, pen, pool and/or pond which is used for the confined feeding of animals or fowl for food, fur or pleasure which is not normally used for raising crops and in which no vegetation intended for animal food is growing. For purposes of these Regulations, a Confined Animal Feeding Operation shall be any operation defined herein that has the capacity of 1,000 animal units or more, with an animal unit being as defined by the State of Kansas at K.S.A. 65-171d, and amendments thereto.

51. **CONSTRUCTION/DEMOLITION LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.

52. **CONSTRUCTION/DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, pavements, curbing, bridges, and trees and brush; but not asbestos.

53. **COUNTY:** The Board of County Commissioners of Geary County, Kansas, or its delegated staff, boards or agencies.

54. **COUNTY ATTORNEY:** The County Attorney, or such licensed attorney designated by the County Attorney, responsible for the prosecution of all violations of these Regulations in accordance with the provisions contained herein, and as established by law.

55. **COUNTY ENGINEER:** The County Engineer, or such licensed engineer designated by the County

Engineer or Governing Body, to provide engineering assistance in administering these and other Regulations governing areas of normal responsibilities assigned to the County Engineer.

56. **COUNTY HEALTH OFFICER:** The Director of the County Health Department, or such person designated to administer the Health Regulations of the County.

57. **COURT:** An unobstructed open area bounded on three or more sides by the walls of a building or buildings; an **OUTER COURT** extends to a street or yard, and an **INNER COURT** does not.

58. **DAY CARE HOME:** The premises in which care is provided for a maximum of 10 children under 16 years of age, with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(e)(1) and amendments thereto. A Day Care Home shall be a Licensed Day Care Home as defined in K.A.R. 28-4-113, and amendments thereto.

59. **DENSITY:** The average number of dwelling units per acre of land, expressed in terms of "per acre." (Example: 300 dwelling units occupying 40 acres of land is 7.5 units per acre.)

60. **DETENTION CENTER:** A secure residential facility licensed by the State of Kansas, designed specifically for children who require secure custody and which provides temporary living accommodations for alleged delinquent, miscreant, wayward, truant or deprived children pending court disposition or placement in an appropriate program.

61. **DISTANCE:** Horizontal distances unless otherwise designated.

62. **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.

63. **DOG:** Any canine specie over one (1) year of age.

64. **DRINKING ESTABLISHMENT:** A premises, which may be open to the general public, where alcoholic liquor by the individual drink is served.

65. **DRIVE-IN ESTABLISHMENT:** An enterprise which accommodates the patrons automobile and from which occupants of the automobile may make purchases, transact business or view motion pictures or other entertainment.

66. **DRIVE-THROUGH ESTABLISHMENT:** Any restaurant, financial institution, or product vending enterprise where the patron does not necessarily enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building are included in this definition.

67. **DWELLING:** Any building, or portion thereof, designed or used primarily for residential purposes, including residential-design manufactured homes and modular homes.

68. **DWELLING, MULTI-FAMILY:** A building, or portion thereof, arranged, intended or designed for occupancy by two (2), three (3) or four (4) families. As used herein, this may also be referred to as a duplex, triplex or quadplex.

69. **DWELLING, SEASONAL:** A residence intended for occasional, but not permanent, occupancy.

70. **DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one (1) family. A residential-design manufactured home shall be considered a single-family dwelling.

71. **DWELLING UNIT:** A building, or part thereof, containing complete housekeeping facilities for one family.

72. **EASEMENT:** A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.

73. **EFFICIENCY UNIT:** A dwelling unit, constructed as a part of a residential complex, having a living room of at least 220 square feet; an additional 100 square feet of living area for each occupant of such unit in excess of two (2); a separate closet; a separate bathroom containing a water closet, lavatory and bathtub or shower; and, a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.

74. **ESTABLISHED SETBACK:** The average setback on each street on which a lot fronts established by three (3) or more buildings; provided, only those properties that are within the same district and within 300 feet on each side of said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.

75. **EXOTIC BIRDS OR ANIMALS:** Birds or animals not commonly kept domestically or that are not native to Geary County and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and buffalo or bison shall not be considered as exotic birds or animals.

76. **FAMILY:** One (1) or more persons related by blood or marriage or adoption, living together as a single housekeeping unit plus usual domestic servants; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit.

77. *(Family Day Care Home, deleted, Resolution No. 6-18-2012)*

78. **FARMERS MARKET:** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce, or have taken the same on consignment for retail sale.

79. **FEED LOT, COMMERCIAL:** A livestock feedlot or feedyard as defined by K.S.A. 47-1501 et seq, licensed by and operated under standards set forth by the Kansas Livestock Commission.

80. **FENCE:** An unroofed barrier or unroofed enclosing structure, including retaining walls.

81. **FLOOR AREA:** The square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

82. **FOSTER HOME:** A facility licensed by the State of Kansas for the twenty-four (24) hour care of four (4) or less children who are less than eighteen (18) years of age and unrelated to the operator(s).

Children in foster care have been found by the Court to be in need of care.

83. **FRONT:** The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

84. **FRONTAGE**:

A. **Street Frontage:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

B. **Lot Frontage:** The distance for which the front boundary line of the lot and the right-of-way are coincident.

85. **GARAGE, PRIVATE:** An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

86. **GARAGE, PUBLIC:** A building, or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles.

87. **GARAGE, STORAGE:** A building, or portion thereof, designed or used exclusively for housing motor vehicles, other than trucks and commercial vehicles, pursuant to previous contract or arrangement.

88. **GARDEN APARTMENT BUILDING:** An apartment building located on a lot either singly or together with other similar apartment buildings, such buildings generally being one or two stories in height and having grounds completely landscaped.

89. **GOVERNING BODY:** The Board of County Commissioners of Geary County, Kansas.

90. **GREENHOUSE:** A translucent enclosure used for the cultivation or protection of tender plants.

91. **GROUP BOARDING HOME:** A non-secure facility providing residential care for not less than five nor more than ten persons unrelated to the caregivers, and includes emergency shelters and maternity homes. For purposes of this definition, the term "non-secure facility" means a facility which provides the resident access to the surrounding community.

92. **GROUP DAY CARE HOME:** The premises in which care is provided for a maximum of 12 children under 16 years of age, with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(f)(1) and amendments thereto. A Group Day Care Home shall be a Licensed Group Day Care Home (GDCH) as defined in K.A.R. 28-4-113, and amendments thereto.

93. **GROUP HOME:** Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, who need not be related by blood or marriage, and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home; which dwelling is licensed by a regulatory agency of the State of Kansas. For purposes of this definition, disability shall mean:

A. **Disability:** A condition, with respect to a person, which means:

(1) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) A record of having such an impairment; or,

(3) Being regard as having such an impairment

Such terms do not include current, illegal use or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802.)

94. **GUEST HOUSE:** Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

95. **HAZARDOUS WASTE:** Any waste meeting the definition of K.S.A. 65-3430 and amendments thereto.

96. **HAZARDOUS WASTE DISPOSAL FACILITY:** Any facility which meets the requirements as defined in K.S.A. 65-3430, as amended.

97. **HIGHWAY:** A street designated as a highway by an appropriate local, state or federal agency.

98. **HIGHWAY, LIMITED ACCESS:** A freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

99. **HOME OCCUPATION:** Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling. For the purposes of these Regulations, a Family Day Care Home as defined herein shall be considered a home occupation.

100. **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, out-patient department, 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.

101. **HOTEL:** A building, or portion thereof, or a group of buildings, which provides sleeping accommodations for transients with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.

102. **INDUSTRIAL LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.

103. **INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designated and

equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

104. **INDUSTRIAL SOLID WASTE:** Non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.

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

106. **JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

107. **JUNKYARD:** An establishment which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a motor vehicle graveyard. This term shall include salvage yards.

108. **KENNEL, BOARDING:** Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.

109. **KENNEL, BREEDER:** Any place, area, lot, building or structure where more than four (4) dogs are kept for any purposes.

110. **KINDERGARTEN:** A facility licensed by the State of Kansas to provide educational programs for children during the school year immediately preceding their entrance into First Grade, and connected with a public, private or parochial elementary school system.

111. **LABORATORY, MEDICAL:** An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

112. **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.

113. **LAUNDRY:** An establishment where commercial laundry and dry cleaning work is undertaken.

114. **LAUNDRY, SELF-SERVICE:** An establishment equipped with individual coin-operated washing, drying and/or dry cleaning machines.

115. **LIVESTOCK SALES YARD:** An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

116. **LOADING SPACE OR LOADING BERTH**: A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.

117. **LOT:** A parcel of land occupied or intended for occupancy by a use permitted in these regulations,

including one (1) main building or unit group of buildings together with permitted accessory buildings and required yard areas and parking spaces, having its principal frontage upon a public street. A lot may include one (1) or more platted lots or metes and bounds described tracts, but must be under single ownership and, when more than one (1) parcel, be contiguous.

118. **LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any road right-of-way or road easements.

119. **LOT, CORNER:** A lot abutting upon two or more streets at their intersection.

120. **LOT COVERAGE:** The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof, excluding projecting roof eaves.

121. **LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

122. **LOT, DOUBLE FRONTAGE**: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

123. **LOT INTERIOR:** A lot whose side line or lines do not abut upon any street.

124. **LOT LINES:** The lines bounding a lot as defined herein.

125. **LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds, or a parcel of land, the deed of which was recorded prior to the adoption of these Regulations.

126. **LOT, WIDTH OF:** The distance, measured on a horizontal plane, between the side lot lines, measured at right angles to the lot depth at the established front building line.

127. **LOT, ZONING:** A parcel or tract of land used, developed, or built as a unit under single ownership or control. Said zoning lot may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

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

129. **MANUFACTURED HOME**: A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with the current version of the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq) promulgated by the U.S. Department of Housing and Urban Development. For purposes of these Regulations, a manufactured home must have been constructed after July 13, 1994, in conformance with the version of the HUD Code then in effect.

130. **MANUFACTURED HOME PARK:** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.

131. **MANUFACTURED HOME SALES AREA:** An open space, other than a street, used for display or sale of new or used manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.

132. **MANUFACTURED HOME SUBDIVISION:** Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

133. **MANUFACTURED HOME, RESIDENTIAL-DESIGN:** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials which are customarily used on site-built homes.

134. **MOBILE HOME:** A transportable, factory-built structure designed to be used as a year-round residential dwelling, built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which was amended and effective July 13, 1994. This term also includes "noncompliant manufactured homes."

135. **MODULAR HOME:** A dwelling structure located on a permanent foundation and connected to public utilities consisting of preselected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom-built on the site of its permanent location, and also in contradistinction to a manufactured home or a residential-design manufactured home.

136. **MOTOR HOME:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.

137. **MOTOR VEHICLE:** A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.

138. **MOTOR VEHICLE GRAVEYARD:** Any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.

139. **MOTOR 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.

140. **NONCONFORMING BUILDINGS, LAND AND/OR USE:** The use of a building or land which was lawful at the time these Regulations became effective but which, because of the passage of these Regulations, does not conform to the regulations of the district in which it exists.

141. **NONCONFORMING LOT:** An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.

142. **NOXIOUS MATTER:** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

143. **NURSERY:** Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.

144. **NURSING OR CONVALESCENT HOME:** An institution or agency licensed by the State for the reception, board, care or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.

145. **OPEN SPACE:** Useable open space designed and intended for use by all residents of a residential area, including publicly dedicated space.

146. **OUTDOOR STORAGE:** The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

147. **OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts.

148. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.

149. **PACKAGE LIQUOR STORE:** An establishment in which alcoholic beverages are sold for consumption off the premises.

150. **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.

151. **PARKING SPACE:** Any area surfaced for all-weather use, including gravel, sand, or comparable materials, used for the purpose of storing one parked motor vehicle.

152. **PERSON:** Any individual, partnership, joint venture, corporation, or other business or legal entity.

153. **PLANNING COMMISSION:** The Metropolitan Planning Commission of Junction City/Geary County, Kansas, as established for Geary County and the City of Junction City, Kansas, by interlocal agreement.

154. **PRESCHOOL:** A facility which:

A. provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107(c) and any amendments thereto, and who are 30 months of age or older;

B. conducts sessions not exceeding three hours per session;

C. does not enroll any child more than one session per day; and

D. does not serve a meal.

The term "`preschool" shall include educational preschools, Montessori schools, nursery schools, church sponsored preschools, and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meets preschool regulations.

155. **RECREATIONAL EQUIPMENT:** That which an occupant or owner may desire for convenience to store on his lot, but which item is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hang gliders, ski jets, houseboats, pontoons, and boats over fourteen (14) feet in length which require a trailer for transportation.

156. **RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES:** Any lot, plot, parcel or tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses, golf driving ranges, miniature golf courses, swimming pools, natatoriums, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, gun clubs, hunting reserves, sporting clay ranges, private shooting ranges, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.

157. **RECREATIONAL VEHICLE:** A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive 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.

158. **RECREATIONAL VEHICLE CAMPGROUND:** A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

159. **RESIDENTIAL CENTER:** A non-secure facility which provides residential care for more than 10 residents unrelated to the caregivers, and includes emergency shelters and maternity homes. For purposes of this definition, the term "non-secure facility" means a facility which provides the resident access to the surrounding community.

160. **RESTAURANT:** A building wherein food is prepared and sold to the public for human consumption. Restaurant includes, but is not limited to, cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.

161. **RIDING STABLES:** A structure in which saddle horses are kept and/or maintained as a commercial operation, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.

162. **RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, or other public utility or service area.

163. **SALE, RETAIL:** The sale of goods, merchandise and/or commodities to the ultimate consumer.

164. **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.

165. **SANITARY LANDFILL:** A disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump or pit and which has a solid waste disposal permit issued under K.S.A. 65-3401 et seq., and amendments thereto.

166. **SCHOOL:** Any public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

167. **SCREENING:** Fencing or vegetation maintained for the purpose of concealing from view.

168. **SETBACK:** The distance between a building and the lot line, or road easement line, whichever provides the desired minimum distance.

169. **SEXUALLY ORIENTED BUSINESS:** Any business, structure or location which engages in any of the businesses as defined in K.S.A. 12-770, and amendments thereto, whether said sexually oriented business activity is the sole use or is in addition to other uses conducted by said business.

170. **SIGN:** See Article 12.

171. **SLIDE-IN CAMPER:** A structure designed to be mounted temporarily or permanently in the bed of a pickup or light truck to provide enclosed storage space for transportation of property or quarters for recreational camping, including shells and truck cabs.

172. **SOLID WASTE:** Garbage, refuse and other discarded materials including, but not limited to solid, semisolid, sludge, liquid and contained gaseous waste materials resulting from commercial, agricultural and domestic activities. Such term shall not include hazardous wastes.

173. **STOCKYARD, COMMERCIAL:** A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.

174. **STORE OR STORAGE:** As related to waste tires, means the placing of waste tires in a manner that does not constitute disposal of the waste tires. Storage includes the beneficial use of waste tires as fences, silo covers and erosion control, and such other beneficial uses determined not to create health or environmental risks by the Secretary of Health and Environment of the State of Kansas.

175. **STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

176. **STORY, HALF:** A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.

177. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.

178. **STRUCTURE:** Anything constructed or erected which requires location on the ground, or attached

to something having a location on the ground.

179. **SUBURBAN RESIDENTIAL:** A lot of at least one (1) acre but less than three (3) acres in size created for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling.

180. **SWIMMING CLUB:** A pool and accessory building operated for members and their guests, whether or not operated for gain.

181. **SWIMMING POOL, PRIVATE:** A pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

182. **SWIMMING POOL, PUBLIC:** A pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and for use by the general public.

183. **TAVERN:** An establishment in which cereal malt beverages are sold or served to customers.

184. **TOWER, COMMUNICATION:** A radio or television broadcasting tower, microwave transmitting and/or receiving tower, commercial telecommunication tower, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned.

185. **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.

186. **TRAVEL TRAILER:** A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

187. **TRAILER PARK:** A tract, lot, or parcel of land upon which temporary accommodations are provided for two or more trailers; such park being open to the public either free or for a fee.

188. **TRANSFER STATION:** A facility, including land and buildings, used for the handling and/or processing of solid waste to be bundled, bailed or otherwise packaged for transport to another site for disposal in a solid waste landfill. Transfer stations can include material recovery operations, recycling facilities and any other ancillary and/or accessory operation associated with the management of solid waste.

189. **USE:** The specific purpose for which land or a building is used.

190. **USEABLE OPEN SPACE:** Land or water which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.

191. **VISION TRIANGLE:** A horizontal triangular area at the intersection of streets maintained to provide an open line of vision for operators of vehicles approaching the intersection. Within the vision triangle, no one shall install, set out or maintain any sign, fence, hedge, shrubbery, natural growth or

other obstruction to view. This restriction shall not apply to:

A. public utility poles;

B. hedges trimmed to a height of less than thirty-three inches above the midpoint of the adjacent travel lane for rural roadways;

C. any plant species trimmed so as to leave at all times a clear and unobstructed cross view;

D. ornamental fences not exceeding four feet in height, provided the ratio of the solid portion of the fence to the open shall not exceed one to four;

E. official warning signs or signals;

F. locations where the contour of the ground is such that there can be no cross visibility at the intersection;

G. signs mounted ten feet or more above the ground whose supports do not constitute an obstruction.

192. WASTE TIRE: A whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect, as defined in K.S.A. 65-3424, et seq, and amendments thereto.

193. WASTE TIRE ABATEMENT: The processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.

194. WASTE TIRE BENEFICIAL USE: The use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling, to the owner of the tires. This shall not include the disposal of waste tires on the owners land simply to avoid proper disposal as prescribed by these Regulations and/or state law.

195. WASTE TIRE COLLECTION CENTER: A site where used or waste tires are collected from the public prior to being offered for recycling or disposal.

196. WASTE TIRE PROCESSING FACILITY: A site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.

197. WASTE TIRE SITE: A site at which 500 or more whole tires are accumulated.

198. YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

199. YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.

200. YARD, REAR: A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building

line.

201. YARD, SIDE: A yard between the side building line and the side line of the lot and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.

202. ZONE OR DISTRICT: A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space about buildings are herein established.

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

1-105 Districts: In order to regulate and restrict the use of land and the location of buildings erected or altered for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the unincorporated portion of Geary County, is hereby divided into districts of which they shall be in number, known as:

"AG"	Agricultural District
"SR"	Suburban Residential District
"R-1"	Single-Family Residential District
"FP"	Floodplain Overlay District
"FRD"	Floodwater Retarding Dam Breach Impact Overlay District

At the time of initial adoption, all lands within the unincorporated portion of Geary County, Kansas, shall be granted zoning consistent with the size of the property as specified within the zoned districts established herein. (i.e. All properties over 40 acres shall be zoned "AG" Agricultural; properties between 1 acre and 40 acres shall be zoned "SR" Suburban Residential, etc.) However, certain properties are hereby granted a "Conditional Use" without the benefit of an approved development plan as specified within these Regulations. Those properties granted Conditional Uses shall be those properties which have a legally established land use activity at the time of the adoption of these Regulations and which would require a Conditional Use in order to be established new under the terms of these Regulations. Further, said uses granted a Conditional Use upon the adoption of these Regulations shall be permitted to expand, enlarge or otherwise enhance said use on that land contiguous to and under single ownership at the time of the establishment of this rule; provided a Development Plan is placed on file as required by these Regulations. (Example: A landowner who is operating a commercial business that would require a Conditional Use under these Regulations if it were proposed new shall be granted a Conditional Use at the time of the adoption of these Regulations and may expand that operation on any portion of the contiguous land owned at the time the Regulations were first adopted.)

1. Such land, and the district classification thereof, shall be shown on maps, aerial photos, computer records or other documents deemed appropriate by Geary County, Kansas, and such maps, aerial photos, computer records or other documents shall be designated as the "Official Zoning Maps." Said Zoning Maps, and all symbols, notations, dimensions, and references shown thereon or contained therein pertaining to the established zoning districts shall be as much a part of these Regulations as if they were fully described herein, and shall be filed as part of these Regulations with the Zoning Administrator. Said maps or other documents shall be available for inspection in the office of the Zoning Administrator, and any later alterations of these maps or other documents, adopted by amendment, shall be filed and made available for public reference. The above stated maps or other

documents shall hereinafter be referred to as the "maps" in this document.

2. When uncertainty exists with respect to the boundaries of the various districts as shown on the maps accompanying and made a part of these Regulations, the following rules shall apply:

   A. In cases where a boundary line is given a position within a street or alley, or navigable or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream; and if the actual location of such street, alley, or stream varies slightly from the location as shown on the maps, then the actual location shall control.

   B. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

   C. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of such right-of-way.

   D. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the maps accompanying and made a part of these Regulations are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the maps or by Resolution of the Governing Body.

   E. In unsubdivided property, unless otherwise indicated, the district boundary line on the maps accompanying and made a part of these Regulations shall be determined by the use of the scale contained on such maps.

   F. When a lot held in one ownership on the effective date of these Regulations is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district; unless otherwise indicated on the maps or by Resolution of the Governing Body.

3. Where a district boundary follows a street, alley, watercourse or other right-of-way, in case of the vacation of said street, alley, watercourse or other right-of-way, the abutting zoning classification of each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way. Two districts shall be deemed to adjoin even though separated by a public way or portion thereof.

1-106 <u>General Regulations Governing All Zoning Districts</u>:

1. Except as hereinafter provided:

   A. No land may be used except for a purpose permitted in the district in which it is located.

   B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located.

   C. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered

to exceed the height, area and bulk regulations, the parking regulations, or the off-street loading regulations herein established for the district in which the building is located.

D. If a use in any structure is hereafter changed to another, then the new use must comply with the use regulations of these Regulations.

E. The minimum yards, parking spaces, open spaces, including lot area per family, required by these Regulations for each and every building existing at the time of the passage of these Regulations, or of any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of these Regulations.

F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.

G. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and loading spaces required by Articles 10 and 11 are provided. No structure or use already established on the effective date of these Regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Articles 10 and 11 are provided for the whole structure or use as enlarged.

2. Nothing contained in these Regulations shall be deemed to be consent, license or permit to use any property; to locate, construct or maintain any structure or facility; or to carry on any trade, industry, occupation or activity.

3. All lands used for agricultural purposes as defined within these Regulations, including those agricultural activities that are designated as accessory uses to rural residential and suburban residential uses, are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring properties may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants, and users of this property and neighboring properties should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that K.S.A. 2-3201 et seq, the "right-to-farm law", may bar them from obtaining a legal judgment against such normal agricultural operations.

1-107 <u>Vesting of Development Rights</u>: In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for rural residential or suburban residential development in conformance with the definition of said terms in the these Regulations shall be protected for use of said land for the intended rural residential or suburban residential purposes for a period of five (5) years from the time in which such property was first platted or subdivided, provided:

A. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.

B. Within said five (5) year period actual sales occur resulting in separate owners on the tracts of land.

C. The division of land was legally done in conformance with the then Geary County Subdivision Regulations.

2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot, as defined in these Regulations, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations then in effect.

3. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with these Regulations and the Geary County Subdivision Regulations. Persons who obtain a validly issued permit under the previous Geary County Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous Geary County Zoning Regulations does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these Regulations or the Geary County Subdivision Regulations then in effect.