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1 TITLE, INTENT, AND RULES

1.1 Title

1.1.1 These regulations, including the Regulating Plans and Subdivision Regulations herein, shall be known and cited as the “Lyon County Zoning Regulations,” “LC Zoning Regulations,” “these zoning regulations,” “these regulations.”

1.2 Purpose and Intent

1.2.1 These zoning regulations, adopted pursuant to Kansas law, are enacted for the purposes and intent of:

a. promoting and serving the public health, safety, comfort, and general welfare of the citizens of Lyon County;

b. obtaining the objectives of the Comprehensive Plan (PlanELC);

c. preserving and improving connectivity through a connected grid of streets that reflect travel demands;

d. preserving ecologically sensitive areas;

e. enhancing the use of rural land for agricultural purposes;

f. creating a variety of Parcel Types sensitive to the peculiarities of the various permitted standards and uses designed to increase the capability of the community as a whole;

g. regulating building height and the percentage of lots that may be occupied by buildings and other structures to preserve access to natural light; and

h. providing adequate public notice on subsequent changes to these regulations and future developments, as well as an opportunity for interested parties to be heard.

1.3 Jurisdiction

1.3.1 These regulations shall apply to all land located within unincorporated Lyon County, Kansas.

1.4 Authority

1.4.1 The K.S.A. 12-741 et seq. Planning and Zoning Enabling Act is enabling legislation for the enactment of planning and zoning laws and regulations by cities and counties for the protection of the public health, safety, and welfare, and is not intended to prevent the enactment or enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of that act.

1.4.2 These zoning regulations are adopted under the authority granted by K.S.A. 12-741 et seq. and by Article 12, Section 5 of the Kansas Constitution and K.S.A. 19-101a, the grants of Home Rule power for cities and counties.

1.5 Rules

1.5.1 In the construction of these regulations, the provision and rules of this section shall be applied, except when the context clearly requires otherwise:
a. Words used in the present tense shall include the future.
b. Words in the singular number include the plural number, and words in the plural number include the singular.
c. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
d. The word "shall" is mandatory.
e. 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.
h. The abbreviation "LC" refers to Lyon County.
i. The abbreviation "ZA" refers to Zoning Administrator.

1.5.2 Any word or phrase defined in Section 10 of these Zoning Regulations 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.

1.6 Interpretation

1.6.1 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, and welfare.

1.6.2 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.

1.6.3 Private agreements. These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant, or any other private agreement, or legal relationship. However, where these regulations’ provisions 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.

1.6.4 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.

1.7 Separability

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

a. 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.

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

1.8 Exemptions

1.8.1 Existing Structures. K.S.A. 19-2921 and 12-758 mandate that these regulations "shall not apply to the existing use of any buildings or land and shall not prevent the restoration of a building damaged not more than fifty (50%) percent of its assessed valuation by fire, explosion, an act of God or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage but shall apply to any alteration of a building to provide for a change in such use of any building or land after the effective date of any such zoning regulation."

1.8.2 Agricultural Land. K.S.A. 19-2921 mandates, "Except for floodplain regulations in areas designated as a floodplain, regulations adopted pursuant to [the county planning and zoning enabling act] shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings erected thereon are used for agricultural purposes and not otherwise."

1.8.3 Exemption Determination. (For Properties less than forty (40) acres) The regulations rely on the Kansas Attorney General (96-86 Op. Att’y Gen. 11, 1996), which summarized the "agricultural purpose" test as follows: "The agricultural use shall be substantial enough to indicate that the owner is not masking a residential use of the property with an agricultural pretense as a ruse to gain exemption from zoning regulations." The ZA is hereby granted the authority to determine whether facts support an agricultural use exemption is warranted in accordance with the criteria specified in this section. Upon such determination, the ZA shall issue a letter stating the facts supporting or denying the exemption, and the Department shall maintain a record of such exemption. Any person not in agreement with the Administrator’s determination may appeal the decision to the LCPAB.

1.8.4 Forty (40+) Acre Exemption.
Parcels consisting of forty (40) or more acres will automatically be considered Agricultural without the need for an exemption determination.

1.9 Guiding Principles for the Lyon County Zoning Regulations

1.9.1 The LC Zoning Regulations are designed to guide future growth as envisioned by Plan ELC, a Joint Comprehensive Plan for the City of Emporia and Lyon County adopted in 2017. The Regulating Plan within the LC Zoning Regulations takes into account each jurisdiction’s previous Zoning and Land Use Maps, topographic characteristics, natural resources sensitivity, the availability of existing and proposed infrastructure, and the needs of the anticipated population and employment growth. These regulations also serve as a reference in making capital investment decisions and in advancing the following guiding principles of Plan ELC:

a. preserving agricultural landscapes;
b. linking parks to people;
c. connecting communities;
d. supporting infill development;
The naming conventions/terminology used in the LC Zoning Regulations are "use-neutral," and instead reflect the physical or locational identity of a place. For instance, instead of "residential zone," an area is simply referred to as the "Lyon County District." While moving away from using land-use designation as the single most important determinant of growth patterns, it is not to say that LC Zoning Regulations disregard land use. In many cases, the physical form of a place or building can greatly influence the type or scale of a given use. Therefore, within its framework, a place-based approach carefully considers a range of uses in order to maximize compatibility with the intended physical form and characteristics of an area. This strategy also allows for a more simplified list of permitted uses and conditionally permitted uses.
1.10 How to Use the LC Zoning Regulations

The LC Zoning Regulations are regulations, not mere guidelines, that is adopted by Lyon County to replace the existing Emporia-Lyon County Metropolitan Planning Area Zoning Regulations adopted in 2000 and amendments thereto, and Lyon County Zoning and Subdivision Regulations adopted in 2003, updated in 2011 and the zoning maps of the Metropolitan Planning Area and the County. Standards and regulations are presented visually in the Building Standards, which consist of diagrams and three-dimensional massing of each building form, accompanied by supplemental text. These standards are keyed to the Regulating Plans at the Lyon County scale. A Regulating Plan is a zoning map which sets out the use of a property as well as the appropriate form and scale for development.

The diagram below illustrates the basic steps to follow in using the LC Zoning Regulations. It serves as a general guideline. Necessary procedures for permit application are described more fully in Section 8 (Administration and Procedures).

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- **STEP 1**: From the Regulating Plan and District maps, identify the Parcel Type applicable to your lot and understand the key characteristics and general uses specific to that Parcel Type.
- **STEP 2**: Comply with the Building Standards and if applicable the Accessory Building / Building Standards specific to your Parcel Type.
- **STEP 3**: Comply with the Street Standards applicable to your lot
- **STEP 4**: Comply, when applicable to your development, with the Subdivision Regulations and other regulations supplemental to all Districts
- **STEP 5**: Follow all necessary procedures for permit application and enforcement
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2 REGULATING PLANS

2.1 Purpose

2.1.1 This section establishes the Lyon County Regulating Plans, which provide the geospatial framework for the corresponding LC Districts. Through designating parcel typology for each property rather than use, these regulating plans allow flexibility for development to occur while providing that future growth adheres to PlanELC and helps meet the community’s goals and vision.

2.2 Applicability

2.2.1 The Lyon County Regulating Plan is adopted to replace the 2017 Emporia Metropolitan Planning Area Land Use Map and the existing Lyon County Land Use Map and in unity with the 2017 PlanELC between the City of Emporia and the Lyon County.

2.2.2 All new development, redevelopment, substantial modification, and improvement to land, structures, buildings and lots within the LC Districts shall comply with the applicable Regulating Plan and the applicable LC Standards and Supplemental Regulations.
2.4 LC Parcel Types

2.4.1 General

a. This section sets forth the intended key characteristics of each Parcel Type and the categories of permitted uses that the building forms associated with each Parcel Type may support. This classification provides a systematic basis for assigning uses to appropriate Parcel Types with other similar uses. Principal uses are categorized according to their common functionality, product, or physical characteristics.

b. Each category of permitted uses includes more customary uses and shall not be considered all-inclusive. Uses not explicitly listed are permitted following the approval.

c. If a proposed principal use is not included in the list of permitted uses of a Parcel Type but is similar to another use listed in that use category, the ZA may consider the proposed use part of said category of permitted uses. When determining whether a proposed use is similar to a listed use, the following criteria shall be considered:

1. the typical physical characteristics of the proposed use;
2. the suitability of the lot size and the building forms associated with the applicable Parcel Type in meeting the requirements of the proposed use;
3. the building layout, site plan, and relative area devoted to the proposed use;
4. the likely impact on surrounding properties;
5. the number of vehicle trips generated, types of vehicles, and parking requirements;
6. the hours of operation, if the proposed use is related to business and services;
7. the relative number of employees if the proposed use is a place of employment; and
8. whether the proposed use is likely to be found independent of other uses in the District.

d. If a proposed principal use not listed is found not to be similar to any other permitted principal use listed for a particular Parcel Type, that proposed use would only be allowed upon the issuance of a Conditional Use Permit as outlined in Section 8.5.

e. A proposed accessory use not specifically listed in permitted uses is prohibited unless it is determined that the proposed accessory use:

1. is clearly incidental or customarily complementary to the permitted principal use;
2. is serving the permitted principal use;
3. is subordinate in scale, extent, and purpose to the principal use served;
4. contributes to the comfort, convenience, or needs of occupants or users in the principal use served;
5. is located on the same lot as the principal use served; and
6. has the necessary easement waiver.
2.4.2 Flex-Use Low Parcel Type (FL)

a. **Key characteristics.** Flex-Use Parcel Type allows for the flexible use of buildings, which provides a variety of spaces to meet changing needs and promotes adaptive reuse of existing buildings. Flex-Use Low Parcel Type allows for the lower intensity of uses in an area with lower density. The physical characters of buildings on this Parcel Type should remain consistent while allowing for a range of uses.

b. **Categories of permitted uses.** Flex-Use Low parcels may be developed as Mixed-Use, Commercial, Multi-Family, or Single-Family Attached buildings. Therefore, allow the uses applicable to the respective Parcel Type, provided that they are compatible with the size and physical characteristics of the lot, the building, and the surrounding Parcel Types. Refer to the applicable Parcel Type for categories of permitted uses.

2.4.3 Commercial Parcel Type (C)

a. **Key characteristics.** Commercial Parcel Type serves the commerce and service needs of residents. Commercial parcels can be concentrated along major corridors, making them more accessible.

2.4.4 Single-Family Detached Parcel Type (SF-D)

a. **Key characteristics.** Single-Family Detached Parcel Type allows for the preservation of small-town characteristics of the area, with a traditional grid of one- to three-story single-family housing on small to medium lots, front porches, and attached or detached garages to the side or rear. Accessory dwelling units and alley flats are allowed in blocks with alleys.

2.4.5 Agricultural Parcel Type (A)

a. **Key characteristics.** Agricultural Parcel Type defines Lyon County’s agricultural landscapes, which provide not only economic benefits for the County, but also make rural areas an attractive place to live. This Parcel Type is intended to preserve and protect agricultural resources and is designed to accommodate agricultural operations and compatible uses.

b. **Conditional uses on Agricultural Parcel Type.** The following uses are not considered to be agricultural purposes and therefore are allowed only upon the issuance of a Conditional Use Permit:

1. Wholesale or retail sales of any product not raised, grown, or otherwise produced on the premises. Except for instances where such activities are in conjunction with a valid home business in the agricultural parcel type.

2. Commercial development of natural resources and commercial extraction of raw materials such as rock, gravel, sand, etc.

3. Livestock sales facilities and auction pavilions, or both, and ancillary facilities including, but not limited to, offices, retail food, and clothing sales, retail and wholesale sale of agricultural supplies and products, feed and fertilizer processing, and commodities brokerage, except for instances where such activities are in conjunction with a valid home business in the agricultural parcel type.

4. Lands used for commercial, recreational purposes, including golf courses and driving ranges, unless the raising and harvesting of the plants or animals listed herein directly serve the primary use.
5. Parcels where the primary function is solely for non-private recreational purposes.
6. Airports and heliports.
7. Any public building or land used by any department of the County, State, or Federal Government.

### 2.4.6 Industrial-Flex Parcel Type (IF)

a. **Key characteristics.** Industrial-Flex Parcel Type supports Commercial, Retail, Service, Office, Trade, or Light Industrial buildings, as well as planned employment centers or planned integrated-use development along corridors with pedestrian-oriented interiors, pocket parks, and plazas.

b. **Categories of permitted uses.** Industrial-Flex parcels may be developed as Commercial or Light-Industrial buildings. Therefore, they allow the uses applicable to the respective Parcel Type, provided that they are compatible with the size and physical characteristics of the lot, the building, and the surrounding Parcel Types. Refer to the applicable Parcel Type for categories of permitted uses.

### 2.4.7 Light Industrial Parcel Type (LI)

a. **Key characteristics.** Light Industrial Parcel Type provides spaces for the manufacturing, processing, and fabrication of products and other compatible uses that require little to no outside storage. The effect that it has on adjoining properties is created primarily by traffic generated by goods and employees.

### 2.4.8 Heavy Industrial Parcel Type (HI)

a. **Key characteristics.** Heavy Industrial Parcel Type provides spaces for industrial type uses that require large outdoor storage areas of raw and finished materials. Those uses that produce or store materials or goods that may be noxious or offensive due to smoke, dust, noise, odor, fumes, or explosiveness. This type’s parcels are typically located near appropriate major transport options such as highways, rail, and airports.

### 2.4.9 Civic/ Public (C/P)

a. **Key characteristics.** Places of public assembly that provide governmental, educational, cultural, spiritual, and health and safety services to the general public. Although not strictly regulated by the Building Standards and Landscape Standards, any new development on Civic/Public Parcel Type should reflect the standards applicable to the adjacent Parcel Types.

### 2.4.10 Greenspace/ Parks/ Recreation (G/P/R)

a. **Key characteristics.** Natural areas consisting mostly of parks, open space, green corridors, and land preserved for conservation or recreation. This Parcel Type is intended to provide for active and passive recreation needs in the County and protect scenic and sensitive areas. Not all areas in this Parcel Type are open to the public.
### 2.5 Permitted Uses

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<td>Convenience store, indoor</td>
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<td>Vehicle sale/rental</td>
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<td>Liquor store</td>
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<td>Landscape nursery, garden</td>
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<td>Bottled gas</td>
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<td>Building materials</td>
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<td>Auction sale</td>
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<td>Farm machinery Dealership</td>
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<tr>
<td>Manufactured housing and</td>
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<td>Farm supplies, livestock</td>
<td>feed</td>
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<tr>
<td><strong>RESTAURANT</strong></td>
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<tr>
<td>Restaurant, diner, cafeteria, fast food</td>
<td>joint, outdoor dining</td>
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<tr>
<td>Bakery, cake shop</td>
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<tr>
<td>Coffee shop, tea house, juice bar, ice cream or yogurt shop</td>
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<tr>
<td>Late night entertainment, nightclub bar, cocktail lounge, brewpub, craft brewery, microdistillery (*provided that it is not located within 200 feet of a dedicated place of worship, school, or hospital)</td>
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<tr>
<td><strong>SERVICE (Stand-Alone/Storefronts)</strong></td>
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<tr>
<td>Beauty salon, barber shop, spa</td>
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<tr>
<td>Animal care</td>
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<tr>
<td>Fitness center, athletic club/studio</td>
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<tr>
<td>Art/photography/music studio</td>
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</tbody>
</table>

Table Key: A=Agricultural, SF-D=Single Family Detached, FL=Flex Use Low, C=Commercial, IF=Industrial Flex, LI=Light Industrial, HI=Heavy Industrial.
<table>
<thead>
<tr>
<th>CATEGORY OF PERMITTED USE</th>
<th>FL</th>
<th>C</th>
<th>SF-D</th>
<th>A</th>
<th>IF</th>
<th>LI</th>
<th>HI</th>
<th>C/P</th>
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<tbody>
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<td>Day care facility</td>
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<tr>
<td>Cleaning service, laundromat, dry cleaning</td>
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<td>Catering service</td>
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<tr>
<td>Copy center, mailing service</td>
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<tr>
<td>Medical practitioner, health counseling</td>
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<td>Testing center, tutoring center</td>
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<td>Bank, other financial institutions</td>
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<td>Social services, community center</td>
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<td>General repairs</td>
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<td>Commercial parking</td>
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<tr>
<td>Call/customer service center</td>
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<tr>
<td>Motor vehicle body and repair shop</td>
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<tr>
<td>Disinfecting/exterminating services</td>
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<td>Landscape, lawn care</td>
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<tr>
<td>OFFICE</td>
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<tr>
<td>Business office: advertising, management, consulting agency, etc.</td>
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<tr>
<td>Financial office: lending, investment, real estate, insurance agency, etc.</td>
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<tr>
<td>Professional office: lawyer, accountant, engineer, architect, etc.</td>
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<tr>
<td>Newspaper publishing, radio/TV station</td>
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<td>Research park</td>
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<tr>
<td>Large-scale employment facility, corporate office headquarter in a campus-like setting</td>
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<tr>
<td>SHORT-TERM ACCOMMODATION</td>
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<td>Bed and breakfast</td>
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<td>Hotel</td>
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<td>Shelter</td>
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## CATEGORY OF PERMITTED USE

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<tr>
<th>Example of specific use</th>
<th>FL</th>
<th>C</th>
<th>SF-D</th>
<th>A</th>
<th>IF</th>
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<th>HI</th>
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<tr>
<td><strong>RESIDENTIAL</strong></td>
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<tr>
<td>Medium- to high-density multi-unit living</td>
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<tr>
<td>Medium-density single-unit dwelling, attached</td>
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<tr>
<td>Single-unit dwelling, detached</td>
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<tr>
<td>Live/work unit (see Section 7.5 on Home Occupation)</td>
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<tr>
<td>Group living: boarding house, dormitory, fraternity/sorority, nursing home, etc.</td>
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<td>Manufactured Home Park</td>
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<td>Social residential services, transitional housing</td>
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<tr>
<td>Accessory Dwelling Unit</td>
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<tr>
<td>Cinema, performing arts center</td>
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<tr>
<td>Billiards, bowling, arcade, skating rink</td>
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<tr>
<td>Museum</td>
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<tr>
<td>Conference/convention center</td>
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<tr>
<td>Private club, country club</td>
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<tr>
<td>General recreational facility</td>
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<tr>
<td>Aquarium</td>
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<td>●</td>
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<tr>
<td>Stadium, large sport arena</td>
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<tr>
<td><strong>SEXUALLY-ORIENTED BUSINESS</strong></td>
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<tr>
<td>Provided such establishments are not located within five hundred (500) feet of each other, and are not located within five hundred (500) feet of any lot where a residential use, school, dedicated place of worship, or public park is permitted.</td>
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<tr>
<td><strong>CIVIC/PUBLIC</strong></td>
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<tr>
<td>Governmental agency, post office, publicly-owned building</td>
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</table>
### CATEGORY OF PERMITTED USE

<table>
<thead>
<tr>
<th>Example of specific use</th>
<th>FL</th>
<th>C</th>
<th>SF-D</th>
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<th>IF</th>
<th>LI</th>
<th>Hi</th>
<th>C/P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire station, police station, hospital</td>
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<tr>
<td>Educational institution (school, university), library, museum</td>
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<tr>
<td>Places of worship</td>
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<tr>
<td>Military administration and defense installation</td>
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</tbody>
</table>

**Agricultural**

- Animal husbandry
- Kennel operation
- Commercial Confined Animal Feeding Operation
- Pasturing livestock
- Truck farming
- Field crops, hay, and sod cultivation
- Greenhouses, nurseries, and hydroponic, aquaponic, and aquaculture farms
- Retail of product raised, grown, or produced on the premises
- Growing and harvesting of woodland trees (for wholesale distribution)
- Accessory uses necessary for the carrying out of farming operations

**INDUSTRIAL**

- Low-intensity industrial manufacturing and processing
- High-intensity industrial manufacturing and processing
- Artisanal production
- Alcohol distillery, brewery, winery
- Woodworking
- Prefabricated building manufacturing
- Lumberyard, sawmill
- Meat processing
- Foundry
## CATEGORY OF PERMITTED USE

<table>
<thead>
<tr>
<th>Example of specific use</th>
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<th>SF-D</th>
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<th>LI</th>
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<th>C/P</th>
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</thead>
<tbody>
<tr>
<td>Manufacturing and storage of flammable liquid, chemical, fertilizer, and abrasive product</td>
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<tr>
<td>Resource extraction, with appropriate permit</td>
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<tr>
<td><strong>WAREHOUSE, STORAGE, AND DISTRIBUTION</strong></td>
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<tr>
<td>General warehouse and storage</td>
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<td>Self-service storage</td>
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<tr>
<td>Freight terminal, truck depot</td>
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<tr>
<td>Trailer, tractor trailer, and rail car storage</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Towing/impounding of vehicles</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>UTILITIES</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Public utility substation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility maintenance yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water storage tower</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water treatment plant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Water well drilling services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electric generation plant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling center</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landfill, hazardous waste facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salvage yard, junk yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2.6 LC Districts

2.6.1 General

a. This section introduces the LC Districts as major components of the Regulating Plans. This introduction provides a window into the intent, desired forms, and general uses of the LC District that are consistent with the community’s vision.

b. The Regulating Plan for Lyon County (Section 2.3) consists of six (6) Districts, Burlingame, Prairie, South, Weaver, West, and the Lyon County District itself.

c. Desired forms. A set of suitable Parcel Types was identified. The result is a selection of building forms and configurations that are in harmony with the existing character of an area.

d. Parcel Types that are not allowed outright shall go through the zoning process.

e. Parking shall be provided according to the specific requirements of each Parcel Type and located within the Parking Envelope indicated in the District Regulating Plan, if shown. All parking areas shall adhere to the surfacing requirements established in Section 7.13 of these regulations.
2.6.2 Burlingame District

a. Desired Forms

b. Applicable Parcel Types

1. Single-Family Detached (SF-D)
2. Civic/Public (C/P)
3. Greenspace/Parks/Recreation (G/P/R)
4. Agricultural (A)
2.6.3 Prairie District

a. Desired Forms

b. Applicable Parcel Types

1. Industrial-Flex (IF)
2. Light Industrial (LI)
3. Heavy Industrial (HI)
4. Civic/Public (C/P)
2.6.4 South District

a. Desired Forms

b. Applicable Parcel Types

1. Single-Family Detached (SF-D)
2. Commercial (C)
3. Flex-Use Low (FL)
4. Light Industrial (LI)
5. Heavy Industrial (HI)
6. Civic/Public (C/P)
7. Greenspace/Parks/Recreation (G/P/R)
8. Agricultural (A)
2.6.5 Weaver District

a. Desired Forms

b. Applicable Parcel Types

1. Agricultural (A)
2. Single-Family Detached (SF-D)
3. Flex-Use Low (FL)
4. Industrial-Flex (IF)
5. Light Industrial (LI)
6. Heavy Industrial (HI)
7. Greenspace/ Parks/ Recreation (G/P/R)
2.6.6 West District

a. Desired Forms

b. Applicable Parcel Types

1. Commercial (C)
2. Flex-Use Low (FL)
3. Industrial Flex (IF)
4. Light Industrial (LI)
5. Civic/Public (C/P)
6. Greenspace/Parks/Recreation (G/P/R)
7. Agricultural (A)
a. Applicable Parcel Types

1. Agricultural (A)
2. Single-Family Detached (SF-D)
3. Commercial (C)
4. Light Industrial (LI)
5. Heavy Industrial (HI)
6. Civic/Public (C/P)
7. Greenspace/Parks/Recreation (G/P/R)
a. Applicable Parcel Types

1. Agricultural (A)
2. Single-Family Detached (SF-D)
3. Commercial (C)
4. Light Industrial (LI)
5. Heavy Industrial (HI)
6. Civic/ Public (C/P)
7. Greenspace/ Parks/ Recreation (G/P/R)
3 BUILDING STANDARDS

3.1 Purpose

3.1.1 The purpose of this section is to outlined the regulations for building standards applicable to each Parcel Type that are appropriate to use within the LC Districts. These standards are intended to ensure that new development strengthens and enhances Lyon County’s neighborhoods and communities’ existing character and scale.

3.2 Applicability

3.2.1 The requirements in this section shall apply to all proposed development within the LC Districts. They shall be considered in relation to the intent and general character of each applicable District.

3.2.2 The standards and requirements applicable to a Parcel Type shall modify and take precedence over any duplicative or conflicting provisions of the Supplemental Regulations as prescribed in the LC Zoning Regulations, unless otherwise explicitly permitted.

3.2.3 These building standards shall not apply to the existing use of any buildings or land. They shall not prevent the restoration of a building damaged, not more than fifty (50) percent of its assessed valuation by fire, explosion, an act of God, or the public enemy. They shall not prevent the continuance of the existing use of such building or part thereof as such use existed at the time of such damage. They shall apply to any alteration, expansion or enlargement of a building, or alteration of any parcel.

3.2.4 These building standards shall not apply to the use of land for agricultural purposes nor for the erection or maintenance of agricultural buildings as long as such agricultural buildings are used for agricultural purposes and no other.

3.3 General

3.3.1 Building standards are not intended to indicate or suggest any specific architectural style.
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### Bicycle Parking

- 2 spaces minimum, plus 1 space per 3,000 square foot GFA of Principal Building, or provisions for future parking
- Within 50' of Primary Entrance

---

### Notes

- Primary entries shall occur where designated on the Regulating Plan along the RBL, if shown
- Blank lengths of wall (without doors or windows) exceeding 50' are prohibited on the RBLs, if shown
- Loading docks, overhead doors, and other service entries may not be located on the RBLs, if shown
- Balconies and bay windows may encroach up to 2' beyond the RBL and cannot encroach into the public Right-of-Way
- Roofs shall be low sloped, behind parapets, or pitched
## Accessory Structure

<table>
<thead>
<tr>
<th>Placement</th>
<th>Shall be in the side or rear yard only, set back at least 5’ from the street face of the Principal Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Setback</td>
<td>Shall match Parcel Type A</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>Shall match Parcel Type B</td>
</tr>
<tr>
<td>Distance between Principal and Accessory buildings (if detached)</td>
<td>5’ minimum</td>
</tr>
<tr>
<td>Building Size</td>
<td>650 square foot maximum Or 20% GFA of Principal Building (whichever is greater)</td>
</tr>
<tr>
<td>Height</td>
<td>2 stories maximum Or equal to height of Principal Building (whichever is less)</td>
</tr>
</tbody>
</table>

### Notes
- Non-enclosed staircases cannot face street
- All other requirements not specified shall match that of Parcel Type
- Combined lot coverage of all accessory buildings shall not exceed 15%

### Parking
- Access should be off an alley. If no alley exists, access shall share the same existing curb cut as the Principal Building
- All parking areas shall have approved surfacing (7.13) and be ADA compliant
## COMMERCIAL BUILDING STANDARD

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor</td>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Upper Floor(s)</td>
<td>Commercial</td>
<td></td>
</tr>
</tbody>
</table>

### Placement

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Required Build-to-Line (RBL) (ROW)</td>
<td>0’ min - 10’ max</td>
</tr>
<tr>
<td>Side Setback</td>
<td>5’ minimum</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>20’ minimum</td>
</tr>
</tbody>
</table>

### Coverage

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street facade build to RBL</td>
<td>70% minimum</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>60% maximum</td>
</tr>
<tr>
<td>Lot Size</td>
<td>1,000 square foot minimum (20’ minimum width by 50’ minimum depth)</td>
</tr>
</tbody>
</table>

### Height

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum number of floors</td>
<td>1 story</td>
</tr>
<tr>
<td>Maximum number of floors</td>
<td>3 stories</td>
</tr>
<tr>
<td>Finish Ground Floor Level</td>
<td>0” minimum above sidewalk</td>
</tr>
<tr>
<td>Ground floor ceiling height</td>
<td>10’ minimum</td>
</tr>
</tbody>
</table>

### Façade Transparency

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of Facade Area (Ground Floor)</td>
<td>70% minimum</td>
</tr>
<tr>
<td>Percent of Facade Area (Upper Floors)</td>
<td>40% minimum</td>
</tr>
</tbody>
</table>

### Lighting

- Exterior Building Lighting Placement: At all primary entries

### Notes

- Primary entries shall occur where designated on the Regulating Plan along the RBL, if shown
- Blank lengths of wall (without doors or windows) exceeding 50’ are prohibited on the RBLs, if shown
- Loading docks, overhead doors, and other service entries may not be located on the RBLs, if shown
- Balconies and bay windows may encroach up to 2’ beyond the RBL and cannot encroach into the public Right-of-Way
- Roofs shall be low sloped, behind parapets, or pitched
- Shall have an approved Landscaping and Stormwater Plan

### Parking

- 2 spaces are required per 1,000 gross square feet for hotels
- 3 spaces are required per 1,000 gross square feet for retail
- 3 spaces are required per 1,000 gross square feet for office
- Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in rear
- All parking areas shall have approved surfacing (7.13) and be ADA compliant

### Bicycle Parking

- 2 spaces minimum. plus 1 space per 3,000 square foot GFA of Principal Building or provisions for future parking
- Within 50’ of Primary Entrance
## INDUSTRIAL-FLEX BUILDING STANDARD

### Use

- **Ground Floor**: Commercial/ Retail/Service/ Office/Trade/ Light Industrial
- **Upper Floor(s)**: Commercial/ Retail/Service/ Office/Trade/ Light Industrial

### Placement

- **Front Required Build-to-Line (RBL) (ROW)**: 0’ min - 10’ max
- **Side Setback**: 5’ minimum
- **Rear Setback**: 20’ minimum

### Coverage

- **Primary street facade build to RBL**: 70% minimum
- **Lot Coverage**: 100% maximum
- **Lot Size**: No minimum

### Height

- **Minimum number of floors**: 1 story
- **Maximum number of floors**: 3 stories = 45’
- **Finish Ground Floor Level**: 0” minimum above sidewalk
- **Ground floor ceiling height**: 10’ minimum

### Lighting

- **Exterior Building Lighting Placement**: At all primary entries

### Notes

- Primary entries shall occur where designated on the Regulating Plan along the RBL, if shown
- Facade Transparency shall refer to component Parcel Type
- Screening shall refer to component Parcel Type
- Not all Light Industrial Uses are allowed on IF parcels. Allowed uses shall refer to LC Parcel Type Permitted Uses matrix (2.5)
- Shall have an approved Landscaping and Stormwater Plan

### Parking

- **Refer to component Parcel Type**
- Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in rear
- All parking areas shall have approved surfacing (7.13) and be ADA compliant

---

**RES# 02-21 February 2021**

### LYON COUNTY ZONING REGULATIONS

---
## SINGLE-FAMILY DETACHED BUILDING STANDARD

### Use
- **Ground Floor:** Residential
- **Upper Floor(s):** Residential

### Height
- **Minimum number of floors:** 1 story
- **Maximum number of floors:** 3 stories
- **Finish Ground Floor Level:** na

### Placement, If Platted
- **Front Required Build-to-Line (RBL) (ROW):** 15’ min - 30’ max
- **Side Setback:** 5’ minimum
- **Rear Setback:** 20’ minimum

### Coverage
- **Primary street facade build to RBL:** 70% minimum
- **Lot Coverage:** 40% maximum
- **Lot Size:** 6,500 square foot minimum (40’ minimum width by 120’ minimum depth)*

### Notes
- Primary entry shall be located along the RBL where shown in the Regulating Plan, if shown
- Balconies and bay windows may encroach up to 2’ beyond the RBL and cannot encroach into the public Right-of-Way
- Roofs shall be low sloped, behind parapets, or pitched
- *If no plat exists the Non-exempt placement applies

### Parking
- Off-street parking with approved surfacing is required
- 2 spaces are required
- Parking shall be accessed from the rear off of alleys. If no alley exists, parking shall be accessed using single lane access

---

*LYON COUNTY ZONING REGULATIONS*
Accessory Structure

Placement
Shall be in the side or rear yard only, set back at least 5’ from the street face of the Principal Building

Side Setback
Shall match Parcel Type

Rear Setback
Shall match Parcel Type

Distance between Principal and Accessory buildings (if detached)
5’ minimum

Building Size
na

Accessory Dwelling Unit

Placement
Shall be in the side or rear yard only, set back at least 5’ from the street face of the Principal Building

Side Setback
Shall match Parcel Type

Rear Setback
Shall match Parcel Type

Distance between Principal and Accessory buildings (if detached)
5’ minimum

Building Size
na

Notes
- Non-enclosed staircases cannot face street
- All other requirements not specified shall match that of Parcel Type

Parking
1 off-street space per Accessory Dwelling Unit with approved surfacing
Access should be off an alley. If no alley exists, access shall share the same existing curb cut as the Principal Building
# NON-EXEMPT BUILDING STANDARD

**Use**

<table>
<thead>
<tr>
<th>Use</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor</td>
<td>Residential</td>
</tr>
<tr>
<td>Upper Floor(s)</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Placement**

<table>
<thead>
<tr>
<th>Placement</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Required Build-to-Line (RBL) (ROW)</td>
<td>25’ minimum for rural roads</td>
</tr>
<tr>
<td></td>
<td>50’ at Development Corridors</td>
</tr>
<tr>
<td></td>
<td>100’ at Federal and State highways</td>
</tr>
<tr>
<td>Side Setback</td>
<td>25’ minimum</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>25’ minimum</td>
</tr>
</tbody>
</table>

**Coverage**

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street facade build to RBL</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Lot Size</td>
<td>5 acre minimum to</td>
</tr>
<tr>
<td></td>
<td>39 acres max or a</td>
</tr>
<tr>
<td></td>
<td>nominal 40 (1/4 of a 1/4)</td>
</tr>
</tbody>
</table>

**Notes**

- These standards apply only to non-exempt residential and non-Agricultural structures on Agricultural parcels.
- Does NOT apply to parcels of 40 or more acres.
- See Appendix for map of Lyon County Development Corridors.
NON-EXEMPT ACCESSORY BUILDING BUILDING STANDARD

Accessory Structure

| Placement                                                      | Shall be in the side or rear yard only, set back at least 5’ from the street face of the Principal Building |
|                                                               |                                                                                                           |
| Side Setback                                                  | Shall match Parcel Type A                                                                                 |
| Rear Setback                                                  | Shall match Parcel Type B                                                                                 |
| Distance between Principal and Accessory buildings (if detached) | 5’ minimum                                                                                               |
| Building Size                                                 | No minimum/maximum                                                                                        |
| Height                                                        | No minimum/maximum                                                                                        |

Accessory Dwelling Unit

| Placement                                                      | Shall be in the side or rear yard only, set back at least 5’ from the street face of the Principal Building |
|                                                               |                                                                                                           |
| Side Setback                                                  | Shall match Parcel Type A                                                                                 |
| Rear Setback                                                  | Shall match Parcel Type B                                                                                 |
| Distance between Principal and Accessory buildings (if detached) | 5’ minimum                                                                                               |
| Building Size                                                 | Shall be subordinate to the principle structure                                                           |
| Height                                                        | Shall be subordinate to the principle structure                                                           |

Notes

- These standards do not apply to structures used for Agricultural purposes
- Does NOT apply to parcels of 40 or more acres
- All other requirements not specified shall match that of Parcel Type
- The larger structure can become the principle structure

Parking

1 space per Accessory Dwelling Unit
# LIGHT INDUSTRIAL BUILDING STANDARD

## Placement
- **Front Required Build-to-Line (RBL) (ROW)**: 100' minimum
- **Side Setback**: 15' minimum
- **Rear Setback**: 20' minimum (30' minimum when adjoining residential a Parcel Type)

## Coverage
- **Primary street facade build to RBL**: No minimum
- **Lot Coverage**: 100% maximum
- **Lot Size**: No maximum

## Notes
- Appropriate Screening shall be required for lots adjacent to Parcel Types that allow residential uses.
- Shall have an approved Landscaping and Stormwater Plan

## Use
- **Ground Floor**: Light Industrial
- **Upper Floor(s)**: Light Industrial

## Height
- **Maximum Height**: na

## Lighting
- **Exterior Building Lighting Placement**: At all primary entries

## Parking
- 1 space for each two employees on a maximum shift
- Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in rear
- All parking areas shall be ADA compliant
- All parking areas and internal roads shall have approved surfacing (7.13)
## HEAVY INDUSTRIAL BUILDING STANDARD

### Use
<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor</td>
<td>Light/Heavy Industrial</td>
</tr>
<tr>
<td>Upper Floor(s)</td>
<td>Light/Heavy Industrial</td>
</tr>
</tbody>
</table>

### Placement
<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Required Build-to-Line (RBL) (ROW)</td>
<td>100’ minimum</td>
</tr>
</tbody>
</table>

### Side Setback
15’ minimum

### Rear Setback
20’ minimum
30’ minimum when adjoining residential Parcel Type

### Coverage

<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street facade build to RBL</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>100% maximum</td>
</tr>
<tr>
<td>Lot Size</td>
<td>No maximum</td>
</tr>
</tbody>
</table>

### Height
<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>na</td>
</tr>
</tbody>
</table>

### Lighting
<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior Building Lighting Placement</td>
<td>At all primary entries</td>
</tr>
</tbody>
</table>

### Notes
- Appropriate Screening shall be required for lots adjacent to Parcel Types that allow residential uses.
- Shall have an approved Landscaping and Stormwater Plan

### Parking

1 space for each two employees on a maximum shift

Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in rear

All parking areas shall be ADA compliant

All parking areas and internal roads shall have approved surfacing (7.13)
4 STREET STANDARDS

4.1 Purpose

4.1.1 This section aims to establish standards for street components and assemblies that are applicable within the LC Districts. These standards are intended to provide a guideline to establish and reinforce a continuum for infrastructure that enhances mobility and accessibility.

4.2 Applicability

4.2.1 The design and construction of new streets within LC Districts shall comply with the Street Standards outlined in this section.

4.2.2 New developments on existing streets within LC Districts shall comply with these street standards.

4.2.3 The Street Standards outlined in this section may be applied to transform existing streets.

4.2.4 In the case of conflict between the Street Standards outlined in this section and any other local land development regulation, these standards shall apply.

4.2.5 To the extent that this section is silent where other land development regulations govern, those regulations shall apply.

4.3 General

4.3.1 Streets are intended for use by vehicular and pedestrian traffic and provide access to parcels and open spaces.

4.3.2 Streets consist of pedestrian and vehicular traffic lanes and public frontages.

4.3.3 Streets shall be designed in context with the form through which they pass.

4.3.4 Within the more dense Districts, pedestrian comfort shall be a primary consideration of the street design. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.

4.3.5 Only within the Lyon County District shall pedestrian comfort be a secondary consideration of the street design. In these Districts, design conflict between vehicular and pedestrian movement generally shall be decided in favor of the vehicle.

4.3.6 All streets shall terminate at other streets, forming a network. Internal streets shall connect wherever possible to those on adjacent sites.

4.3.7 Each parcel shall abut a vehicular street.

4.3.8 Roadway Classification

a. Interstate. An access-controlled road whose primary purpose is to provide service for long-distance trips and mobility between major urban areas.

b. Arterial. A road whose primary purpose is to provide for moderate to long-length trips and
mobility between major activity centers and link users between collectors to higher classification roadways. Basic Standards are dependant on the number of lanes. Two (2) lanes = seventy-one (71') feet minimum, three (3) lanes = eighty-six (86') minimum, and five (5) lanes = one hundred and ten 110' minimum.

c. **Collector.** A road whose primary purpose is to provide local trips and link users from local roads to higher classification roadways. Basic Standards are dependant on the number of lanes. Two (2) lanes = sixty-one (61') feet minimum, and three (3) lanes = seventy-six (76') feet minimum.

d. **Corridor.** A road whose primary purpose is to provide commercial and retail areas where on-street parking is not needed. Basic Standards are dependant on the number of lanes. Two (2) lanes = seventy-seven (77') feet minimum.

e. **Local.** A road whose primary purpose is to provide access between adjacent properties to roads of higher functional classification. Basic Standards are dependant on the number of lanes and use. Residential are two (2) lanes = seventy-three (73') feet minimum and Flex are two (2) lanes = sixty-three (63') feet minimum, and three (3) Industrial lanes = seventy-eight (78') feet minimum.

f. **Rural.** A road whose primary purpose is to provide rural trips and link users of rural roads to higher classification roadways.
**ALLEY STREET STANDARDS**

**Notes**
- All streets shall have a minimum gradient of 1% to ensure positive drainage

<table>
<thead>
<tr>
<th>Street</th>
<th>14'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Lane</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>20' minimum</td>
</tr>
</tbody>
</table>
# Paved Rural Street Standards

## Notes
- Applicability: Roads in Lyon County outside City Limits
- All streets that are required to, shall be paved and have a minimum gradient of 1% to ensure positive drainage

<table>
<thead>
<tr>
<th>Street</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Lane</td>
<td>2 @ 12’</td>
</tr>
<tr>
<td>Shoulder</td>
<td>2.5’</td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>60’ minimum</td>
</tr>
</tbody>
</table>
### Notes

- Applicability: May apply to roads in Lyon County outside City Limits as determined by the County Engineer.
- 4” thick crown of 20’ sub-grade modification, using 70% aggregate and 30% binder soil
- 3:1 slope for normal fill, and 2:1 slope for widened fill
- All embankments shall be compacted except ditch-plugs and waste berms

<table>
<thead>
<tr>
<th>Street</th>
<th>2 @ 12’</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Lane</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>60’ minimum</td>
<td>B</td>
</tr>
</tbody>
</table>

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**GRAVEL STREET STANDARDS**
6

SUBDIVISION REGULATIONS

6.1 Purpose

6.1.1 Subdivision Regulations are how raw land is converted into buildable sites for residential, commercial, and industrial uses. The physical arrangement of these lots along with provisions for streets, alleys, utilities, schools, parks, and other community facilities will, in large part, determine the quality of life in the community and, therefore, is of public interest. Such regulations establish standards that ensure that urban areas' growth will reflect sound planning and will not be detrimental to the community. These regulations are designed, intended, and adopted for the following purposes:

1. To provide for adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land;
2. To protect and conserve the value and desirability of land and neighborhoods throughout the community;
3. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions;
4. To ensure proper legal descriptions, monumenting of land, and adequate and accurate platting and records of land subdivision;
5. To harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining lots;
6. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;
7. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements, including the reservation or dedication of land for park and recreational purposes;
8. To reserve or dedicate land for open space to preserve natural areas for watercourses, drainage ways, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect the land from soil erosion;
9. To coordinate the subdividing of land with applicable zoning regulations, various construction codes and other County regulations which also affect the development of the land; and
10. To contribute to the implementation of PlanELC.

6.2 Applicability

6.2.1 The regulations outlined in this section, unless exempted by Section 6.4, shall apply to any person desiring to do any of the following:

a. Subdivide or further subdivide any lot, tract, or parcel of land into two or more parts.
b. Re-subdivide any lot, tract, or parcel of land that has previously been subdivided into two or more parts.
c. Establish any street, alley, sidewalk, park, or other property intended for public use or the use of...
prospective or existing owners of lots, tracts, or parcels of land fronting on or adjacent to such property.

6.2.2 The owner(s) of any land subject to these regulations subdividing said land in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the provisions of these regulations. No building or zoning permit shall hereafter be issued for construction on any land that has not been subdivided in compliance with these regulations and all other applicable Kansas State Laws and local laws in effect at the time of the subdivision of said land.

6.2.3 The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of the requirements or the minimum design standards of these regulations.

6.2.4 Agricultural parcels shall not be subdivided solely for residential, commercial, or industrial purposes unless the landowner has a vested right pursuant to Section 6.3.4 or is exempted by State statute. All subdivided Agricultural parcels shall maintain their Agricultural Parcel Type zoning designation. Unless a Conditional Use Permit is granted after the application is made to the LCPAB approved by the Governing Body.

6.2.5 Where these regulations impose restrictions that differ from those imposed by any other provision of these regulations or any other statute, regulation, or other provision of law; the provision, which imposes the highest or most restrictive standard shall apply.

6.3 General

6.3.1 All subdivision plats or re-plats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or the use of purchasers or owners of lots fronting thereon, shall be submitted to the LCPAB for its consideration and approval. The approved plat shall be submitted to the Governing Body for final plat approval and acceptance of dedications of streets, alleys, easements, and other public ways or sites.

6.3.2 Conformance with applicable laws and regulations. In addition to these requirements, all subdivision plats shall comply with all applicable laws and regulations, including the following:

a. Other requirements and standards within the LC Zoning Regulations.

b. The Lyon County Health Department’s regulations.

c. Regulations of the Kansas State Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting streets.

e. The standards and regulations adopted by the Lyon County Engineer.

f. Fire and life safety codes.

g. Any other applicable state or local laws or regulations.

6.3.3 Land shall not be subdivided until proper provision has been made for drainage, water, and sewage.

a. If the proposed subdivision is to be served with public water and public sewer or a community-type sewage treatment plant, approval of the plat shall be subject to the minimum requirements outlined in the Building Standards of the applicable Parcel Type and other applicable requirements in these Zoning Regulations.
b. If the proposed subdivision is within unincorporated Lyon County, the preliminary plat will be submitted according to the requirements outlined in the Building Standards of the applicable Parcel Type. It will be subject to the approval of the Lyon County Health Department and other applicable requirements.

6.3.4 Vesting of development rights. In conformance with the provisions of K.S.A 12-764, the following rules regarding the vesting of development rights shall apply:

a. For development rights vested prior to July 1, 2009:

1. For single-family residential developments, development rights in such parcels shall vest upon the recording of a plat of such land provided the division of land was legally done in conformance with the Subdivision Regulations in effect at the time of such recording. If construction is not commenced on such land within five (5) years of recording a plat with the Lyon County Register of Deeds, the development rights in such shall expire.

2. For all purposes other than single-family developments, the right to use the land for a particular purpose shall vest upon the issuance of all permits required for such use by Lyon County, and construction has begun. Substantial amounts of work have been completed under a validly issued permit.

b. For development rights vested on and after July 1, 2009:

1. For residential developments, development rights in such land use shall vest upon the recording of a plat of such land provided the division of land was legally done in conformance with the Subdivision Regulations in effect at the time of such recording. If construction is not commenced on such land within ten (10) years of recording a plat with the Lyon County Register of Deeds, the development rights in such shall expire. For this section’s purposes, residential developments may include single family housing; multiple family housing such as apartments, duplexes, townhomes and similar configurations; condominiums, and manufactured and modular homes.

2. For all purposes other than residential developments, the right to use the land for a particular purpose shall vest upon the issuance of all permits required for such use by Lyon County, and construction has begun. Substantial amounts of work have been completed. If substantial amounts of the work have not been completed within ten (10) years of the issuance of such permits, the development rights shall expire.

6.3.5 Dedication or reservation of public sites and open space.

a. In subdividing land or re-subdividing an existing plat, the subdivider should give due consideration to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Considering of any such subdividing or re-subdividing of the LCPAB shall make recommendations as to dedications and reservations.

b. Any area so dedicated or reserved shall conform as nearly as possible to the recommendations of the LCPAB.

c. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat. It may be determined when and in what manner such areas will be dedicated to or acquired.
6.4 Exemptions

6.4.1 The following specific transactions shall be exempt from compliance with the provision of these regulations:

a. Boundary adjustments between one or more contiguous lots, tracts, or parcels of land will not create any additional lots, tracts or parcels, shall not be subject to the subdivision platting or re-platting requirements of these regulations. However, such boundary line adjustments shall comply with the requirements of these regulations.

b. A conveyance of land, or interest therein, for use as Right-of-Way by railroad or other public utilities subject to state or federal regulations where no new street or easement of access is created.

c. A conveyance made to correct a bearing or distance description in a previously recorded conveyance.

d. Any transfer by operation of law.

e. The subdividing of land used exclusively for cemetery purposes and accessory uses associated therewith.

f. Any lot, parcel or tract of land located within the area governed by these Subdivision Regulations which has been legally subdivided, re-subdivided, platted or re-platted prior to the effective date of these regulations. For purposes of these regulations, a legally subdivided, re-subdivided, platted or re-platted lot, parcel, or tract of land shall include any certificate of survey submitted and recorded, as provided by these requirements, prior to the effective date of these regulations.

g. The division of a lot, tract or parcel of land that existed prior to the effective date of these regulations and was not previously exempted under any previous subdivision regulations, where no more than one (1) additional lot, tract or parcel is created. Any further division of the lot, tract or parcel, including any remainder parcel or tract, shall be platted in conformance with these regulations' requirements.

h. The division of a platted lot used for industrial purposes only, as required by Kansas State Law, provided each resulting lot has frontage on a public street.

i. The division or further division of unincorporated land when subdivided only for agricultural use and when such division does not involve creating new streets, easements of access, or other dedication.

6.4.2 Lot splits. The division of a tract of land or lot into not more than two buildable lots in conformance with size requirements of the applicable Parcel Type is exempt from the platting requirements described in Sections 6.6 - 6.9, provided that it complies with Section 6.10 on Lot Splits procedures.

6.5 Administration

6.5.1 Appeals. Any decision of the County Engineer on matters contained herein may be appealed to the LCPAB, as provided by Section 8.9 of these zoning regulations. Any decision of the ZA on matters about building permits may be appealed to the LCPAB, as provided by Section 8.9 of these zoning regulations.
6.5.2 Building permits.

a. No building permit shall hereafter be issued for construction on any land subject to these Subdivision Regulations until:

1. Construction drawings and specifications for all required developer-installed improvements have been submitted to the County Engineer and approved.

2. Endorsed copies of the subdivision plat have been recorded in the office of the Register of Deeds of Lyon County. No plat, re-plat, dedication, or deed shall be filed with the Register of Deeds until such plat, re-plat, dedication, or deed has been approved by the LCPAB and the Governing Body as required by law.

3. Required public improvements have been installed or guaranteed in accordance with the provisions of these Subdivision Regulations.

4. There has been compliance with all of the provisions of these Subdivision Regulations, the conditions of plat approval, and all other applicable state and local laws in effect at the time of the subdivision of said land.

dwelling per lot. Unless otherwise allowed by these Zoning Regulations, no more than one building permit shall be issued for a principal structure on each unplatted lot of record, each platted lot created as part of a subdivision, or each lot or tract created by a lot split.

c. Upon receipt of the building permit application and certification by the ZA that the application is complete, the date of acceptance shall be fixed to the application. The building permit’s issuance shall be authorized within thirty (30) days following the recorded plat’s examination. If disapproved, the applicant shall have the right to appeal to the LCPAB within thirty (30) days.

6.6 Subdivision Design Standards

6.6.1 General

a. All subdivisions of land subject to these regulations shall conform to the minimum design standards in these zoning regulations and the intent of PlanELC. Such design standards shall govern the approval of subdivision plats by the LCPAB and by the Governing Body. The Governing Body may disapprove of residential subdivision proposals. It is determined that the subdivision, or its location, is not compatible with the adopted PlanELC, the LC Zoning Regulations, or other development policies of the Governing Body.

b. Access. All lots located in any subdivision shall take access directly from a street or alley dedicated and accepted for public use.

c. Access control. In the interest of public safety and the preservation of the street system's traffic carrying capacity, the LCPAB shall have the right to regulate points of access to all property from the public street system. Such exclusions shall be indicated on the final plat.

d. Solar access. Streets in residential subdivisions are encouraged to have an east-west alignment to promote energy conservation through passive and active solar systems. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running east-west.

e. Land subject to erosion. On land subject to excessive soil movement that may result in erosion or deposition of soil, the LCPAB, in accordance with the recommendations of the County...
Engineer, may require necessary preventive measures as part of the final plat approval and during construction and development of the subdivision.

6.6.2 Subdivision Block Standards

a. **Width.** In Districts where no existing plats are recorded. Block width and depth shall be determined concerning needs for convenient access, safety, circulation, and topography consideration.

6.6.3 Subdivision Street Standards

a. **Relationship to adjoining street system**

1. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing principal streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements.

2. The width of such streets in new subdivisions shall not be less than the minimum widths established in the street standards, as outlined in Section 4 of these Zoning Regulations.

3. Alleys, when required, and street arrangement shall cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it.

4. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public way.

5. Where conditions make street continuance or conformity difficult, the LCPAB may review and approve an alternative layout.

6. Where the submitted plat covers only a portion of the sub-divider’s contiguous land, a sketch of the prospective future street system of the entire ownership shall be submitted.

7. Where a tract is subdivided into lots of an acre or more, the LCPAB may require an arrangement of lots and streets to permit a later subdivision in conformity with the street requirements.

b. **Street names.** Streets that are obviously in alignment with other existing and named streets shall bear the names of the existing streets. Otherwise names shall be sufficiently different in sound and spelling from other street names in the City and County not to cause confusion.

c. **Right angle intersections.** Under normal conditions, streets shall be laid out to intersect at right angles as nearly as possible. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be sixty (60) degrees.

d. **Street grades.** The grades of streets, alleys, and other public ways included in any subdivision shall not be greater than is necessary for the topographic conditions and shall be subject to the County Engineer’s approval. A minimum gradient of one (1) percent shall exist on all streets whenever practical, but in no event shall the gradient be less than a half (½%) percent. Proposed streets shall conform to the topography as nearly as possible to reduce drainage problems and grades.
6.6.4 Lot Standards

a. Minimum lot width, measured at the building setback line, shall not be less than required by the Building Standards of the applicable Parcel Type when provided. Corner lots shall have a width of at least fifteen (15) feet greater than the minimum width.

b. Minimum lot depth, measured through the center of the lot and perpendicular to the property line or curved streets, shall not be less than required by the Building Standards of the applicable Parcel Type when provided. The maximum lot depth of residential lots shall not exceed two and a half (2½) times the lot’s width.

c. Lot dimensions and minimum lot area shall be subject to the Building Standards of the applicable Parcel Type.

d. All side lot lines shall bear sixty (60) to ninety (90) degrees from the street Right-of-Way line on a straight street or from the tangent of a curved street.

e. Front building or setback lines shall be shown on the final plat for all lots in the subdivision. They shall not be less than the setbacks required by the applicable Building Standards or any other resolution adopted by the Governing Body. The greater setback requirement shall govern.
f. Flag lots shall have no less than thirty (30) feet of street frontage.

g. Double frontage lots shall be avoided unless, in the opinion of the LCPAB, a variation to this prohibition will give better street alignment and lot arrangement.

h. Every lot shall have frontage on a public street other than an alley.

i. The number of residential lots facing collector streets in each subdivision shall be kept to a minimum, or none at all. The street pattern shall be designed so that the sideline of lots abut collector streets wherever land shapes and topography permit.

### 6.7 Easements

#### 6.7.1 Utility easement

Utility easement. Where alleys are not provided, permanent easements of not less than seven and a half (7½) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and other public utilities. Where a utility company or other service provider can demonstrate the need for a wider easement than required above for a specific location, such may be required by the Governing Body and provided by the developer. These easements shall provide for a continuous Right-of-Way at least fifteen (15) feet in width. An additional six (6) foot wide temporary construction easement abutting each side of a utility easement shall be provided for the initial construction of water, sewer, and other utility lines.

#### 6.7.2 Drainage easement

Drainage easement. If a subdivision is traversed by a watercourse, drainage way, or channel, then a stormwater easement or drainage Right-of-Way shall be provided. Such easement or Right-of-Way shall conform substantially to the lines of the natural watercourse. It shall be of such width or construction, or both, as necessary to provide adequate stormwater drainage and access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The County Engineer shall make a study and report the recommendation to the LCPAB as to the desired width of such easement. Such a study and report shall be based on the one-hundred-year flood depth (if known). Maintenance of stormwater easements and drainage Right-of-Way shall be the responsibility of the owners of property adjoining such easements or Right-of-Way.

#### 6.7.3 Solar access easement

Solar access easement. Any subdivider may grant or establish a solar sky-space easement to protect solar energy systems from being shaded. The easements shall be created in writing and shall be recorded on the face of the plat. The easements shall run with the land.

All permanent easements shall be shown on the plat and not be obstructed by structures or vegetation. A property owner erects fences and landscapes the easement at his or her own risk of loss.

### 6.8 Public Facilities and Improvements

#### 6.8.1 Adequate public facilities

Adequate public facilities. No preliminary plat shall be approved unless the LCPAB determines that public facilities are or will be adequate to support and service the area of the proposed subdivision.

#### 6.8.2 The subdivider shall install, or provide for the installation of, the following facilities and improvements:

a. Streets, alleys, and sidewalks. Pavement, curbs, and gutters may be required to be installed on all streets. All streets and alleys in subdivisions shall comply with all applicable standards outlined in Section 4 and Section 6.6.3 of the LC Zoning Regulations. Sidewalks shall be located in the platted street Right-of-Way, and shall also be installed in any pedestrian easements as may
be required by the LCPAB.

b. Water service. When reasonably available, a public water supply system or its equivalent shall be provided in accordance with the standards set by the public water supplier. In all other areas, a water supply system shall be provided subject to approval by the County Health Department.

c. Sewer service. When reasonably available, a public sewerage system shall be provided with the public sewage system supplier’s standards. In all other areas, a sewage collection and treatment system shall be provided subject to the approval of the County Health Department.

d. Storm drainage. Culverts, storm sewers, rip-rap slopes, stabilized ditches, and other storm drainage strategies shall be installed in compliance with the Street Standards as outlined in Section 4 of the LC Zoning Regulations.

e. Utilities. Utilities, including but not limited to sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity, and telephone service, shall be installed according to the specification of the controlling utility company or the Governing Body.

6.8.3 Public improvement procedures

a. In cases where the existing public facilities are deemed inadequate by the LCPAB, upon the preliminary plat’s approval. The subdivider of a proposed subdivision shall have prepared by a licensed professional engineer (which may be contracted for, with any governmental agency or utility) engineering drawings for proposed required improvements, containing the data and information specified in item 6.8.3.b below. A licensed professional engineer shall certify such drawings. They shall be submitted in duplicate to the County Engineer at least thirty (30) days prior to the date that the final plat’s approval is requested. Failure to do so will be considered automatic consent, by the subdivider, to a waiver or an extension of the waiver of any time limitation for plat approval.

b. Content of engineering drawings. Engineering drawings for required improvements shall contain the following data and information:

1. Plans, profiles, details, specifications, and costs estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale ranging from one (1') inch equals twenty (20") to one (1') inch equals fifty (50") feet horizontal. The vertical scale shall be one-tenth (1/10) the horizontal scale. This information shall be shown on standard plan and profile sheets unless otherwise required by the County Engineer.

2. Plans, profiles, details, specifications, and cost estimates of proposed storm drainage improvements.

3. Plans, profiles, details, specifications, and cost estimates of proposed water distribution systems and proposed water supply facilities and water hydrants, if any.

4. Plans, profiles, details, specifications, cost estimates of sewerage systems, and any required sewage treatment facilities.

5. Drainage plans for the subdivision.

6. When unusual site conditions exist, the County Engineer may require such additional plans, specifications, and drawings as necessary for an adequate review of the
improvements to be installed. All plans shall be based on NGS datum for vertical control.

c. **Review of plans.** The County Engineer shall review all engineering drawings to determine whether such drawings are consistent with the approved preliminary plat and comply with design standards. The cost attributable to all engineering drawing reviews shall be charged to and paid by the subdivider prior to recording the final plat. If such drawings are consistent and in compliance, the County Engineer shall forward to the LCPAB a notice that such drawings conform and comply. If the drawings do not so conform and comply, the County Engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply. The subdivider may then correct such drawings and resubmit the corrected drawings.

d. **Approval by the Planning Board.** The LCPAB shall recommend approval of a final plat only when the County Engineer’s approval has been received.

e. **Construction of improvements.** Except where such is otherwise expressly allowed under these regulations, no improvements shall be constructed nor shall any work preliminary thereto be done until a final plat and the engineering drawings, the Governing Body, shall have approved it. There shall have been compliance with all of the requirements relating to an agreement, bond deposit, or petition specified in these regulations.

f. **Inspection.**

1. All improvements constructed or erected shall be subject to inspection by the County Engineer or official responsible for setting and enforcing the applicable design and construction standards of the required improvement. A third party inspector approved by the Governing Body may be contracted to conduct inspections. The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider. Before any required inspections occur, the subdivider may be required to post a deposit for security of the official to cover the cost of such inspections. The subdivider shall give at least forty-eight (48) hours written notification to such official prior to the performance of any phase of construction. The subdivider shall provide such an official with a construction schedule and shall update such schedule as necessary.

2. After notice is received, the official designated may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If, such work does not comply with the approved engineering plans and specifications, the official shall have authority to order that all such work shall be terminated until necessary steps are taken to correct any defects, deficiencies, or deviations. Upon the correction of such defects, deficiencies, or deviations, the subdivider shall again notify the official for another on-site inspection.

3. No underground improvements, including but not limited to telephone, electric, water, sewer, stormwater, gas, or cable television, shall be covered with soil unless first inspected and approved.

4. Upon completing all improvements within the area covered by the final plat, the subdivider shall notify the designated official, who shall conduct a final inspection of all improvements installed.

g. **Approval and acceptance**

1. When a final inspection or re-inspection indicates that all installed improvements contain no defects, deficiencies or deviations. Within ten (10) days of such final inspection the
inspecting official shall certify to the Governing Body that all improvements have been installed in conformance with the engineering plans and specifications accompanying the final plat.

2. If the Governing Body determines, after consideration of such certification, that there are no defects, deficiencies, or deviations in any such improvements as installed, the Governing Body shall notify the subdivider in writing sign the final plat. After the paying all required fees, the subdivider may file the subdivision with the Lyon County Register of Deeds.

3. Upon receipt by the Governing Body of the designated official certificate, all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these regulations, and all applicable statutes, resolutions and regulations. The Governing Body and such appropriate utility may thereupon by resolution or by letter, respectively, formally accept such improvements. Upon acceptance, the improvements shall become the property of the Governing Body or appropriate utility company involved.

6.8.4 Guarantee of installation of improvements. In lieu of the actual construction of the physical improvements required and the completion of construction occurring prior to recording the final plat, the Governing Body will accept one of the following methods of guarantee provided it is in accordance with the policies of the Governing Body:

a. The subdivider shall enter into an agreement with the Governing Body under which the subdivider agrees to install such required improvements. Such agreement shall be conditioned upon the acceptance of the final plat by the Governing Body and its filing with the Lyon County Register of Deeds. Simultaneously, the subdivider shall furnish a corporate completion bond by a firm authorized to do business in Kansas. Suitable and sufficient sureties thereon or a cashier’s check, escrow account, or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such a financial guarantee shall be conditioned upon the final plat’s acceptance and further conditioned upon the actual completion and satisfactory installation of such required improvements within two (2) years from the date that the Governing Body accepts the final plat. The subdivider shall also deposit in escrow an amount equal to the cost of all improvements to be made in accordance with the plans and specifications for required improvements or an equivalent amount in the form of a maintenance bond or other securities that may be deemed sufficient by the Governing Body. If a subdivider furnishes a cashier’s check, escrow account, or irrevocable letter of credit, fifteen (15%) percent of the amount of such guarantees shall be returned by or held as a deposit in escrow after the completion of such improvements. The subdivider shall agree that the Governing Body’s escrow deposit may be held for eighteen (18) months after such improvements are completed.

b. Petitions to the Governing Body may be submitted as a means of guaranteeing the authority to install improvements at such time as the Governing Body deems appropriate. Petitions may be submitted only when the following conditions exist:

1. The petitions shall be brought in the manner set out under Kansas law.
2. The petitions shall be approved by the Governing Body concurrently with the acceptance of the final plat.
3. The initiating resolution for such improvement shall be adopted by the Governing Body concurrently with the petition approval or as soon as may be provided by law.
4. A certificate signed by the petitioner shall be recorded with the Lyon County Register of Deeds stating that such petitions have been filed and approved by the Governing Body. As described, certain land within the plat will be liable in the future for a special assessment for the required improvements authorized.

c. For streets and related drainage for subdivisions located in unincorporated areas, pre-construction of improvements as an alternative method of guaranteeing their installation may be used if approved by the Board of County Commissioners of Lyon County. In this event, the subdivider may request the Governing Body to hold the final plat acceptance until an inspection certifies that the required improvements have been properly constructed. Such a pre-construction procedure shall be temporarily conditioned on subsequent acceptance of the final plat and upon a mutually agreed time limit for actual construction. The Governing Body may also require maintenance guarantees.

6.8.5 Off-site improvements. Upon making a finding of necessity, the Governing Body requires the subdivider to install or upgrade off-site improvements located outside the perimeter of a subdivision. Such off-site improvements should be within dedicated Rights-of-Way or easements and serve a public purpose. The financing and guaranteeing of such improvements shall be administered as if they were the same as on-site improvements.

a. The Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the LCPAB upon its making of appropriate findings as to the relationship between the improvements required and the need created by a proposed subdivision:

1. drainage improvements and drainage ways;
2. pedestrian ways;
3. screening and landscaping;
4. grading;
5. street improvements;
6. traffic control devices;
7. parks, recreational areas and open space;
8. public water supply and delivery system;
9. stormwater sewerage; and
10. sanitary sewerage.

6.9 Submission and Approval of Plats

6.9.1 Prior to the filing of the preliminary plat, the subdivider shall contact the County Engineer, ZA, and other administrative personnel having jurisdiction to determine:

a. Procedure for filing plats.

b. Availability of public sanitary and stormwater sewers and water.
6.9.2 Preliminary plat exemptions

a. **Minor plats.** A minor plat is defined as a subdivision of land (1) into no more than six (6) lots fronting on an existing street; (2) not involving any new street or extension of public facilities; (3) not including more than ten (10) acres if a residential plat, nor more than five (5) acres for any other type of plat, unless the LCPAB approves a larger acreage; and (4) not in conflict with PlanELC, the standards applicable to Parcel Type, or any provision in the LC Zoning Regulations.

b. Minor plats may be submitted in the final plat form as described in Section 6.9.4 of the LC Zoning Regulations without first filing a preliminary plat or having such a preliminary plat approved by the LCPAB. Final plat application for minor plats shall contain all the information required to file of preliminary plats pursuant to item Section 6.9.3, accompanied by the filing of the preliminary filing fee with the Zoning Administrator.

6.9.3 Preliminary plats

a. After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplemental information necessary to the ZA, who shall schedule a public hearing with the LCPAB.

b. Submission requirements of a preliminary plat:

1. **Filing fee and proof of ownership.** As adopted by the Governing Body, a filing fee shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee, therefore, has been paid by the subdivider. The subdivider shall submit satisfactory proof of ownership or a copy of a contract to purchase the entire tract to be platted.

2. **Number of copies.** The subdivider shall submit digital copies of a vicinity map (if not on the preliminary plat) showing the proposed subdivision’s location. These plans shall be filed with the Planning Board having jurisdiction at least twenty (20) days prior to a regular LCPAB’s meeting at which the preliminary plat is to be considered.

3. The subdivider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of all land within:

   (a) two hundred (200) feet of property which is within the City Limits being proposed for subdividing or re-subdividing; or

   (b) within one thousand (1,000) feet of property, which is in the County being proposed for subdividing or re-subdividing.

4. All plats and boundaries shall be prepared by a professional surveyor licensed in the State of Kansas, as required by state statute or regulation. The topographic survey may be prepared by a professional surveyor licensed in the State of Kansas.
c. Preliminary plats shall contain:

1. The proposed name of the subdivision. (The name shall not duplicate or closely resemble the name or names of any existing subdivision.)

2. The location of the subdivision's boundary lines and references to the section or quarter section lines.

3. The subdivider developer, owner, engineer, and land surveyor's names and addresses prepared the plat.

4. Scale of the plat, one (1") inch = one hundred (100') feet or larger.

5. Date of preparation and north point.

6. Existing conditions:

   (a) Location, width, and name of platted streets or other public ways, the designation of private streets, railroads and utility rights-of-way, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision.

   (b) All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and utility-holes grades, and location.

   (c) Names of adjacent subdivisions and arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.

   (d) Topography (unless specifically waived by the ZA) with contour intervals of not more than two (2') feet, referred to NGS datum. Where the ground is too flat for contours, spot elevations shall be provided.

   Location of watercourses, bridges, wooded areas, lakes, ravines, and other features may be pertinent to the subdivision.

   (e) The LCPAB may require, as a condition of the preliminary plat, that the subdivider agrees to provide for deed covenants whereby any owner(s) of lots within the proposed subdivision agree:

      i. To make a connection to the public sewage system whenever such public sewer is extended within five hundred (500') feet of any boundary of the subdivision and the public system requests that such connection be made, and further; or

      ii. To pay the cost of such extension of the public sewer to the subdivision and the cost of connection of lots thereto, whether by means of a special assessment, connection fees, and another lawful means.

7. The general arrangements of lots and their approximate size.

8. Location and width of proposed streets, alleys, pedestrian ways and easements, and approximate gradient of streets.
9. The general plan of sewage disposal and water supply in areas where public sewers and water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating the type and location of sewage disposal and water system proposed.

10. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of the land to be considered for reservation or dedication for public use.

11. General layout of the adjacent undeveloped/unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the undeveloped/unsubdivided property.

12. The subdivider shall submit a preliminary grading and drainage plan. This plan shall include the location and size of all storm sewers, existing and proposed land elevations and contours, necessary widths of all open drainage ways, and meeting the Street Standards as outlined in Section 4 of these regulations. The County requires a Stormwater Management Plan. This plan shall be forwarded to the County Engineer, who will prepare a written analysis of the plan for consideration by the LCPAB.

e. Approval or disapproval of the preliminary plat. Action by the LCPAB shall be conveyed to the subdivider in writing within ten (10) business days after the LCPAB’s meeting, at which time the plat was considered, and action was taken thereon. Approval of the preliminary plat by the LCPAB does not constitute an acceptance of the subdivision but is instead merely an authorization for the subdivider to proceed with the preparation of the final plat. If the plat is disapproved, the subdivider shall be notified of the reason for such action. And what requirements shall be necessary to meet the approval of the LCPAB. If the LCPAB fails to approve or disapprove a preliminary plat within sixty (60) days after the plat has been submitted for consideration. Then the preliminary plat shall be deemed to have been approved. Unless the subdivider shall have consented to extend or waive such time limitation.

f. Area to be platted. To ensure that these regulations are carried out, the overall subdivision design is prepared in an orderly manner. The LCPAB may require a preliminary plat to be submitted on all contiguous land under common ownership rather than a parcel or segment. However, the area may be final platted in smaller parcels or segments as directed by the LCPAB.

g. Effective date. The preliminary plat’s approval shall be effective for an indefinite period except that the LCPAB may, after a minimum period of six (6) months due to substantial justification or change in the area, require the redesign and resubmission of the preliminary plat.

6.9.4 Final plats

a. Submission:

1. After approval of the preliminary plat, the subdivider may submit a final plat along with a fee established by the Governing Body to pay for the plat’s recording.

2. A digital copy of the final plat, in "state plane coordinates," or tied to two section corners and formatted to standards established by the ZA, plus the original on mylar and digital copies thereof shall be submitted to the LCPAB at least twenty (20) days prior to the LCPAB’s public meeting. The names and signatures of the owner(s) of the property duly acknowledged and notarized shall appear on the original and all copies submitted.

3. The LCPAB shall be required to hold a public hearing on a final plat only when the LCPAB finds a question whether the final plat as submitted is in substantial conformity
with the approved preliminary plat. The public hearing for a re-plat in substantial conformance with a previously approved preliminary plat shall be considered during the final plat.

4. The final plat, prepared for recording purposes, shall be drawn at a scale of one (1"
inch = one hundred (100') feet or larger (i.e., one (1") inch = fifty (50'), not one (1") inch
= two hundred (200') feet). The size of the sheet on which such final plat is prepared shall be twenty-four (24") inches by thirty-six (36") inches. Each sheet shall have a one
and a half (1½") inch binding edge along the left-hand side. Where the proposed plat is of unusual size. The final plat shall be submitted on two (2) or more sheets of the same dimensions. If two (2) or more sheets are required, an index map of the same dimensions shall be attached showing, the entire development at a smaller scale. The dimensions indicated are standard for all final plats and shall be complied with. Title, description, and other written data shall be located either right- or left-hand side.

b. Information. The final plat shall show and contain the following information:

1. Name of subdivision (not to duplicate or too closely resemble any existing subdivision).

2. Location of section, township, range, County, and State. The “boundary description of the exterior” of the subdivision is based on an accurate traverse, giving angular and linear dimensions which shall be mathematically correct. The allowable error of closing on any portion of the plat shall be one (1') foot in five thousand (5,000') feet. The total acreage of the subdivision shall be provided.

3. The location of existing monuments and benchmarks shall be shown and described on the final plat. The location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.

4. The location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.

5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.

6. The exact locations, widths, and names of all streets and alleys to be dedicated.

7. Boundary lines and description of the boundary lines of any area other than streets and alleys which, are dedicated or reserved for public use. The incorporation of fillets into property lines and for Right-of-Ways lines at intersections ensures that the distance between the road edge and the property line is no less than the similar distance for lots having only one frontage.

8. Building setback lines on the front and side streets with dimensions. Rear setback lines and dimensions shall be shown for irregularly shaped lots.

9. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation, and north point.

10. Statement expressing the property owner’s intent to dedicate for public use all easements, streets, alleys, and all other public areas previously dedicated.
11. The following certificates, in a format that may be provided by the ZA:

(a) Name, signature, and seal of the Professional Surveyor, licensed in the State of Kansas, preparing the plat.

(b) Name, signature, and seal of the Professional Surveyor, licensed in the State of Kansas, verifying that all monuments and control markers have been set in compliance with Lyon County requirements and in accordance with the Land Survey Act, K.S.A. 58-2001 et seq.

(c) A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided. Including all mortgage holders consenting to the preparation and recording of said subdivision map and expressing the property owner’s intent to dedicate or reserve all parcels of land shown on the final plat and intended for any public or private uses, including those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, tenants, and visitors.

(d) An acknowledgment of a notary.

(e) A certificate of the LCPAB.

(f) An acceptance of easements, Rights-of-Way, and other public dedications by the Governing Body.

(g) A certificate of the County Treasurer.

(h) A certificate of the Lyon County Survey, or Surveyor’s designee.

(i) A blank space for noting entry on the transfer record.

(j) A certificate of the Register of Deeds.

12. The following additional data and documents shall be submitted with the final plat:

(a) A title report by an abstract or title insurance company, or an attorney’s opinion of title, showing the name of the owner or owners of the land and all other restrictions, easements, or encumbrances on the land. The consent of all such persons having a financial interest shall be shown on the plat and acknowledged by a notary public.

(b) If any taxes or special assessments, due and payable have not been paid in full. Have been protested as provided by law, monies, or other sufficient escrows guaranteeing such payment of taxes. If the protest is not upheld, shall be placed on deposit with such officials or governing bodies in an amount sufficient to meet this requirement.

(c) A copy of any restrictive covenants applicable to the subdivision.

(d) At least three (3) Reference ties for locating each exterior monument.

c. **Governing body acceptance of final plat.** After the recommendation on the final plat by the LCPAB, such plat shall be forwarded to the Governing Body for its approval of the plat and the
acceptance of streets, alleys, easements, or other dedicated public rights-of-way or sites. The Governing Body may take action on the plat at any meeting following the recommendation of the plat by the LCPAB. The Governing Body should approve or disapprove the plat. It shall accept or refuse the dedication of land for public purpose within thirty (30) days after the Governing Body’s first meeting following the date of submitting the plat to the county clerk. The Governing Body may defer action for an additional thirty (30) days to allow modifications to comply with the Governing Body’s requirements. No additional filing fees shall be assessed during that period. If the Governing Body defers or refuses such dedication, it shall advise the LCPAB of the reasons, therefore, and request the LCPAB’s reconsideration.

d. Record of the final plat. After approval of the final plat and acceptance of the public dedications and easements by the Governing Body, the Secretary of the LCPAB shall record the original copy of the final plat with the Register of Deeds of Lyon County.

6.10 Lot Splits

6.10.1 Objective

a. The objective of this section is to provide guidelines for the division of a tract of land or lot into not more than two buildable lots, provided that the produced lots meet the minimum size requirements for the applicable Parcel Type, without having to comply with the platting requirements described in Sections 6.9.

b. No building permit or intent to build shall be issued for any structure to be located on a lot produced by a lot split until the ZA has approved the lot split in accordance with the requirements of this section.

6.10.2 Application Procedure

a. Requests for lot split approval shall be made by the landowner to the ZA.

b. A digital copy of a scale drawing of the lots involved. Whether or not there are structures thereon, a digital copy of a survey of the lot and the structure(s) with the precise nature, location, and dimensions of the proposed lot split shall accompany the application.

c. The application shall provide a legal description for the original lot and legal descriptions for each of the lots produced by the proposed lot split, and the ZA may require such a legal description to be certified and written by a Professional Land Surveyor licensed in the State of Kansas.

NOTE*-Lots that require rezoning or are in existing platted subdivisions must follow 6.10.2 (d and e).

d. The application shall be accompanied by a list of all persons' names and addresses to receive notices. The ZA may require such a list to be prepared by a registered abstractor.

e. Written notices shall be mailed to all landowners within two hundred (200') feet if within City Limits. One thousand (1,000') feet if in unincorporated Lyon County, of the property proposed to be split. Such owners shall have ten (10) business days from the date of notification to notify the ZA of any objections they may have concerning the lot split. The ten (10) days waiting period may be waived upon submissions in writing of the statements from those to be notified that they have no objection to the proposed lot split.

6.10.3 Approval Guidelines. The division of lots pursuant to this section shall comply with applicable Parcel Type standards and all other applicable Zoning Regulations.
a. No lot split shall be approved if any of the following applies:

1. A new street or alley is needed or proposed.
2. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.
3. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc., or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
4. There is less street Right-of-Way than required by these regulations or the PlanELC unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. If such splits will result in a tract without direct access to a public street.
7. A substandard sized lot will be created unless the LCPAB has approved a variance for the lot.

b. The ZA may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and policy. Requirements may include, but not be limited to, installation of public and dedication of Right-of-Way and easements.

6.10.4

Staff Review and Action. In writing, the ZA shall, either approve with or without conditions or disapprove the lot split within thirty (30) days of application. If approved, after all conditions have been met, the ZA shall sign and furnish a certificate of approval to be affixed to the lot split survey. A certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits. A copy shall be furnished to the applicant.

Fee

a. The fee for lot splits shall be in an amount as established by a Schedule of Fees.

b. Cost of filing or recording documents, publications, writs, and engineering costs are payable in addition to lot split fees.

6.10.5

Rural Lot Split. The creation of up to three (3) additional adjacent lots, for a total of four (4) adjacent lots including the current original parent parcels on any tract of 80 acres or less, in the unincorporated portion of Lyon County on properties zoned and used as agricultural shall be permitted without requiring either rezoning or a plat. This provision intends to accommodate those divisions of agricultural lands to create an additional building site, and those that are necessary because of mortgage or lending requirements. This process is established; provided:

a. All split Agricultural parcels shall maintain their Agricultural Parcel Type zoning designation.

b. The provisions of section 6.10.2 are complied with completely.

c. The approval guidelines specified in section 6.10.3 are complied with to the extent they are applicable to an agricultural lot split.
d. All lots created shall be a minimum of five (5) acres in size; shall provide a minimum lot frontage on a public road of at least thirty (30) feet, and shall comply with the Lyon County Sanitation Code for on-site wastewater and on-site water systems.

e. Applications shall state the approval of the rural lot split shall also mean the owner agrees the approval shall restrict further division of either of the lots located in any half (½) of a quarter (¼) section without platting said division of original property located in the same half (½) of the quarter (¼) section as might be required under the then applicable Zoning and Subdivision Regulations of Lyon County. The restrictions shall be binding on all heirs and assigns of all lots and shall provide binding consent from all lot owners for the County to take subsequent action to rezone the property if necessary at any time in the future. Said application shall be filed and recorded with the ZA as part of the rural lot split’s approval.

f. In the event any of the lots or parcels created by this provision are subsequently divided for any reason. Other than agricultural purposes or mortgage purposes, the subject lots and tracts are subject to the regulations stated herein. No further splits shall occur until such properties have been rezoned and platted. No owner shall be accountable for the inclusion of other lots in the platting; however, the County may include all the lots in any subsequent zoning action.
7 SUPPLEMENTAL DISTRICT REGULATIONS

7.1 General

7.1.1 The regulations outlined in this section qualify or supplement, as the case may be, the District regulations appearing elsewhere in these regulations.

7.2 Height and Yard Regulations

7.2.1 Height. Chimneys, cooling towers, elevator head-houses, fire towers, monuments, stacks, stage towers, scenery lofts, water towers, communication towers on an A, C, IF, LI, or HI Parcel Type, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy are not subject to the height limitations contained in the District regulations.

7.2.2 Yards. Primary setback requirements are set out in the Building Standards for each Parcel Type.

    a. *Front yards*. The front yards established by the District regulations shall be adjusted in the following cases:

        1. Where there is no Front Required Build-to-Line shown on the Regulating Plan and all of the structures on one side of a block are set back greater than required by the District regulations. A new or enlarged structure may be set in line with the structure closest to the street. However, buildings in Districts not requiring setbacks may be constructed in accordance with such District regulations.

        2. Where there is no Front Required Build-to-Line shown on the Regulating Plan, and fifty (50%) percent or more of the structures on one side of a block are setback less than required by the District regulations, a new or enlarged structure may be set in line with the average of the existing structure or structures adjacent to the new or enlarged structure. However, no new or enlarged structure may be set closer to the front property line than the minimum requirement according to applicable Building Standards.

    b. *Accessory buildings and structures*. Existing accessory buildings or structures which do not meet the minimum setbacks may be rebuilt, reconstructed, or enlarged, providing they do not further decrease the existing setbacks.

    c. *Structural projections*. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:

        1. Eve projections, sills, belt courses, and other ornamental features may project a maximum of twelve (12") inches into the required yard;

        2. Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more than three and a half (3½') feet into a required rear yard;

        3. Unenclosed porches open to the sky and no more than three (3') feet above grade, may project no more than two and a half (2½') feet into a front or rear yard; and

        4. Ornamental projections, and open porches not more than three (3') feet above grade, may project no more than two and a half (2½') feet into a required side yard.

        5. ADA Ramps.
7.3  **Number of Structures on a Lot**

7.3.1  Other than a single-family residence, more than one (1) primary use or structure may be located on a lot. Provided that such buildings conform to all District requirements in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as a condominium.

7.4  **Sight and Vision Triangle (all development shall comply with safety requirements)**

7.4.1  The area of a corner lot within a sight or vision triangle shall be free from any visual obstruction between a height of two and a half (2½') feet and eight (8') feet above the grade of the top of the curb of the adjoining street. Both sight and visibility triangle clearances may apply to a property on adjacent streets' (Stop Condition) as defined in 7.4.1.b.

    a. The sight triangle area is measured from the centerline point of an uncontrolled intersection, ninety (90') feet in each direction along the centerline of intersecting streets. The ninety (90')-foot distance shall be increased to one hundred and twenty (120') feet along the centerline of the arterial or collector street at the intersection, shown in Figure 7.4.2.a.

    b. The vision triangle area applies to properties adjacent to a controlled intersection. The "Visibility Triangle determines it for Driveways and Side roads (Stop Condition)" table in the current KDOT Corridor Management Policy Manual. The table distances shall apply to all highways or streets without regard to street classification.

7.4.2  Driveways within the sight triangle shall comply with the location requirements of the “Basic Driveway Dimensions and Requirements” table in the current KDOT Corridor Management Policy Manual. The County Engineer may approve exceptions to this table.
7.5 Home Occupation

7.5.1 Home occupations as defined in Section 10 of these regulations shall be permitted in all Parcel Types where residential is the primary use subject to the following:

a. Restrictions and Limitations

1. No exterior alterations or other construction shall be made to the dwelling which changes the character or appearance from its primary residential use or causes the structure to be reasonably recognized as serving a non-residential purpose.

2. No new accessory buildings shall be constructed for use, in whole or in part, in the home occupation. A home occupation shall be conducted entirely within the principal residential building or in a permitted private garage or accessory structure.

3. No mechanical equipment shall be used, which makes any loud, unnecessary or unusual noise, or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others.

4. The home shall be occupied by the proprietor.

5. Signs are only permitted as provided by item 7.15 unless required by Kansas State Law, and then such required sign shall be mounted flat against the exterior wall of the dwelling unit.

b. Home Occupations Permitted outright in Agricultural Parcel Type. Home occupations are permitted provided that such use is either agriculturally related, is a service business, or a light manufacturing business. No conditional use permit is required when the following home occupations occur on an Agricultural Parcel Type. Such home occupations would otherwise require a conditional use permit for other Parcel Types where the primary use is residential.

1. Agritourism businesses

2. Daycare facilities

3. Group homes

4. Barber and beauty shops

5. Artists, authors, or composers.

6. Dressmakers, sewists, or tailors.


8. Professional offices for Surveyors, Architects, Engineers, Planners, Lawyers, Accountants, Bookkeepers, Realtors, Insurance Agents, Brokers, Sales Representatives, Contractors, and similar professional offices, provided that no exchange of tangible goods is made on the premises.


c. Other business activities not listed or not similar in nature, in this section occurring on Agricultural Parcel Type and all Parcel Types where residential is the primary use shall require a conditional use permit.

7.5.2 **Power of Zoning Administrator (ZA).** The ZA is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the power to:

a. Investigate any home occupation or alleged home occupation to determine whether or not such complies with these regulations.

b. Enter upon premises to make examinations: provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

7.6 **Short-Term Rental**

7.6.1 Short-term rental (STR) as defined in Section 10 shall be permitted in all Parcel Types where residential is the primary use and are allowed subject to the following two (2) Tier System:

a. Owner Occupied

1. Allow the owner of residential Parcel Type to operate an STR in their primary residence.
2. Annual license and fee to cover the cost of processing the request are required.
3. STR operators shall maintain liability insurance appropriate to cover the STR use.
4. It is the responsibility of the owner to collect transient Guest and Sales Tax.
5. No permanent signage advertising the STR.

b. Non-Owner Occupied

1. Operator of a non-owner occupied STR is required to obtain a Conditional Use Permit and follow the regulations outlined for a traditional bed and breakfast.
2. Annual license and fee to cover the cost of processing the request are required.
3. STR operators shall maintain liability insurance appropriate to cover the STR use.
4. Local contact person is required.
5. The operator is required to provide notice to neighbors within two hundred (200’) feet if the lot is adjacent to the City's limits and one thousand (1,000’) feet if the lot in the County.
6. It is the responsibility of the owner to collect transient Guest and Sales Tax.
7.7 Temporary Uses

7.7.1 Permitted temporary uses may include, but are not limited to:

a. Carnivals and circuses, located in a C, LI, or HI Parcel Type or on public property, when located at least two hundred (200') feet from the nearest residential dwelling unit and for a period not exceeding two (2) consecutive weeks.

b. The contractor’s office and equipment shed on the site of a construction project only during the construction period.

c. Model homes or development sales offices located within the subdivision or development area to which they apply, will continue only until the sale or lease of all units in the development.

d. Outdoor temporary sales on the private property of A, C, IF, LI, or HI Parcel Type and not incorporated. Or in partnership with the existing business located on said property, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days. There are no more than four (4) such sales on any property in any calendar year.

e. Mobile Food Vendor, located on an A, C, IF, LI, or HI Parcel Type, are allowed a renewable thirty (30) day permit. All Mobile Food Vendors shall comply with all state health codes, Lyon County resolutions, and zoning regulations before a permit is issued. The permit is issued for the mobile food unit, not the location.

   1. Hours of operation. Mobile Food Vendor may operate at the primary establishment where they are parked for no more than twelve (12) continuous hours of operation per day.

   2. Utilities and sanitation. All plumbing utilities shall be portable and self-contained, with proper treatment and containment for greywater, grease, wastewater holding, and disposal. All safety equipment shall be up to date. Electrical or other utility connections shall be safe and in compliance with electrical and applicable codes and regulations.

   3. Location. Vendors shall be at least fifty (50') feet from an established brick and mortar restaurant unless there has been prior written approval from the established restaurant. Vendors cannot use public property for sales.

   4. Maintenance. No extra storage trucks, trailers, sheds, containers, or canopies shall be allowed to be located on-site of the vendor’s location. The vendor is responsible for keeping the location clean and orderly, and provide trash/recycling receptacles, and to clean up all trash, litter, and spills within a twenty(20')-foot radius or apparent operating area, whichever is greater.

   5. Signs. One temporary sign is allowed and shall not block traffic or be placed in the public Right-of-Way.

   6. The ZA may issue a certificate of temporary use upon the payment of the mobile food vendor permit fee, imposed by the Lyon County Schedule of Fees, and upon finding that all requirements have been met.

f. Seasonal sales of farm or garden produce on an individual’s place of residence and raised by the same individual provided only a non-permanent structure is constructed for such use and is
removed during the off-season.

g. One (1) mobile home to be used as a temporary office for any allowable use on a LI or HI Parcel Type, or as a temporary dwelling. During the construction of a permanent home on a residential Parcel Type, provided that such mobile home shall not be used for more than a two (2) year period starting the day the mobile home is set upon the property.

h. Temporary asphalt batching plants on an Agricultural Parcel Type.

7.7.2 Persons seeking approval for a temporary use authorized by Section 7.7.1 above shall apply to the ZA at least ten (10) days in advance of the time desired for usage. Such application shall include a site plan showing existing and proposed usage. The ZA may issue a certificate of temporary use upon the payment of the temporary use permit fee imposed by the Lyon County Schedule of Fees and upon finding:

a. The temporary use will not impair the normal, safe, and effective operation of any permanent use on the same or adjoining site.

b. The temporary use will not impact the public health, safety, or convenience. It will not create a traffic hazard or congestion or otherwise interrupt or interfere with the vicinity’s normal conduct of use and activities.

c. That adequate off-street parking is available for temporary use and any permanent use on the site.

7.7.3 The following conditions for temporary use shall apply:

a. Each site used by an authorized temporary use shall be left free of debris, litter, and all evidence of such use.

b. Such use, when conducted upon a parking lot of another business, shall not occupy more than twenty (20) percent of the required parking spaces of such uses.

c. No temporary use shall be located within the required setback of the SF-D Parcel Types. In unincorporated Lyon County, when used in support of the temporary use described in 7.7.1.f.

d. Any sign used in conjunction with the temporary use shall comply with all sign regulations (7.15) for temporary signs, including the obtaining of a sign permit.

7.8 Manufactured Home Park (Mobile Home Park) Regulations

7.8.1 A Manufactured Home Park (Mobile Home Park) may be allowed as a Conditional Use in SF-D and IF Parcel Types and is subject to the following minimum conditions:

a. Each boundary of the Manufactured Home Park shall be at least fifty (50') feet from any existing residential dwelling.

b. Each Manufactured Home Park shall be located on a well-drained tract, properly graded to prevent stagnated water from ponding. A stormwater management plan shall be required.

c. Each space for a manufactured home shall be at least four thousand (4,000) square feet in area and be clearly defined and marked.
7.9 Residential-Design Manufactured Housing Standards

7.9.1 To be classified as a Residential-Design Manufactured Home, a structure shall be manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards, generally known as the HUD Code, established in 1976 pursuant to 42 U.S.C. Sec. 5403. Such structures shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. Such a structure shall be on a permanent-type, enclosed perimeter foundation. It has minimum dimensions of twenty-two (22') body feet in width excluding bay windows, garages, porches, patios, pop-outs, roof overhangs, a pitched roof, siding, and roofing materials customarily used on site-built homes; and which complies with the following architectural or aesthetic standards to ensure their compatibility with site-built housing:

a. The roof shall be predominantly double-pitched and have a minimum vertical rise of two and a half (2½”) inches for every twelve (12”) inches of horizontal run, and shall be covered with a material that is customarily used on site-built dwellings. This includes but is not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate, or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two (2) sides of eighteen (18”) inches, including a gutter.

b. Exterior siding shall be of a non-reflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl, or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall, or the
joint between siding and enclosure wall shall be flashed in accordance with the building codes.

c. The home shall be installed in accordance with the recommended installation procedure of the manufacturer and the Uniform Building Code. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. Either a basement or a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the home’s perimeter.

d. At the main entrance door, there shall be a landing that is a minimum of twenty-five (25) square feet, which is constructed to meet the building codes’ requirements.

e. The moving hitch, axles, wheels, and transporting lights shall be removed at the time of installation of the home on the lot.

f. On level sites, the main floor shall be no greater than twenty-four (24") inches above the finished grade at the foundation. On sloping or irregular sites, the main floor at the side closest to grade level shall not be greater than twenty-four (24") inches above the finished grade at the foundation.

g. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the Uniform Building Code and attached permanently to the principal structure and anchored permanently to the ground.

h. Any attached addition to such home shall comply with all construction requirements of the building codes unless designed and constructed by a manufactured home factory.

i. If fifty (50%) percent or more of the frontage of existing site-built housing on both sides of the street on which the residential-design manufactured home is to be installed have a garage. A similar percentage have a covered porch or recessed entry. Such a home shall also provide a garage, porch or entry based on the area. On a corner lot, “street” shall mean that street on which the facade’s frontage has been designated for the household address number. External roofing and siding material of such garage, porch, or entry shall be similar in appearance to the materials on the roofing and siding of the residential-design manufactured home.

7.9.2 For purposes of these regulations, the term “manufactured home,” when used by itself, shall not include a “residential-design manufactured home” as herein defined.

7.10 Motor Vehicle Storage

7.10.1 The Storage of salvage Vehicles shall be permitted only in the following locations and under the following conditions:

a. Within a completely enclosed building on a Parcel Type where Agricultural or residential is the primary use, and the vehicle is owned or leased by the resident residing on such premises.

b. Within an approved salvage yard, subject to proper screening measures.

c. Within an approved motor vehicle storage yard, subject to proper screening measures.

d. At a motor vehicle service or repair shop according to the Parcel Type’s restrictions on which said
Recreational Vehicles shall be permitted only in the following locations and under the following conditions:

a. Within the side or rear yard on a Parcel Type, where Agricultural or Residential is the primary use, and the vehicle is owned by the resident residing on such premises.

b. When such a vehicle is legally registered in the State of Kansas or when said registration has lapsed within six (6) months.

c. Motor homes and campers shall not be occupied for dwelling purposes and shall be stored on approved surfacing pursuant to Section 7.13.

7.10.3 Exceptions

a. The outdoor parking or storage of one (1) Salvage Vehicle for thirty (30) consecutive days or less.

b. The parking or storage of up to nine (9) unregistered Passenger and Recreational Vehicles when on Agricultural or Residential Parcel Types within unincorporated Lyon County.

c. Vehicles are used primarily to serve an agricultural purpose.

d. When the resident is engaged as a hobby in the restoration of not more than one (1) Salvage or unregistered Recreational Vehicle of more than thirty-five (35) years old, the vehicle need not be enclosed in a building.

7.11 Emergency Access Road

7.11.1 Wherever regulations of the Governing Body require means of access to the property by emergency response vehicles, including fire, police, and ambulance, and no such access is available by means of public street or road, the ZA may, upon request of the property owner, issue a permit for an emergency access road which shall not be dedicated and opened as a public street (see Figure 7.11.5).

7.11.2 Such a permit shall state the conditions upon use of the road, including but not limited to the following:

a. prohibition upon use of the road for any purpose other than for access by emergency response vehicles;

b. prohibition against parking any vehicle upon the roadway or otherwise obstructing in any way the road;

c. requiring the owner to maintain the road; and

d. requiring the owner to post and maintain signs declaring the road to be restricted to use by emergency response vehicles only.

7.11.3 The ZA is authorized to suspend or revoke any permit upon finding a violation.

7.11.4 A decision to issue or not issue a permit, or to suspend or revoke a permit, may be appealed by any aggrieved party to the LCPAB.
7.11.5 Design Specifications. All Emergency Access Roads shall be constructed according to the following specifications:

a. Travel Lane at least twenty (20') feet in width;
b. Right-of-Way of at least twenty-six (26') feet in width;
c. Vertical clearance of at least thirteen and a half (13½') feet;
d. Grade of at least one (1%) percent and not exceeding ten (10%) percent unless otherwise approved by local fire officials; and
e. A turnaround shall be provided for dead-end Emergency Access Roads exceeding one hundred and fifty (150') feet in length. Local fire officials shall determine turnaround dimensions.

7.12 Loading and Unloading

7.12.1 Space requirements

a. On-premise loading and unloading spaces shall be provided off-street and in the side or rear for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be located to avoid undue interference with traffic and public use of streets, alleys, and walkways. Loading docks may not be located on the Required Build-to-Line (RBL).

b. On-premise loading and unloading space shall include a minimum of twelve (12') feet by twenty-five (25') feet for loading and unloading operations and shall have a minimum height clearance of fourteen (14') feet.

c. The number of spaces shall be provided as follows:

<table>
<thead>
<tr>
<th>Number of Spaces</th>
<th>Gross Floor Area in Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3,000 to 20,000</td>
</tr>
<tr>
<td>2</td>
<td>20,000 to 40,000</td>
</tr>
<tr>
<td>3</td>
<td>40,000 to 60,000</td>
</tr>
</tbody>
</table>
One additional space shall be provided for each fifty thousand (50,000) square feet above one hundred and fifty thousand (150,000) square feet.

7.12.2 Loading and unloading spaces shall be provided on MF, C, FL, FH, and IF Parcel Types.

7.13 Surfacing

7.13.1 All off-street parking facilities, loading and unloading areas, vehicular storage areas and drives, and access to and from such areas shall be surfaced and maintained with a minimum of four (4) inches of asphalt or concrete meeting the specifications of the County Engineer to create a permanent all-weather, dust-free surface. Such paving shall be completed prior to occupancy of the facility that the paving is intended to serve unless temporary occupancy approval is received from the ZA. Applies on C, FL, LI, HI, and IF Parcel Types.

a. The ZA upon receiving a specific written request from an owner of a property may authorize six (6) inches of approved aggregate, as determined by the County Engineer, as an alternative to these surfacing requirements for the following:

1. Emergency Access Roads;

2. Driveways and parking areas beyond the RBL on Residential Parcel Types; and

3. Driveways from alleys to a rear garage or parking area.

4. Temporary occupancy for a time period not to exceed twelve (12) months prior to accomplishing the required paving or a portion thereof. Should the owner receive the ZA’s approval for a delay in paving, the owner shall, prior to occupancy, present written verification that guarantees all paving shall be complete prior to the deadline given.

5. A five (5) year exemption on Industrial Parcel Types for driveways, parking, and loading and unloading areas within the limits of a designated future building expansion.

7.14 Construction Of Improvements Downstream From An Existing Watershed Dam

7.14.1 Construction of improvements downstream from an existing watershed dam shall be safely above prescribed flood routing levels. As shown by flood routing and breaching studies, to implement the intent of PlanELC and to coordinate with County Watershed District objectives, the following additional requirements shall be met as conditions of approval for such improvements:

a. Applicants for such improvements found to be within the boundaries of an existing watershed district shall be referred to the relevant watershed district board or soil conservation services office for review and comments. They shall be made subject to the review of the ZA and Floodplain Manager.

b. Upon receipt of the comment from the watershed district board, the ZA will review the comments.

c. As a condition of approval, the ZA shall require the developer to prepare relevant routing and breaching studies, or an update of an existing study, if applicable.
7.15 Sign Regulations

7.15.1 Any sign, billboard, or other devices which shall direct attention to any object, project, place, activity, person, institution, organization, or business erected, placed upon, or attached thereto any structure or land shall conform to the requirements of this article.

7.15.2 All signs regulated by this section shall be erected, installed, and placed upon the property by a sign contractor, licensed by the Governing Body, except for those installed by the property owner. No sign shall be erected until the ZA has issued a valid sign permit.

a. **License.** Any person or firm desiring to erect signs shall apply for a license on forms provided by the ZA. The applicant shall provide all information requested.

b. **Bond.** Before issuing a sign contractor’s license, the applicant shall submit a surety bond of $5,000 approved by the ZA. Conditioned that the principal will comply with sign regulations. Further conditioned that the Governing Body, or any person that may be injured or damaged by the principal’s failure to comply with such regulations, may sue on such a bond to recover damages.

c. **Bond cancellation.** A surety shall give notice in writing of bond cancellation to the County. Said cancellation shall take effect ten (10) days after receipt of such notice; however, such surety shall remain liable for any injury or damage incurred prior to the effective date of such cancellation. In case of such cancellation, the principal shall be required to file another bond conforming with this section’s requirements prior to performing any work.

d. **Issuance and renewal.** Upon receipt of an application in proper form, the payment of the fee, the bond as required, the ZA shall issue a license pursuant to these regulations’ provisions. A sign contractor’s license shall be an annual license; it and the bond shall expire on December 31 following its issuance. The license shall be renewable each year upon payment of the prescribed license fee outlined in the Lyon County Schedule of fees and submission of the required bond.

e. **Permit and fee.** To obtain permits for erecting a sign, the applicant shall first furnish to the ZA all pertinent data on forms or as required, or prior to commencing work. Each sign shall require a separate permit and fee. The fee amount for any license or permit required by this section shall be outlined in the fee schedule.

f. **Inspection.** An inspection shall be requested by the sign contractor for the ZA to inspect signs upon completion of installation.

7.15.3 All Sign Construction

a. All signs shall be constructed of noncombustible material, except as follows:

1. Combustible plastics may be used in the construction of letters, decorations, and facings of any sign; provided that such plastics when so used shall burn no faster than two and a half (2½”) inches per minute in six one-hundredths (0.06”) inches thickness, when tested in accordance with A.S.T.M. Standard Method Test for Flammability of Plastics over five one-hundredths inches thickness.

2. Temporary signs less than ten (10’) feet in height and located at least two (2’) feet from any building, property line, or other sign may be constructed of combustible material.

3. Combustible structural trim may be used on all signs.
b. All letters, figures, characters, and representations in cut-out or irregular form maintained in conjunction with, attached to, or superimposed on any sign shall be safely and securely built or attached to the sign structure.

c. Every sign shall be thoroughly secured by iron or other metal anchors, bolts, supports, rods, braces, guys, concrete, or other approved method.

d. Unless otherwise specified in these regulations, all signs shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot area.

e. All illuminated signs shall be subject to the provisions of applicable electrical codes.

f. Lights shall be permitted on freestanding signs, roof signs, wall signs, and billboards. The reflectors shall be provided with proper glass lenses concentrating the illumination upon the sign’s area so as to prevent glare upon the street or adjacent properties.

g. All freestanding signs and the premises surrounding the same shall be maintained by the owner in a clean and sanitary condition, free and clear of all toxic substances, rubbish, and weeds.

7.15.4 Temporary Signs.

a. All temporary signs shall be allowed subject to the following conditions:

1. Type and Size.

(a) Each business establishment may display one temporary sign not to exceed twenty-four (24) square feet in area.

(b) All other temporary signs shall not exceed thirty-two (32) square feet in area. Said signs shall be counted as part of the sign area allowance, but not the number of signs allowed per lot as indicated in the Sign Regulations Table (7.15.14) for the applicable Parcel Type.

2. Approval. All temporary signs require the ZA’s approval and shall comply with the permitting and fee requirements of these sign regulations.

3. Time. Signs related to a specific event shall not be placed prior to a time and date and shall be removed no more than fifteen (15) days after the end of the event. All temporary sign permits expire six (6) months after issuance.

4. Installation. All temporary signs shall be securely fastened to the ground or supporting structure in an approved manner.

5. Location: All temporary signs shall only be permitted behind the RBL of the applicable Parcel Type on private property.

6. Temporary signs ARE NOT required to be installed by a licensed contractor.

7.15.5 Restrictions.

a. Signs shall not prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a fire escape.
b. Signs shall not be erected at the intersection of any street in such a manner as to obstruct free and clear vision.

c. Signs shall not be erected at any location whereby the reason for the position, shape, or color may interfere with or obstruct the view of, or be confused with, any governmental traffic sign, signal, or device.

7.15.6 Prohibited signs.

a. The following signs are prohibited in all Zoning Districts:

1. Portable signs and any signs not permanently attached to a structure or the ground, except when meeting all conditions for and considered a temporary sign.

2. Swinging signs.

3. No signs shall be erected, placed, maintained or supported upon the street, alley, sidewalk, or other public property without special approval of the Governing Body.

4. Any sign attached, mounted, placed, or painted on any unlicensed motor vehicle or trailer.

5. Signs that contain strobe lights, flashing parts, beacons, spotlights, reflective surfaces, mirrors, and other such features that could be hazardous to the vision of passing motorists.

6. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by these regulations. This section does not prohibit business logos, identification, or advertising on vehicles primarily and actively used for business purposes and personal transportation.

7. Signs that imitate or resemble official traffic lights, traffic signs, or traffic signals; signs that interfere with the effectiveness of any official traffic light, sign, or signal.

8. Moving signs, including but not limited to spinners, propellers, searchlights, revolving signs, and air-filled moving signs.

9. Inflatable signs, including balloons. Balloons smaller than three (3') feet in diameter shall be exempt.

10. Posters, signs, and handbills affixed to any tree, vegetation, rock, or utility pole.

11. Signs that emit smoke, visible vapors, sounds, or odors. Open flames used to attract public attention are not permitted.

12. Signs placed in the public right-of-way, other than governmental signs or wayfinding signs.

13. Portable or temporary flashing or electronic message center signs.

7.15.7 Removal.

a. All signs erected or maintained in violation of these regulations are subject to removal.
7.15.8 Dilapidated signs.
   a. All signs found to be dilapidated under this section shall have ninety (90) days from the date of adoption of these regulations to be repaired. Any signs not repaired within the ninety (90) days time frame shall be deemed to violate this section, and their legal nonconforming status, if any, is revoked. The following regulations shall apply:
   b. The ZA or designee shall provide a notice of the dilapidated sign to the landowner. Said notice shall contain the following information:
      1. Photo(s) of the dilapidated sign;
      2. Determination of what sign features deem the sign of being dilapidated and appropriate corrective actions needed; and
      3. Deadline for repair or removal of the dilapidated sign;
   c. Dilapidated signs that are not brought into compliance within ninety (90) days of the adoption of these regulations shall be subject to removal by the County, at the expense of the owner of the sign.

7.15.9 Nonconforming signs.
   a. Any existing sign not in conformance with this section's provisions may be continued but may not be replaced except in conformance with these provisions.
   b. Existing signs which were lawful at the time, but made nonconforming by adoption or amendment to these regulations, shall be legal provided they are maintained in good condition. Nothing in these regulations shall prohibit the ordinary maintenance, repair or refurbishment of a nonconforming sign or replacement of a broken part of a nonconforming sign. Including replacement and upgrade of Electronic Message Center/electronic technology. Replacement of copy, content, or message may be considered ordinary maintenance.
   c. A legal nonconforming sign shall not be:
      1. Changed to another type of nonconforming sign, except that conversion of changeable copy signs to electronic message center signage shall not be considered a change in sign type;
      2. Physically changed or structurally altered to increase the square footage or height;
      3. Continued after more than twelve (12) months of abandonment or vacancy of the property; or
      4. Re-established in a different location on the lot.

7.15.10 Abandoned signs.
   a. Within forty-five (45) days of the adoption of these regulations, abandoned signs that are not classified as dilapidated shall have their sign panel replaced with a blank panel. After the adoption of these regulations abandoned signs, shall have forty-five (45) days to install the blank panel following the date of abandonment.
   b. Panels shall be constructed of wood, hard plastic, or other material typically used for permanent
signage.

c. Panels shall be painted one color and shall be maintained.

d. Abandoned signs that do not meet these requirements are illegal and are subject to removal by the County at the expense of the owner of the sign.

7.15.11 Discontinuance of signs on public property. Signs, bulletin boards, and billboards are located on or above public property at the time of the passage of these Zoning Regulations, except those specifically permitted herein. These signs shall be discontinued and removed within one (1) year after the effective date hereof; provided that this section shall not apply to signs belonging to public bodies and approved by the Governing Body or authorized by law.

7.15.12 Appeals. Any person affected by the application of the provisions of this section may appeal to the LCPAB for a variance.

7.15.13 Exemptions.

a. Sign Height Exception. Freestanding signs abutting a roadway with a higher-grade level compared to the sign or sign structure shall have sign height measured from the roadway level adjacent to the sign to the highest point of the sign or sign structure.

b. The following are exempt from this section’s provisions, but may be subject to other regulations of the Governing Body.

1. Signs not visible from a roadway.

2. Window signs.

3. Signs required by federal, state, or local law. Signs erected by government agencies or utilities, including traffic, utility, safety, railroad signs and wayfinding signs.

4. On premises security and warning signs, such as “no trespassing,” “no hunting,” and “no soliciting” signs.

5. Public art approved by the Governing Body.
### Sign Regulations Table

These regulations apply to all Freestanding, Wall, Roof, and Projecting Signs. Table Key: A=Agricultural, SF-D=Single Family Detached, FL=Flex Use Low, C=Commercial, IF=Industrial Flex, LI=Light Industrial, HI=Heavy Industrial. (X= Allowed/-=NA)

<table>
<thead>
<tr>
<th>Number Allowed</th>
<th>A</th>
<th>SF-D</th>
<th>FL</th>
<th>C</th>
<th>IF, LI, HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>per lot</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>per façade facing ROW</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>per paved alley</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Max. Size</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (SF)</td>
<td>32</td>
<td>32</td>
<td>32</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height (ft)</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

**Projecting Signs**

<table>
<thead>
<tr>
<th>Allowed</th>
<th>-</th>
<th>-</th>
<th>x</th>
<th>x</th>
<th>x</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Height Above Grade (ft)</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Max. Distance projecting over public property (ft)</td>
<td>-</td>
<td>-</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
</tr>
<tr>
<td>EMC (Electric Message Center)</td>
<td>-</td>
<td>-</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

**Roof Signs**

<table>
<thead>
<tr>
<th>Allowed</th>
<th>-</th>
<th>-</th>
<th>x</th>
<th>x</th>
<th>x</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMC (Electric Message Center)</td>
<td>-</td>
<td>-</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

**Wall Signs**

<table>
<thead>
<tr>
<th>Allowed</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unilluminated Home Occupation (County) 32 SF in area</td>
<td>x</td>
<td>x</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>No more than 4 ft above wall</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>EMC (Electric Message Center)</td>
<td>-</td>
<td>-</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>
### Freestanding Signs

<table>
<thead>
<tr>
<th>A</th>
<th>SF-D</th>
<th>FL</th>
<th>C</th>
<th>IF, LI, HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed</td>
<td>-</td>
<td>x (1 per subdivision/development entrance)</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Max. Height Above Grade (ft)</td>
<td>-</td>
<td>10</td>
<td>-</td>
<td>30</td>
</tr>
<tr>
<td>Max. Height Above Grade (when &gt;250ft from Residential Parcel Type and on a federal highway)</td>
<td>-</td>
<td>-</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>EMC (Electric Message Center)</td>
<td>-</td>
<td>-</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

**Notes:**

a. Freestanding and temporary signs exceeding six (6) square feet in area and four (4') feet in height above grade are prohibited on SF-D Parcels Types.

b. EMC (Electric Message Centers) are prohibited on Parcel Types where residential, is the sole use.

### Billboard

<table>
<thead>
<tr>
<th>A</th>
<th>SF-D</th>
<th>FL</th>
<th>C</th>
<th>IF, LI, HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Max. Area (SF)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Max. Height (ft)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Min. Distance from property line (ft)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Min. Distance from other signs (ft)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>EMC (Electric Message Center)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Enforcement.**

a. All signs shall be maintained safely and attractively and free from structural, material, and electrical defects or hazards. The property owner is responsible for assuring that signs on their
property comply with the provisions of these regulations.

b. The ZA is authorized to exercise the following enforcement authority:

1. Arranging for immediate removal of any dangerous sign that poses an immediate threat to public safety. Such removal may be conducted without notice.

2. Ordering, via written notification, removal of abandoned or dilapidated signs within forty-five (45) days of the letter’s date.

3. Ordering, via written notification, removal of any illegal temporary signs by a set date.

4. Confiscating any signs located in the public right-of-way or on public property, other than those specifically required to be permitted under state statute.

5. Deny issuance of a sign permit for a property with outstanding sign violations or assessments, as established in this section.

7.15.18 Administrative correction, removal and forfeiture.

a. The ZA or designee may correct a violation of these regulations or remove any defective, dilapidated, abandoned, or illegal sign if an order has been correctly issued and mailed or delivered and if:

1. The sign has not been removed or repaired within the specified time limit; and

2. The property owner or authorized representative has failed to file an appeal with the LCPAB by the specified time limit.

b. The Governing Body shall have the right to recover from the owner or tenant, placing such a sign the full costs of removal and disposal of said sign. The removal expense may be assessed as a special assessment against the parcel on which the sign was located.

c. For this section, the term “sign” shall include all sign embellishments and supporting structures.

7.16 Telecommunication Towers

7.16.1 Application for Permit. Radio or television towers, communication towers, microwave transmitting and/or receiving towers and stations, radio antennas, commercial satellite earth stations, base station antennas or wireless systems, omni-directional antennas, and similar appurtenances may be allowed pursuant to issuance by the ZA or with substantial changes the issue of a Conditional Use Permit when such conditional use is provided for in the relevant District regulations subject to the following requirements:

a. None of the above appurtenances shall be required to comply fully with the lot size and height regulations of the Parcel Type on which they are located except as may be required by the conditions imposed upon the applicant.

b. The tower and accessory equipment shall meet all applicable requirements of the Federal Aviation Administration. To the extent allowed by such requirements, any required lighting for such a tower shall be red during time of darkness.

c. The applicant shall provide financial assurance, satisfactory to the Governing Body, that all costs
related to these regulations' requirements will be met. Any such assurances required by the Governing Body shall comply with K.S.A 66-2019.

d. The State Historic Preservation Office shall approve any communication devices within a historic district before installation.

7.16.2 **Fencing and Screening.** Security fences shall be constructed around or upon parcels containing towers and similar structures. Screening is not required for towers.

7.16.3 **Setbacks and Landscaping.** All landscaping on parcels containing towers or similar structures shall be in accordance with the applicable setback requirements in the District, where the tower or similar structures are located. Existing vegetation shall be maintained to the extent possible. The Governing Body may require additional landscaping as part of the Conditional Use Permit if to do so would make the tower or similar structures more compatible with the surrounding District.

7.16.4 The ZA may approve a longer distance reasonably necessary to protect adjoining property and public safety as required by K.S.A 66-2019, and approved as a conditional use as needed. Setback requirements are as permitted by Kansas State Law.

7.16.5 **Security.** All towers shall be secured to protect against trespass or unauthorized use of the property, tower or similar structures.

7.16.6 **Height requirements.** A structure, pole, or antenna cannot exceed the height limit of the tallest allowable height of any of the District’s Parcel Types by more than thirty (30)’ feet unless a higher limit is provided for by State or Federal law.

7.16.7 Consideration of Conditional Use Permit.

a. Except as otherwise provided, a Conditional Use Permit application for a telecommunication tower shall be subject to the same procedures for consideration and action as applies to any other Conditional Use Permit application.

b. The LCPAB may recommend approval of a Conditional Use Permit, and the Governing Body may approve such permit for a telecommunications tower, using the following factors as guidelines:

1. Whether approval of the conditional use would be consistent with the intent and purpose of, and meets the requirements of these regulations;

2. The aesthetic impact of the proposed telecommunications tower on the surrounding neighborhood;

3. Whether the positions of the applicant and the opponents are substantiated by substantial competent evidence or rather generalized concerns or unsubstantiated claims are made to the LCPAB and Governing Body;

4. Whether a Federal Communication Commission (FCC) license has been granted to the applicant authorizing the provision of wireless services to the community and whether radio frequency emissions will comply with FCC regulations;

5. The recommendation of professional planning staff;

6. The expert testimony presented on behalf of and in opposition to the application; and
7. Such other factors as may be relevant to the facts and evidence presented in the application.

c. Consideration of an application for a Conditional Use Permit for a telecommunications tower shall be considered and acted upon by the LCPAB, and Governing Body in adherence to the limitations upon local authorities set out in K.S.A. 66-2019.

7.16.8 Revocation of permit. The Governing Body having jurisdiction may revoke a permit for failure to comply with the provisions of these regulations consistent with any limitations upon the Governing Body’s authority as set out in the Federal and Kansas Law. To properly revoke a permit, the Governing Body shall comply with the procedures outlined below:

a. The Governing Body shall provide the permittee with written notice of a cause for the revocation and the intent to revoke. It shall allow the permittee sixty (60) days after receipt of the notice to correct the violation or provide adequate assurance of performance compliance. Together with the notice required herein, the Governing Body shall provide the permittee with written findings of fact that are the basis of the revocation.

b. The Governing Body shall provide the permittee with the right to a public hearing before the Governing Body. Such public hearing shall follow sixty (60) days’ notice. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.

c. Within thirty (30) days after the public hearing date the Governing Body shall issue a written order setting forth its findings of fact and conclusions of law, forming the basis for its decision.

d. Upon written determination by the Governing Body to revoke a permit, the permittee may appeal the decision to a court of competent jurisdiction.

e. Upon permittee’s failure to correct a violation, the Governing Body may issue an order to disconnect utilities to the said tower to any utility company providing the same. Said order shall not be issued prior to thirty (30) days from the date of the Governing Body’s written determination. Said order shall be served upon the chief executive officer thereof, together with the permittee at the last known address, and have attached to it the Governing Body’s findings.

7.16.9 Administrative Approval Authority.

a. Administrative Approval. The ZA may approve applications for Communication Towers for the following:

1. The modification of an existing tower that does not incur a Substantial Change, as defined in these regulations, to the tower, pole, or base station.

2. New freestanding pole for antenna or wireless system in the public Right-of-Way.

3. Proposed stealth measures designed to minimize potentially adverse visual effects on nearby properties, with consideration of design, unobtrusiveness, minimum height necessary to accommodate antennae, avoidance of artificial light, and the color of the telecom structure.

4. A description of the fall zone of the telecom structure.

5. A description of the security barrier, if any, surrounding the telecom structure base, including the method of fencing, finished color and, if applicable, the method of
camouflage and illumination.

6. When applicable, documentation that the proposed tower or stealth monopole meets FAA requirements.

7. Any other information requested by the County that is reasonably necessary to evaluate the application fully.

7.16.10 Abandonment of Tower.

a. If the use of any tower has been discontinued for one (1) year or that a permittee has taken no legal action within one hundred and eighty (180) days after the revocation of a tower permit, such tower shall be deemed abandoned.

b. The Governing Body shall provide the tower owner with three (3) months' notice and an opportunity to be heard by the Governing Body for permit revocation before initiating an abandonment action.

7.17 Quarry Regulations

7.17.1 Applicability. Rock quarrying as a primary use is allowed in Agricultural and Industrial Parcel Types in unincorporated Lyon County by conditional use after the LCPAB and the Board of Lyon County Commissioners' approval.

7.17.2 Permit required. A separate Quarry Operations Permit shall be obtained when any of the following conditions exist:

a. The initial quarrying operation from a previously undisturbed site.

b. The resumption of resource extraction and accompanying crushing operations following a previous suspension of operations for a period greater than twenty-four (24) months.

c. The resumption of previously suspended quarrying operations by a new producer. A new producer shall include any change of ownership.

7.17.3 Proof of ownership, leasehold, and property descriptions

a. The applicant shall provide such proof of ownership or leasehold ownership as may be required by the ZA and shall be signed by both the Quarry Operator and the landowner.

b. The application shall include a legal description of that portion of the leasehold or land ownership proposed by the requested quarrying operation. The applicant shall provide an eight and half by eleven (8 ½ x 11) inch copy of the current USGS map, enlarged to a minimum scale of one inch equals five hundred feet (1”=500’), upon which has been overlain the boundary of the described quarry location.

7.17.4 Quarry operations plan. A Quarry Operations Plan shall be submitted with the application, which shall show the operations' physical sequence proposed for the life of the quarry. The Plan shall be prepared at a scale and shall include, but not be limited to the following:

a. Plan for quarry sequencing.

b. Plan using USGS maps showing quarry floor elevations and surface drainage patterns during operations.
c. Public road access points.

d. Proposed stockpile area locations.

e. Proposed crusher locations.

f. Proposed scale and scale house location.

g. Location of existing buried and overhead utility lines and poles with dimensions shown to the nearest property line.

h. Distance to any streams, constant or intermittent, on the proposed quarry property and any adjoining property.

i. Description of methods of dust control on both public roads and on site.

j. Location of all filter strips.

k. Powder magazine location and security shall comply with all federal guidelines.

l. Notion that Seismic-monitoring records shall be available to any County Official that requests them.

m. Hours of operation.

7.17.5 Pre-blasting surveys. The operator shall conduct a pre-blasting survey of all structures located within one (1) mile of the quarry location. A copy of the survey will be furnished to the County Engineer and shall be approved prior to the Quarry Operations Permit issuance. A personal visit shall be made of each property within the one (1) mile area and should include inspections of structures if so permitted. The Pre-blasting survey shall include at a minimum the following:

a. Map showing locations of landowners and homeowners contacted.

b. Address of all landowners and homeowners contacted.

c. Description of structures visited along with any video or photographs taken.

d. Plan of notification of any blast if so requested by a landowner within the pre-blast area.

7.17.6 Permitting and regulations compliance. In addition to these regulations, the Quarry Operator shall be required to comply with all local, State, and Federal regulations concerning occupational safety, blasting, drainage, fire prevention, and operation permits. Such agencies shall include; Environmental Protection Agency, Bureau of Alcohol and Firearms, State Fire Marshal’s Office, Local Fire Department, Kansas Department of Health and Environment, and Division of Water Resources.

7.17.7 Utility and pipeline compliance

a. In addition to these regulations, the Quarry Operator shall be responsible for complying with all restrictions and regulations imposed by utility or pipeline companies having easements adjacent to or across the permitted site.

b. The Quarry Operator shall submit copies of all correspondence between the Quarry Operators and any utility or pipeline company to the ZA, who shall place such correspondence in the
7.17.8 Miscellaneous Requirements.

a. Setbacks for Quarry Operations.

1. Quarry Face. Excavations of the quarry face may occur as follows:
   (a) A minimum distance of one hundred (100') feet from any public Right-of-Way;
   (b) A minimum of fifty (50') feet from any adjacent property line;
   (c) A minimum of six hundred and sixty (660') feet to the nearest structure associated with a residence, and
   (d) All shots shall be pre-planned using the Scaled Distance Equation within one thousand three hundred and twenty (1,320') feet to the nearest structure associated with a residence.

2. Stockpile. The following distance shall be maintained from the base of any stockpile or quarried material or overburden material and any adjacent property line or public Right-of-Way.
   (a) Located so as not to be within the sight triangle of a public intersection.
   (b) A slope factor of three (3) to one (1) with a minimum of fifty (50') feet from any adjacent property line, and
   (c) A minimum of six hundred and sixty (660') feet to the nearest structure associated with a residence.

b. Water quality tests. Prior to operations commencement, the Quarry Operator shall comply with all State and Federal Water Quality Regulations and Standards.

c. Dust control. A Quarry Operator shall maintain on-site and off-site dust control at all times.

1. On-site. Dust control shall be by surfacing, watering, or chemical dust control methods. Sufficient on-site dust control shall be maintained to minimize the effect of dust generated by adjacent roadways and area properties.

2. Off-site. Dust control shall be maintained on all adjacent roadways for a distance of eighty (80) feet from each Quarry entrance and a distance of six hundred (600) feet either side of a residence or business within one (1) mile of the Quarry entrance. Such dust control shall be chemical dust control methods, penetrating asphalt or double asphalt surface treatment surfacing of the roadway or as approved by the County Engineer. County forces may accomplish this with all labor and material costs charged to the Quarry Operator.

3. The County Engineer shall approve any alternate method of dust control.

d. Approval of major haul routes. Prior to the transport of any quarried materials to major projects or purchasers, the Quarry Operator shall have all proposed hauling routes approved by the County Engineer. For these regulations, a major project or purchaser is defined as any project or location for which continuous, multiple, truck hauling in excess of one hundred (100) loads per
day is required for three (3) or more continuous days.

e. **Seismic monitoring.** The Quarry Operator shall be required to monitor the explosive energy expended during the first month of operation during quarry operations. Seismic metering shall be conducted at the nearest residence entrance in four (4) directions from the quarry face by using one (1) seismograph and the use of The Scaled Distance Equation.

f. **Fly rock control**

1. Quarry Operators shall be required to control, by careful blasting operations, the transmission of "fly rock" (rock or shale pieces or particles caused by blasting) to adjacent Right-of-Ways or property.

2. The County Engineer may from time to time, inspect Right-of-Ways and property adjacent to the quarry and, if excessive fly rock is found, the Quarry Operator shall be notified by certified mail and shall remove the fly rock within three (3) working days. Permission to enter on and inspect private properties shall be obtained from the landowner.

3. The Quarry Operator shall, at intervals of not more than thirty (30) days, conduct an inspection and remove fly rock having a greater dimension of a half (½”) inch from adjacent Right-of-Ways and properties within two (2) days of said inspection. Permission to enter on and inspect private properties shall be obtained from the landowner.

g. **Inspection release statement.** The Quarry Operator shall provide a statement to the County Engineer granting permission for the County Engineer or his employees to inspect the premises, at any time during normal business hours, for non-compliance with these regulations.

h. **Notification of leasehold ownership change.** Within five (5) days of any change in leasehold ownership, the Quarry Operator shall, notify the ZA, who shall meet with the new operators and obtain a written statement that they will abide by the regulations and terms of the original permit. If no such written agreement is obtained, the permit shall be revoked, and the quarry operation stopped until a new permit has been issued.

i. **Bonds**

1. The Quarry Operator shall submit a Certificate or Issuance of a Restoration Bond by the State of Kansas to the ZA.

2. A bond in the amount of a minimum of two hundred thousand ($200,000) shall be presented, with the application for permit payable to Lyon County, to cover any cost that the County may expend, including but not limited to, removal of fly rock. A surety shall not cancel a bond without giving notice in writing of such cancellation to Lyon County, through the ZA. Said cancellations shall take effect ten (10) days after receipt of such notice; however said surety shall remain liable for any injury or damage incurred prior to the effective date of such cancellations. If a Bond is canceled, all Quarry Operations shall cease immediately.

j. **Insurance**

1. The Quarry Operator shall provide, with the application to the ZA, a Certificate of Comprehensive Liability Insurance in the amount of five million ($5,000,000). (Note: The LCPAB may approve a lesser amount upon specific written request of the operator).
2. This liability policy shall be prepaid for one (1) year, and renewals or extensions of same shall be provided to the ZA thirty (30) days prior to any renewal of the permit application on an annual basis. The Insurance Company is required to notify the ZA at least ten (10) days prior to the cancellation of any required Insurance.

3. The applicant shall comply with all other requirements that may be outlined by State or Federal Laws, including Workman’s compensation insurance. If the applicant has no insurance as listed by this regulation, all Quarry Operations shall cease immediately.

7.17.9 Quarry restoration plan. The Quarry Operator shall prepare or have prepared a Quarry Restoration Plan, which is in accordance with State regulations.

7.17.10 Application fees

a. A non-refundable fee, as determined by resolution from time to time by the Governing Body shall accompany the Application for Quarry Operations' submittal. An Annual Renewal Fee, as determined by resolution from time to time by the Governing Body, shall accompany all renewal applications, which shall be submitted to the ZA on, or before, the anniversary date of the original permit issuance.

b. An inspection fee, as determined by resolution from time to time by the Governing Body shall be paid to the Lyon County Treasurer for each required inspection. No more than two (2) required inspections shall be required within one (1) year.

c. Payment of all fees shall be by cash, cashier’s check, certified check, or corporation checks made payable to the Lyon County Treasurer.

Required zoning action. The owner or operator is advised that the Quarry Operations Permit application will not be accepted until all required zoning regulations are met.

7.17.11 Penalties

a. The County Engineer, or his/her designated employees, shall have the right to enter upon the property being quarried to make general and detailed inspections of the operation. To ensure conformance of the operation with these regulations’ requirements and the Quarry Operating Plan and Quarry Restoration Plan submitted by the operator and made a part of the original application or of subsequently approved amendments.

b. If the operator, after operations begin, shall violate or fail to comply with any of the above regulations, they shall, upon written notification by the ZA or County Engineer, immediately cease all quarry operations pending resolution of the conflict.

c. The operator shall provide any information requested by either the ZA or County Engineer within ten (10) days of written notice. If there is any failure to provide the information or comply with any of the terms contained herein or any State or Federal law. The ZA shall suspend the Permit of Operations indefinitely.

d. Until all regulations are again complied with, or any other information is supplied to bring the quarry operation back into compliance with the regulation, renewals or new permits will not be issued by the ZA.
Commercial Wind Energy Conversion Systems (WECS)

7.18.1 Commercial Wind Energy Conversion Systems (WECS), when located in the unincorporated portion of Lyon County, are subject to the following:

a. Provide name, address and phone number of the developer, the project manager, the operational manager, all contractors authorized to work on the project, and the project owner if different from the developer.

1. A renewal permit will be required each year to ensure compliance.

b. The development plan required by these Regulations shall contain the following information:

1. The project’s nature and scope: including a plot and development plan showing the location of the project, scale and north arrow and two (2) maps showing project location and vicinity. One (1) map at one to one hundred thousand (1:100,000) scale, and one (1) map at one to two thousand (1:2,000) scale (USGS scale), acreage of the site, physical dimensions and project boundaries, ingress and egress locations, location of proposed road crossings or Right-of-Way encroachments, stormwater management and erosion control including one (1%) percent annual chance floodplain boundaries.

2. Location of all existing buildings, structures, homes within a half (½) mile of the project boundary, electrical transmission lines and facilities, utilities, utility easements, underground pipelines, and underground utilities within the project boundary.

3. Information detailing the type, size, maximum and minimum height, rotor size, rotor material, color, rated power output, performance, safety, and noise characteristics of each proposed wind turbine model, tower, and electrical transmission equipment. Provide tower/turbine details that assure the tower shall not be lattice/type or other design that provide perches. All details on any structure involved in this development.

c. Provide information detailing the anticipated volume and designated route for construction traffic, including oversized loads and heavy equipment, with proposed assurance methods regarding maintenance and repair to public roads, bridges, or culverts during construction. Provide information regarding the traffic control plan for designated routes or construction activities within road Right-of-Way in accordance with the Uniform Manual for Traffic Control Devices. Provide plans and drawings that have construction details for installation of entrances, road crossings, or Right-of-Way encroachment. Detail anticipated volume and routes for facility operational traffic. As approved by the County Engineer.

d. Provide a copy of the Phase One Environmental Screening Report in accordance with industry standards.

e. Provide a safety plan detailing expected public agency/emergency services support during emergencies.

f. Provide a certificate of insurance indicating coverage of General Liability of not less than one million ($1,000,000.00) per occurrence for contractors working within public Right-of-Way.

g. Provide a decommission plan and land reclamation plan detailing recovery or removal of structures and underground installation specific to the proposed method of assurance regarding maintenance and repair to public roads, bridges, or culverts during the development process. The company shall provide to Lyon County a bond or other security of sufficient funds to cover the planned cost of removal and reclamation. The amount of the bond or other security shall be
adjusted for inflation on the permit’s anniversary date each year. The bond or security shall favor Lyon County and remain in effect until the facility is decommissioned.

i. The facility shall meet the following design requirements:

1. Turbine blades shall have a minimum ground clearance of forty (40’) feet at the lowest point of rotation and calculated for all directions.

2. Setback requirements for wind turbines;
   (a) Road Right-of-Ways- 1.5x tip height (~750ft)
   (b) Occupied Residences- 1,640ft
   (c) Overhead Utilities- No setback for Low Voltage lines
       1.1x tip height for 138kV+ Voltage lines
   (d) Project Boundaries- 1.5x tip height (~750ft)

3. Electrical Collect System lines shall be installed underground, except for the connection to transmission lines or factors related to culturally or environmentally sensitive areas that dictate aboveground installation. As approved by the Planning Board.

4. No advertisements or logos will be allowed on any structure.

j. All costs associated with the application shall be the responsibility of the WECS developer/applicant.

k. Provide the most up to date lighting system available to reduce the effects on neighboring landowners.
8 ADMINISTRATION AND PROCEDURES

8.1 Applicability

8.1.1 The construction, reconstruction, extension, repair, renovation, or alteration of any building, structure, site, change of use, or land use is subject to review by the Zoning Administrator (ZA) as outlined in this section unless otherwise exempted.

8.1.2 The following do not require review, though the exemption from the review process shall not be deemed to grant authorization for any work to be done in violation of the provisions of applicable technical codes and any other laws or resolutions.

a. Interior alterations or renovations that do not alter the footprint, height, or massing of a structure.

b. Exterior alterations or renovations that do not alter the footprint, height, or massing of a structure.

c. No permit is required for routine maintenance and minor repairs that do not require a building permit.

8.1.3 No permit may be issued for development activities until the ZA has approved the plan(s) as complying with all applicable provisions of these regulations.

8.1.4 Permits for any construction or landscaping in the public Right-of-Way shall be obtained from the City of Emporia or Lyon County Engineer’s Office.

8.2 Review Process

8.2.1 Project Consultation. Before preparing an application for review, the applicant shall schedule a meeting with the ZA to discuss the review procedures and applicable standards for approval. This meeting is not intended as an approval meeting and will not guarantee the applicant an approval. It is intended to provide the applicant with an overview of the application requirements and identify issues or opportunities relating to compliance with the LC Zoning Regulations.

8.2.2 Application submittal

a. All applications shall be sufficient for processing before the ZA is required to review the application. The ZA will notify the applicant whether the application is complete or whether additional information is required.

b. An application is sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of the LC Zoning Regulations and when the applicable fee has been paid.

8.2.3 Application review

a. Upon determining a complete application, the ZA will review and determine whether the application conforms to all applicable requirements of the zoning regulations.

b. Final action on an application will be based solely on findings as to compliance with all applicable provisions of the LC Zoning Regulations and other applicable technical.
c. Where an application is denied, the reason for denial will be stated in writing, specifying the provisions of the LC Zoning Regulations or other applicable technical requirements that are not in compliance. A revised application may be submitted for further consideration.

8.2.4 Period of Validity. Any permit granted shall become null and void one hundred and eighty (180) days after the date on which it is issued unless within said period construction, building, moving, remodeling, or reconstruction of a structure is commenced, or a use is commenced. If the construction or work is abandoned or suspended for any one hundred and eighty (180) day period after such permit is issued, a new permit application shall be submitted.

8.3 Application Requirements

8.3.1 An application shall be prepared by or on behalf of the property owner(s) in accordance with this section and submitted to the ZA for processing, review, and approval. Each application shall include those of the following or that which is relevant to the application:

a. One (1) or more maps identifying the project site on the Lyon County Regulating Plan.

b. To demonstrate compliance with the LC Zoning Regulations, a tabular comparison of each applicable standard and the corresponding standards for the proposed project, including but not limited to:

1. The applicable Parcel Type as prescribed in the Lyon County Regulating Plans
2. The Building Standard specific to applicable Parcel Type
3. The Landscape Standard specific to applicable Parcel Type
4. All applicable Supplemental Regulations

c. One (1) or more project plans of the project site drawn to scale accurately indicating each applicable proposed element of the project in compliance with the standards listed above, including as appropriate:

1. Identifying information including the owner(s) of record, north arrow, date (including any revision dates), and scale.
2. Location of all property lines, Rights-of-Way or easement affecting the property, and abutting streets.
3. Existing natural features of the site including watercourses and applicable buffers, wetlands and applicable buffers, contours at no more than one (1')-foot intervals, floodplains, trees, other vegetation, etc.
4. A plan indicating the location, types, and dimensions of all proposed grading, drainage, stormwater management, and erosion control, including proposed treatment of slopes in excess of ten (10%) percent to prevent soil erosion and excessive runoff.
5. Location and dimensions of all existing and proposed buildings, structures, fences, walkways, driveways, off-street parking lanes, and other significant features; with distances from the front, side, and rear property lines to each proposed new building,
structure, and site improvements.

6. Location of existing and proposed utilities and facilities.

7. A landscaping plan including pavement and hardscape elements including all screening of parking.

d. Digital photographs of the subject and neighboring properties.

e. Color rendered elevations (drawing to scale of one (1) side of a structure) of all elevations of all proposed and modified buildings and any related buildings, including building height. Building elevations of each exterior wall and the façade shall indicate all architectural details to be used.

f. At least two (2) architectural wall cross-sections (one front wall and one side wall), illustrating the relief (e.g., projections and setbacks) of the other architectural features shown in the building elevations.

g. A plan for signs, including type, design, and dimensions of all existing and proposed signs.

8.4 Technical Review

For parcels in unincorporated Lyon County, this process is completed by the ZA.

8.4.1 Applicability. The Technical Review Process for site plans is required in the following instances:

a. All new construction on Commercial and Industrial Parcel Types when such property is within one hundred (100’) feet of a residential Parcel Type or is adjacent to a more restrictive Parcel Type.

b. All new construction on Flex-Use, and Multi-Family Parcel Types.

c. The construction of any new subdivision.

d. All parcels types which have a new drive-up, drive-through, or exterior vehicular service or waiting area.

e. All changes in use that employ the outdoor use of the lot to store materials or goods.

f. No review will be required unless it is determined that the proposed construction or modification consists of a new use.

8.4.2 Application Submittal. Any proposed development which requires a Technical Review shall submit the digital site plan and building plans to the ZA before the next regularly scheduled meeting. The ZA will review the plan and make recommendations to the developer.

8.4.3 Application Review. The ZA will review the plan(s) according to the procedures and using the criteria established in this document. The planning and zoning office will notify the developer within five (5) days of the monthly meeting with questions, comments, and suggestions.

8.4.4 Occupancy of Use. (C, FL, IF, LI, and HI) No occupancy of new construction will be permitted until all conditions of the approval have been complied met. Provided that consideration will be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans, but further provided that such required landscaping shall be completed within six (6) months following occupancy under such consideration unless a longer period is granted.
8.4.5 Change of Use. Any change of use to another type of use will require a review.

8.5 Conditional Use Permit (CUP)

8.5.1 The application, notice, public hearing, and action procedures outlined in the amendment procedures shall apply to all applications for Conditional Use Permits submitted after the effective date of these regulations.

8.5.2 When approving a conditional use permit, the Governing Body, shall specify the period for which the permit is valid or shall state that the term of the permit is not limited in time.

8.5.3 The Governing Body may revoke any Conditional Use Permit within their jurisdiction upon finding that:

a. Necessary building permits have not been issued within twelve (12) months of approval of the conditional use permit.

b. If no building permit is required for the use allowed under the conditional use permit. That the use so allowed has not been commenced within twelve (12) months of the conditional use permit’ approval.

8.6 Classification of Unlisted Uses

8.6.1 Uses not specifically listed in the Parcel Type use tables, the ZA shall have the authority to determine the appropriate Parcel Types, which allow the use based on the use’s similarity to listed uses. Such determination shall be in the form of a written declaratory ruling, a copy of which shall be presented to the LCPAB at the next regularly scheduled meeting. Determinations of the ZA can be appealed to the LCPAB.

8.7 Existing Nonconformities

8.7.1 Nonconforming lots of record

a. Definition. An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded with the Lyon County Register of Deeds prior to the original adoption of the LC Zoning Regulations and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the District in which it is located.

b. The ZA shall issue a zoning certificate upon the request of the lot owner of record, for any nonconforming lot of record, provided that:

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

2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the applicable zoning regulations have prohibited the creation of such lot;

3. Said lot can meet all yard regulations for the applicable Parcel Type; and
4. Said lot can meet minimum standards for sewage treatment as required by the county sanitation code.

8.7.2 Nonconforming structures

a. **Definition.** A nonconforming structure is an existing structure that does not comply with the lot coverage, height, or yard requirements that apply to new structures built on a particular Parcel Type.

b. **Authority to continue.** Any structure devoted to a use permitted by its applicable Parcel Type, but located on a lot that does not comply with the applicable intensity of use regulations, and the applicable yard, and height regulations, may be continued, so long as it remains otherwise lawful. Any principal structure, which was (a) a conforming use when erected, (b) was erected prior to the effective date of these regulations, and (c) does not comply with applicable yard regulations, may be continued without the need of a variance.

c. **Enlargement, repair, alterations.** Any nonconforming principal structure may be enlarged, maintained, repaired, or remodeled. However, no such enlargement, maintenance, repair, or remodeling shall either create any additional nonconformity or increase the degree of an existing nonconformity. Notwithstanding the above, a porch covered by a roof that extends into a front setback area may be enclosed but not in excess of the area covered by the existing roof.

d. **Damage or destruction.** If any nonconforming 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 conform to the regulations for the applicable Parcel Type or unless such restoration is authorized as an exception by the LCPAB. When a structure is damaged to the extent of fifty (50%) percent or less of its fair market value, no repairs or restoration shall be made unless a zoning certificate is obtained. Substantial restoration shall be underway within one (1) year after the date of such partial destruction, and repair or restoration is diligently pursued to completion.

e. **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 conform to the applicable Parcel Type’s regulations after being moved.

8.7.3 Nonconforming uses

a. **Definition.** A legal nonconforming use is an existing use of a structure or land that was legal when the use commenced but which does not comply with the use regulations applicable to new uses allowed by the applicable Parcel Type.

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

c. **Ordinary repair and maintenance**

1. Normal maintenance and incidental repair, or replacement, installation, or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure devoted in whole or in part to a nonconforming use.

2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring
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8.7.4 Exceptions as conforming uses

a. Status of existing exceptions. Where a use exists at the time of the effective date of these regulations and is permitted by these regulations only as an exception in the applicable Parcel Type, such use shall not be deemed to be a nonconforming use. Still, it shall, without further action, be deemed a lawful conforming use in such Parcel Type. However, such use shall not expand or enlarge until the application is made to and approved by the LCPAB.

b. Status of future exceptions. As provided in these regulations, any use for which an exception has been issued, shall not be deemed a nonconforming use, but shall, without further action, be deemed a lawful conforming use.
8.8 Amendment Procedures

8.8.1 Who may petition or apply

a. Applications for revisions or changes in the zoning regulations that may result in Rezoning or Conditional-Use Permit issuance or Text Amendments may be made via petition by the property owner affected to the LCPAB.

b. Applications for revisions or changes in the zoning regulations which may result in Rezoning or Conditional-Use Permit issuance or Text Amendments may also be made by the LCPAB or Governing Body.

c. Applications for revisions or changes to general zoning regulations may be made by the LCPAB, or Governing Body provided such proposed amendments, revisions, or changes shall be submitted to the LCPAB for recommendation and report, and the final decision is made by the Governing Body.

d. Any citizen may petition the LCPAB to take up for consideration a change or revision to general zoning regulations. The LCPAB shall consider all such requests.

8.8.2 Procedures for consideration of a request for amendments

a. Applications

1. All applications for revisions or changes to the zoning regulations shall be submitted in completed application forms before any meeting of the LCPAB.

2. In cases where the proposed revisions or changes would only affect a specific property, the application shall be submitted to the LCPAB.

3. The LCPAB may require additional data and information, including drawings, plans, and maps. A proposal will not be considered as submitted until all reasonable requirements for information and data are met.

4. No application for an amendment to these regulations, with exception to Text Amendments, shall be accepted by the LCPAB if it has denied an application for the same amendment within the preceding twelve (12) months. The LCPAB may grant exceptions to this restriction for a good cause shown.

5. The payment of the application fee, as established by the Schedule of Fees, shall be made at the time of submitting the application. In the case of an application by the LCPAB or Governing Body, no such fee shall be required.

6. The LCPAB shall hold a public hearing thereon and shall cause a written summary to be made of the proceedings.

b. Notices of public hearing

1. Notice of such hearing detailing the proposed revision or change shall be published at least once in the official county newspapers at least twenty (20) days prior to the date of the hearing. Such notice shall fix the time and place for the hearing and contain a statement regarding the proposed revisions or changes.
2. If the application is not a general amendment, revision or change to the zoning regulations but is for a rezoning or Conditional Use Permit affecting a specific property, the property affected shall be designated by legal description and a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed revision or change shall be mailed at least twenty (20) days before the public hearing to all owners of record of the properties affected and all owners of record of lands located within at least two hundred (200') feet of the area proposed to be altered if the affected property is located within the City’s corporate limits, or one thousand (1,000') feet if it is located within the county’s jurisdiction. A certified list of such owners is required upon submission of the proposed revisions or changes. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the LCPAB or the Governing Body.

3. If a proposed revision or change would cause a Text Amendment to the zoning regulations, a notice of the public hearing shall not be required to be mailed to all affected persons; therefore, a certified list of owners shall not be required.

8.8.3 Action by the LCPAB and the Governing Body

a. Rezoning and Conditional-Use Permits

1. The LCPAB shall hold a public hearing for proposed revisions or changes that would affect specific properties under their respective jurisdiction. This public hearing shall be held at the place and time so stated within the legal notice.

2. At the conclusion of the public hearing, the LCPAB shall take action on the amendment request by preparing a recommendation to approve, approve with conditions as authorized by these regulations, or disapprove the application by a majority of its members present and voting at the hearing. The Governing Body shall not consider a recommendation of the LCPAB until its next regular meeting after the lapse of the fourteen (14) day protest period.

3. The LCPAB shall make a written recommendation approving or disapproving the submitted proposal to its Governing Body within forty-five (45) days of the date set for hearing in the published notice.

4. Upon receipt of the recommendation of the LCPAB, the Governing Body may:

   (a) Approve such recommendation by the adoption of the same by resolution in the County;

   (b) override its LCPAB’s recommendations by a four-fifths (4/5) majority vote of the membership of the Governing Body; or

   (c) may return the same to its LCPAB for further consideration, together with a statement specifying the basis for the Governing Body’s failure to approve or disapprove.

5. If the Governing Body returns a recommendation made by the LCPAB, the LCPAB, after considering the same, may resubmit its original recommendations giving the reasons, therefore, or submit new and amended recommendations. Upon receiving such recommendations, the Governing Body, by a simple majority thereof, may: adopt; may revise or amend and adopt such recommendations by resolution; may disapprove the
recommendation, or the Governing Body need take no further action thereon.

6. If the LCPAB fails to deliver its recommendations to the Governing Body following the LCPAB’s next regular meeting after receiving the Governing Body’s report. The Governing Body shall consider such a course of inaction on the part of the LCPAB as a resubmission of the original recommendations and proceed accordingly.

7. The proposed amendments shall become effective upon publication of the respective adopting resolution.

8. Factors LCPAB and Governing Body are to consider in cases of rezoning or Conditional Use Permit (CUP) are:

(a)  The character of the neighborhood;

(b)  the zoning and uses of properties nearby;

(c)  the suitability of the subject property for the uses to which it has been restricted;

(d)  the extent to which removal of the restrictions will detrimentally affect nearby property;

(e)  the length of time the subject property has remained vacant as zoned;

(f)  the relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff’s property as compared to the hardship imposed upon the individual landowner;

(g)  the recommendations of a permanent or professional planning staff; and

(h)  the conformance of the requested change to the County’s comprehensive plan; and

(i)  such other factors deemed relevant by the LCPAB or Governing Body.

b. Text Amendments

1. The LCPAB shall hold a public hearing for proposed text amendments to the zoning regulations and the Emporia/Lyon County Joint Comprehensive Plan that would take effect in Lyon County. This public hearing shall be held at the place and time so stated within the legal notice.

2. After the conclusion of the public hearing, the LCPAB shall take action on the amendment request by preparing recommendations to approve, approve with conditions as authorized by these regulations, or disapprove the application by a majority of their members present and voting at the hearing.

3. The Governing Body shall vote on the enactment of such amendment within thirty (30) days after the conclusion of its last public hearing on the proposed amendment.

8.8.4 Protest Petition. Regardless whether a LCPAB recommends to approve or disapprove a proposed rezoning or conditional use permit or “fails to recommend” if a protest against such rezoning or conditional use permit is filed in the office of the county clerk within fourteen (14) days after the date of the conclusion of the public hearing held pursuant to such publication notice, duly signed and acknowledged by the owners
of twenty (20%) percent or more of any real property subject to the rezoning or conditional use permit or by the owners of twenty (20%) percent of the total area, except public streets and ways, located within the notification area described in 8.9.4.a.3, the resolution adopting such rezoning or conditional use permit shall not be passed except by a favorable vote of at least four-fifths (4/5) of all of the members of the board of county commissioners. Immediately upon receiving the filing of such a protest petition, the Clerk shall notify the ZA of such a petition.

8.9 The Boards of Zoning Appeals (LCPAB)

8.9.1 Authorization. The Lyon County Planning and Appeals Board (LCPAB) was established by resolution and in accordance with the provisions of K.S.A. 12-759 and amendments thereto.

8.9.2 Membership. Shall be as provided in the LYON COUNTY PLANNING AND APPEALS BOARD BYLAWS, LYON COUNTY, KANSAS (LCPAB).

8.9.3 Jurisdiction. Appeals, exceptions, and variances for parcels located within the jurisdiction of Lyon County shall be taken to the LCPAB.

8.9.4 Appeals. The LCPAB shall have the power to hear and decide appeals where it is alleged that the ZA has made an error in any order, requirement, decision, or determination in the enforcement of these Zoning Regulations. Appeals may be made by the person aggrieved or by any officer, department, or bureau of the governmental agency or body affected by any ZA’s decision.

a. Application procedure

1. An application for an appeal shall be filed within forty-five (45) days after the ZA has made a determination.

2. Applications to the LCPAB shall be made in writing on forms provided by the ZA, and filed with said office, all supporting data. Said application shall specify the grounds for such appeal and shall be completed in its entirety. The ZA shall determine whether the filed application is complete.

   (a) A legal description may be required for submission as part of an application to be certified by a Professional Surveyor, licensed in the State of Kansas.

   (b) A submittal of a copy of the order, requirement, decision, or determination of the ZA, which the applicant believes to be in error, may be required.

   (c) A clear and accurate written description may be required of the proposed use, work, or action in which the appeal is involved, and a statement justifying the appellant’s position.

   (d) Where necessary, the submittal of a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question, may be required.

3. An application may require that it be accompanied by an ownership list, certified by a licensed abstractor or licensed title insurance agency, listing the legal description and the names and addresses of the owners of all property located within one thousand (1,000') feet of the boundaries of the property included in the application. When the property that is the subject of the application is adjacent to the City Limits the applicant shall provide such an ownership list for the property within two hundred (200') feet of the boundaries of the property included in the application.
b. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the ZA certifies to the LCPAB after the notice of appeal shall have been filed by reason of facts stated in the certificate, a stay would, in the opinion of the ZA, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the LCPAB, or by a court of record on application or notice to the ZA on good cause shown.

8.9.5 Variances. The LCPAB shall have the power to authorize in specific cases a variance from the specific terms of these regulations, which will not be contrary to the public interest. Where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. No use variances may be requested.

a. Variances from these Zoning Regulations may be granted only in the following instances:

1. To vary from the applicable lot area, lot width, and lot depth requirements.
2. To vary the applicable bulk regulations, including maximum height, lot coverage, and minimum yard requirements.
3. To vary from the applicable off-street parking and loading requirements.
4. To vary from sign height and size requirements.
5. To vary from the floodplain management requirements of the Floodplain Management Resolution for Lyon County, Kansas.
6. The reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

b. The applicant shall show that his or her property was acquired in good faith and whereby reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the Zoning Regulations prohibit the use of his or her property in the manner similar to that of other property of its Parcel Type.

c. A request for a variance may be granted upon a finding of the LCPAB that all of the following conditions have been met. The LCPAB shall make a determination on each condition, and the finding shall be entered in the record:

1. The variance requested arises from a condition that is unique to the property in question and is not ordinarily found in the same Parcel Type, and is not created by the property owner or applicant’s actions.
2. The granting of the permit for the variance will not adversely affect the adjacent property owners or residents’ rights.
3. The strict application of the Zoning Regulations’ provisions of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. The variance desired will not adversely affect the public health, safety, morals, order,
The granting of the variance desired will not be opposed to the general spirit and intent of these Zoning Regulations.

d. Application procedure

1. Applications to the LCPAB shall be made in writing on forms provided by the ZA. Said application shall be completed in its entirety and filed with the office of the ZA with all supporting data. The ZA shall determine whether the filed application is complete.

(a) A legal description may be required for submission as part of an application to be certified by a registered surveyor.

(b) It may be required that the applicant submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions set out in item 8.9.5.c.

(c) It may be required that applicant submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application; the structure existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the board in consideration of the application should be included.

2. It may be required the applications shall be accompanied by an ownership list, certified by a licensed abstractor or licensed title insurance agency, listing the legal description and the names and addresses of the owners of all property located within two hundred (200') feet of the boundaries of the property included in the application. When the property that is the subject of the application is adjacent to or outside the City Limits the applicant shall provide such an ownership list for the property within one thousand (1,000') feet of the boundaries of the property included in the application.

3. An application shall be accompanied by the filing fee required by a Schedule of Fees. A separate filing fee shall be required for each application.

8.9.6 Exceptions. The LCPAB shall have the power to grant exceptions to the provisions of these zoning regulations when an exception is expressly authorized in a particular Zoning District(s). In no event shall exceptions to the zoning regulations’ provisions be granted where the exception contemplated is not specifically listed in the zoning regulations. The LCPAB shall not grant an exception when the conditions established by this section are not found to be present.

a. The LCPAB shall not grant an exception unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it that support conclusions that:

1. The proposed exception complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.

2. The proposed exception at the specified location will contribute to and promote the welfare or convenience of the public.

3. The proposed exception will not cause substantial injury to the value of other convenience, prosperity or general welfare.
property in the neighborhood in which it is located.

4. The location and size of the exception, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the exception will not dominate the immediate neighborhood so as to prevent the development and use of neighboring property in accordance with the applicable Zoning District regulations. In determining whether the exception will so dominate the immediate neighborhood, consideration shall be given to:

(a) The location, nature, and height of buildings, structures, walls, and fences on the site.

(b) The nature and extent of landscaping and screening on the site.

5. Off-street parking and loading areas will be provided in accordance with the standards outlined in these regulations, and such areas will be screened from adjoining residential uses and located to protect such residential uses from any injurious effect.

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

b. In granting an exception, the board may impose such conditions, safeguards, and restrictions upon the premises benefited by the exception as may be necessary to reduce or minimize any potentially injurious effect of such exception upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

8.9.7 Decision procedure. The LCPAB shall adopt rules of procedure as necessary and proper to govern their proceedings, including establishing a quorum and voting requirements; such rules shall not be in conflict with other laws, regulations, or resolutions. A majority of the LCPAB shall constitute a quorum for the transaction of business. A concurring vote of a majority of its entire membership shall be necessary to reverse any order, requirements, decision, or determination of the ZA, to decide in favor of the applicant upon any matter required to pass under these regulations or to affect any variation in such regulations.

a. Hearing and Notice. The LCPAB shall select a reasonable time and place for the hearing of an appeal, exception, or variance. Public notice of the time, place, date, and subject of such hearing shall be published once in an official newspaper at least twenty (20) days prior to the date of the hearing. A copy of such notice shall be mailed to each party making the appeal or request for variance or exception, each person on the ownership list, and to the LCPAB twenty (20) days prior to the date of the hearing. Any interested party may appear and be heard at the hearing in person, by agent, or by attorney.

b. Appeals decision. The LCPAB, with the necessary quorum and votes, may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the ZA, and may issue or direct the issuance of a permit.

c. Variance decision. In granting a variance from these Zoning Regulations’ provisions, the LCPAB shall impose such restrictions, terms, time limitations, landscaping, screening, bond, and other appropriate safeguards as needed to protect adjoining property and to carry out the general
purpose and intent of these Zoning Regulations. The LCPAB shall render a written decision on an application for a variance, without unreasonable delay after the hearing's close. The decision shall be made within forty-five (45) days from the close of the hearing.

d. Records. The ZA shall maintain complete records of all actions of the LCPAB with respect to an application for appeals and variances and keep the Governing Body informed.

e. Period of validity

1. For parcels located within Lyon County jurisdiction, no appeal or variance granted by the LCPAB shall be valid for a period of longer than one hundred and eighty (180) days from the date on which the LCPAB grants the appeal or variance unless within such one hundred eighty (180)-day period, a zoning permit is obtained and the construction, moving, or remodeling of a structure is started. The LCPAB may grant additional extensions not exceeding one hundred and eighty (180) days each, upon written application, without notice or hearing.

8.9.8 Appeals from Board decisions. In exercising their powers, the LCPAB, in conformity with the provisions of these regulations, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken; may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of the LCPAB may bring an action in the District Court of Lyon County, Kansas, to determine the reasonableness of any such order or determination within thirty (30) days of the rendering of the order or determination by the LCPAB.
9.1 Enforcing

9.1.1 It shall be the duty of the ZA to enforce these regulations. Appeals from the decisions of the ZA may be made to the LCPAB, in accordance with 8.9.4.

9.2 Interpretation and Conflict

9.2.1 In interpreting and applying the LC Zoning Regulations’ provisions, they shall be the minimum requirements for promoting public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by these zoning regulations to 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, premises, the height of structures, require larger open spaces, lots 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.

9.3 Validity

9.3.1 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.

9.4 Repeal of Existing Regulations and Accrued Rights and Liabilities

9.4.1 The adoption of these regulations repeals the existing zoning regulations and zoning map of the Lyon County (Zoning Regulations of Lyon County, Kansas (2003), updated in 2011) Resolution Number 09-03 and the Interlocal agreement with the City of Emporia, Kansas for the Metropolitan Planning Area (MPA), Resolution Number 11-00.

9.4.2 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.

9.5 Penalties

9.5.1 Any violation of any provision of these zoning regulations shall be deemed to be a misdemeanor and punishable by a fine of not to exceed five hundred ($500) or by confinement in the County jail for not more than six (6) months. Each day's violation shall constitute a separate offense.

9.5.2 The Governing Body or any person, whose property’s value or use is or may be affected by a violation of these regulations, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these zoning regulations to abate nuisances maintained in violation thereof.

9.5.3 Whenever any building or structure is or is proposed to be erected, constructed, altered, converted, or maintained. Any building, structure or land is or is proposed to be used in violation of any zoning regulations, the Governing Body, in addition to other remedies, may institute an 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.

9.6 Effective Date

9.6.1 As adopted by the Governing Body, these zoning regulations shall become and are in full force following passage and publication of an adopting resolution of the County, in accordance with Kansas Law.
Definitions

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

**Accessory building.** A building that: (1) is located on the same lot as the principal building served; (2) is clearly incidental to and customarily associated with the principal building served; (3) is subordinate in GFA, extent, or purpose to the principal building served; and (4) is constructed on a permanent foundation. This includes accessory structures and accessory dwelling units.

**Accessory dwelling unit.** A subordinate self-contained dwelling unit is attached or detached from the principal building and located on the same lot as a principal building allowed under the Single-family Detached and Agricultural Parcel Types.

**Accessory structure.** A detached subordinate building is located on the same lot or groups of lots as the principal building and serves a function customarily incidental to the primary use. Customary accessory structures include garages, carports, outbuildings, and small storage sheds.

**Accessory use.** A subordinate use serves an incidental function to that of the primary use of the premises. Customary accessory uses include garages, sheds, swimming pools, barbecue ovens, air conditioners, fireplaces, and satellite dishes.

**Administrative Permit.** A review process and approval by the Zoning Administrator (ZA).

**Agricultural land** 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; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products.

**Agricultural structure.** Any structure used exclusively in connection with an Agricultural use, including but not limited to: the harvesting, storage, drying, or raising of agricultural commodities, and including office space, dwellings, and the storage of equipment necessary for carrying out farming operations.

**Airport or heliport.** Any landing area, runway, or other facility 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.

**Alley.** A dedicated public Right-of-Way, other than a street, provides only a secondary means of access to abutting property.

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

**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 Regulations text or maps;

b. a text change in the Zoning Regulations;

c. the approval of a Conditional Use Permit as provided in these regulations; or

d. a change in the maps, i.e., the Parcel Type designation of a particular parcel or parcels (this form is also known as a "rezoning" and includes overlay zoning approval).
**Artisanal Production.** The production of quality, hand-made goods, such as housewares and toys, made via a process characterized by minimal automation, little division of labor, and a small number of highly skilled craftsmen.

**Basement.** That portion of a building having more than one-half of its height below the average grade.

**Bed and Breakfast.** A residential structure other than a hotel or lodging house, where for compensation and prearrangement for definite short-term periods, sleeping rooms, and meals are provided for one or more persons.

**Benchmark.** Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level. See Monument.

**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 (LCPAB).** Created by the Governing Body and has the statutory authority to hear and determine appeals and variances to these zoning regulations. Conditional uses cannot be acted upon, but exceptions can be determined. For Lyon County, it refers to the Lyon County Planning and Appeals Board.

**Building.** A structure intended, designed, used, or suitable for use for enclosure, shelter, or protection for persons, animals, or property.

**Building envelope.** The three-dimensional space within which a structure is permitted to occupy. Height, floor area ratio, setbacks, lot coverage, and similar restrictions establish the building envelope.

**Building height.** The vertical distance from the grade at the front door to the highest point of the built structure.

**Building setback.** A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the front street Right-of-Way. The setback distance shall be measured from the existing Right-of-Way line.

**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 are specified in each building standard according to allowed Parcel Types in a District. Bulk regulations include regulations controlling:

a. Minimum and maximum height. See "building height."

b. Maximum lot coverage. See "lot coverage."

c. Minimum size of yard and setbacks. See "yard" and "building setback."

**Bump-out/ bulb-out/ curb extension.** Curb lines and sidewalks extended into the on-street parking lane to narrow the roadway and provide additional pedestrian space at key locations, thus increasing pedestrian visibility, shortening crossing distances, and slowing turning vehicles, significantly improves pedestrian crossing.
**Business and professional office.** Any building or part thereof used by one or more persons engaged in the practice of a recognized profession and any office used primarily for accounting, correspondence, research, editing, or administration.

**Commercial Confined Animal Feeding Operation.** As defined by the State of Kansas.

**Comprehensive Plan.** The currently adopted Joint Comprehensive Plan for the City of Emporia and Lyon County (PlanELC).

**Conditional use.** Use of any building, structure, or parcel of land that, by its nature, is perceived to require special care and attention in siting 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. They 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.** Multi-unit structures with each unit under separate ownership and each owner owning only air space are occupied by their unit. All owners jointly own all common areas and land.

**Daycare facilities.** Definitions for facilities that provide care for children are established by Kansas 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. Daycare facilities are permitted on the Agricultural Parcel Type and may be permitted by conditional use on other Parcel Types.

a. **Adult daycare home or center.** A facility which offers or provides a program of supplementary care to related or unrelated adults outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days of the week.

b. **Child care center.** A facility which provides care and educational activities for thirteen (13) or more children two (2) weeks to sixteen (16) years of age for more than three (3) and less than twenty-four (24) hours per day including day time, 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 than thirteen (13) children and be licensed as a center if the program and building meet child care center regulations defined by the State of Kansas.

c. **Daycare home.** A home in which care is provided for a maximum of ten (10) 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 in which care is provided for a maximum of six (6) children in compliance with the definitions and regulations of the State of Kansas and licensed by the State as a family daycare home.

e. **Group daycare home.** A home in which care is provided for a maximum of six (6) children in compliance with the definitions and regulations of the State of Kansas and licensed by the State as a group daycare home.

f. **Preschool.** A daycare facility providing educational experiences for children of less than kindergarten age, but who are thirty (30) months of age or older, and operating in compliance with the definitions and regulations of the State of KS and licensed by the state as a preschool.
**Density.** Floor Area Ratio. The ratio of the constructed floor area of a principal building to the total area of the lot. Also, the number of homes in any given location.

**Development Corridor.** Land within one mile of designated paved County Roads or Highways that have been identified as priority areas for infill development. See Appendix for Lyon County map of Development Corridor.

**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;

b. Having a record of having such an impairment; or

c. Is regarded as having such an impairment.

d. 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 discrete neighborhood area based on existing landmarks, nodes, edges, and paths. Current edges are formed by the railroad tracks and Interstate 35, as well as other natural neighborhood transitions. Districts are used to define development intensity and character through Parcel Types.

**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.

**Driveway.** A surfaced area specifically designated and reserved on the lot for the vehicles' movement from one lot to another or a lot to a public street.

**Dwelling.** A building or portion thereof, not including mobile homes, which is designed and used exclusively for residential purposes.

a. **Single-family.** A residential building having accommodations for and occupied exclusively by one (1) family.

b. **Two-family.** A residential building having accommodations for and occupied exclusively by two (2) families independently.

c. **Multiple.** A residential building having accommodations for and occupied by more than two (2) families, independently.

d. **Attached single family.** A series of no more than four (4) single-family dwelling structures, which are joined at one (1) or more sides by a common wall and where the units are completely independent of each other, including the parcel of land upon which each unit is built.

e. **Seasonal.** Residence intended for occasional occupancy.

**Dwelling unit.** One (1) or more rooms in a residential building or residential portion of a building are arranged, designed, used, or intended for use by not more than one (1) family, including cooking space and lawful sanitary facilities reserved for the occupants.
Easement. An interest in land held by someone other than the owner that entitles the holder to a specific limited use or right.

Engineer. The term Engineer shall have the following meanings and applications:

a. The appointed Engineer for the unincorporated area subject to these regulations, is the County Engineer.

b. When the context so requires, Engineer shall mean a Professional Engineer licensed in the State of Kansas.

c. Further, the term Engineer shall also mean a Kansas licensed Land Surveyor when the context of these regulations relates to functions or responsibilities required by Kansas State Law or regulation to be performed by a licensed Land Surveyor.

Exception. An exception from a provision in these regulations is only allowed as an exception granted by the Appeals Board when such exception is specifically authorized in these regulations.

Exterior building lighting. Lights attached to the building facade to create an ambient light for pedestrians, increase safety by illuminating potential danger to passersby, and highlight building features and architectural styling. Exterior Building Lighting shall be attached up to twelve (12') feet above grade and be full cutoff fixtures to avoid casting direct light on any residential property. So no glare is visible to traffic on a public street.

Fabrication. That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic raw materials.

Facade Transparency. The portion of a building facade facing the public Right-of-Way shall have clear glass between three (3') and eight (8') feet above grade.

Family. One (1) or more persons related by blood, marriage, or adoption, pursuant to legal guardianship; living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit. There shall be a presumption that five (5) or more unrelated people living together as a single housekeeping unit are not a family.

Farming activities. Farming activities include any and all soil tillage operations essential for crop production, pasture grazing, pasture burning, spraying, fertilizer, manure application, conservation land treatment, harvesting crops, and other farming activities attendant to proper land and soil management. Farming activities also include, but are not limited to, raising of livestock, horses, swine, poultry, in open or confinement, wildfowl raising, duck and geese raising, fish farming, fur bearing animal raising, beekeeping, worm raising, nursery operations, and timber harvesting.

Fence. A free-standing structure of metal, masonry, glass, wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.

Floodplain. Land adjacent to a watercourse subject to inundation from a flood has a chance to occur in any one (1) year of one (1%) percent, otherwise referred to as a one hundred (100)-year floodplain.

Floor Area (for computing off-street parking requirements). Floor area shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or the centerline of the wall separating two (2) buildings or uses and shall include all areas except that space used for storage.
**Frontage.** All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the street line. Where a street is dead-ended, the frontage shall be considered as all that property abutting on one (1) side between an intersecting street and the dead-end of the street.

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

**Garage, public.** Any building, portion of a building or premises designed, operated, or used for commercial purposes in the storage, sale, hiring, care, or repair of motor vehicles.

**Governing Body.** The elected governmental unit with jurisdiction in the zoned area. For the area unincorporated area of Lyon County, the Governing Body is the Board of County Commissioners of Lyon County, Kansas.

**Grade.** Adjacent ground elevation is the lowest point of elevation of the finished surface of the ground, pavement, or sidewalk 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.

**Greenhouse.** A structure with a translucent roof or sides in which the temperature and humidity can be regulated to cultivate delicate or out-of-season plants, including hydroponic growing.

a. **Private.** A building or part of a building whose roof and sides are made largely of glass or other transparent or translucent material. The temperature or humidity can be regulated to cultivate plants as a hobby or for residential use but not for commercial sales.

b. **Commercial.** An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

**Gross Floor Area (GFA).** The total floor area within the building envelope.

**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 the residents of the home. Such a dwelling shall be licensed as a group home by the State of Kansas.

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

**Home occupation.** A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or within a structure that is accessory to a residential building, and customarily incidental to the primary use of such residential building and shall be permitted provided the residential appearance of the building is maintained. No undue traffic or parking problems are created. See Section 7.5 for restrictions and limitations.

**Hotel.** A building or structure 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 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 lodging unit types.
Industrial manufacturing and processing, High-intensity. Wholesale and warehousing use as well as those industrial uses that include fabrication, manufacturing, assembly, or processing of materials that are hazardous or objectionable because of the emission of smoke, gas, odor, dust, noise, the vibration of the earth, soot, or lighting to the degree that is offensive when measured at the property line of the subject property.

Industrial manufacturing and processing, Low-intensity. Wholesale and warehousing use as well as those industrial uses that include fabrication, manufacturing, assembly, or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, the vibration of the earth, soot, or lighting to the degree that is offensive when measured at the property line of the subject property.

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

Junk or salvage yard. An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk or for an automobile graveyard’s maintenance or operation. Defined as any establishment that is maintained, used, or operated for storing, keeping, buying, or selling ten (10) or more salvage, wrecked, scrapped, ruined, dismantled, or inoperative motor vehicles. This shall not include any location where motor vehicle bodies are placed along stream banks for 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 Agricultural. Such term also includes garbage dumps. See State Statute K.S.A. 68-2203(b) (c).

Kennel. Any establishment, lot, place, area, building, or structure where dogs and other domesticated animals are boarded, housed and cared for, for the commercial purpose of breeding, hunting, racing, training, renting, buying, selling, or any other economic venture.

Landscaping. The improvement of a lot, parcel, or tract of land with grass and shrubs and or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar material and artificial objects designed and arranged to produce an aesthetically pleasing effect.

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

Lot. Parcel or tract of land (legally described or platted), which is on record in the Register of Deeds’ Office. For this regulation, a lot shall have a frontage upon a public street.

a. Area. A horizontal plane is 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.

b. 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.

c. Coverage. That percentage of a lot that would be covered by any impervious surface, including a structure or structures, parking areas, or any part thereof, excluding projecting roof eaves.

d. Depth. The mean horizontal distance between the front and rear lot lines.
e. **Double frontage.** A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

f. **Interior.** A lot whose sideline or lines do not abut upon any street.

g. **Width.** The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front line be less than required by the District regulations.

h. **Zoning-** A parcel or tract of land (legally described or platted), which is on record in the Register of Deeds' Office. For this regulation, a lot shall have a frontage upon a public street.

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

a. **Front.** A boundary line of a lot coincides with a road Right-of-Way, and shall not include alleys.

b. **Rear.** The most distant line is, or is most nearly parallel to the front lot line. If a rear lot line is less than ten (10’) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line of at least ten (10’) feet long lying wholly within the lot parallel to the front line.

c. **Side.** A lot line, which is neither a front line nor a rear lot line.

**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 Lyon 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 Lyon County, prior to April 21, 1965.

**Manufactured home.** A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

a. **Residential design.** Manufactured home on a permanent foundation with minimum dimensions of twenty-two (22’) body feet in width, a pitched roof, and siding and roofing materials customarily used on site-built homes.

b. **Permanent foundation.** A manufactured home mounted on and securely attached to masonry or concrete foundation that extends around the full perimeter of the manufactured home and meets standards set by County regulations. Such homes shall have all traveling and towing gear removed.

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

**Mobile food vendor.** Any person who owns, controls, manages or is otherwise engaged in the business of selling prepared, prepackaged or unprepared, unpackaged food or foodstuffs of any kind from a mobile vending facility on private property.

**Mobile home.** Mobile home means a factory-built structure or structures more than eight (8’) feet in width or more than thirty-six (36’) feet in length, equipped with the necessary service connections and made to be readily movable as a unit or units on its or their running gear and designed to be used as a dwelling unit without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the owner’s convenience.
**Mobile home park.** Any area, piece, parcel, tract, or plot of ground equipped as required by these regulations for support of mobile homes and used or intended to be used by one or more occupied mobile homes, but under no circumstances shall the mobile home spaces be sold or offered for sale individually. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for sale.

**Monument.** A device used to mark and identify the corners of the boundaries of subdivisions, blocks and lots and the intersection points, tangent, and curvature of the street Right-of-Way. Monuments are steel or iron bars or pipes at least a half (½”) inch in diameter and at least twenty-four (24”) inches long bearing the surveyor’s identification cap. These regulations create three (3) categories of monuments, as follows, with each monument conforming to the standards for boundary surveys as established by the Kansas Board of Technical Professions and further meeting the following requirements applicable to the category of monument:

a. **Monument.** A thirty-six (36”) inch long, five-eighths (5/8”) inch diameter solid bar to identify the corner boundaries of subdivision blocks. Monument locations shall be marked by a steel fence post. Exterior monuments shall be encased in concrete using a twelve (12”) inch long, four (4”) inch diameter section of PVC pipe.

b. **Lot Pin.** A solid bar to mark the corners, curvature points and tangent of lots.

c. **Control Marker.** A pipe to mark the curvature points, tangent, and intersection of the centerline of street Right-of-Way. Control markers for point of intersection shall be thirty-six (36”) inches long, five-eighths (5/8”) inch diameter pipe.

**Motor vehicle**

a. **Repair shop.** A building or portion of a building, arranged, intended, or designed to make repairs to motor vehicles, excluding body repair and painting.

b. **Body shop.** A building or portion of a building, arranged, intended, or designed to be used for vehicle body repairs, including painting.

c. **Storage yard.** A building or premises where operable, inoperable, salvage, abandoned, wrecked, or junked vehicles are stored while waiting further for disposition.

**Nonconforming lot of record.** An unimproved lot 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 or parcel complies with the lot width or area requirements for any permitted uses in the District in which it is located.

**Nonconforming structure.** An existing structure that does not comply with the lot coverage, height, or yard requirements that apply 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.

**Nursery.** Any land used to raise trees, shrubs, flowers or other plants for retail sale on-site.

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

**Parcel Type.** The classification of a lot established to allow for detailed regulation of the use, height, area, size, and intensity of use of buildings, land, and open space. Regulations are defined and illustrated for each Parcel Type through Building Standards.
Parking envelope. The three-dimensional space within which parking may occur. Parking shall not be placed outside the envelope if one exists on the Regulating Plan.

Parking lot. Other than a private parking area, street, or alley, an area 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 or the Engineer, used to store one (1) parked motor vehicle.

Permitted use. A use by right, which is specifically authorized in a particular Zoning District.

Person. An individual, firm, trust, partnership, association, or corporation.

Places of Worship. An establishment, the primary use of religious worship, may include accessory uses in the primary structure or separate buildings such as, but not limited to, Sunday School rooms, assembly rooms, kitchens, recreational facilities, and libraries.

Planning Board (LCPAB). The Governing Body appoints the board. The board for Lyon County refers to the Lyon County Planning and Appeals Board.

Plat. A map, plan, or layout of a city, township, section, or subdivision indicating the location and boundaries of individual properties.

a. Preliminary Plat. A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.

b. Replat. A new plat or a revision to a subdivision or portion of which a final plat has previously been recorded. The approval of a replat is processed in the same manner as a final plat.

Premises. A parcel together with all buildings and structures thereon.

Principal building. A non-accessory building in which a primary use of the lot on which it is located is conducted.

Public building. 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.

Public utility. Any business of which the purpose is furnishing to the general public:

a. Telephone service/Communication Service/ Cable television.

b. Electricity

c. Natural gas

d. Water and sewer

e. Transportation of persons and property.

f. Any other business affecting the public interest as to be subject to supervision or regulation by a governmental agency.
Quarry. An open excavation where the works are visible at the surface, a place or pit where stone, slate, marble, etc. is dug out or separated from a rock mass.

Regulations, Subdivision. The Lyon County Subdivision Regulations, as adopted by the County Governing Body and as amended from time to time, or when such is clear from the context.

Regulations, Zoning. The term zoning regulations or this or these regulations shall mean the requirements outlined in the regulations herewith attached.

Restaurant. A public eating establishment in which the primary function is preparing and serving food on the premises.

Required Build-to-Line (RBL). A required build-to-line (RBL) is a set building line on a lot, measured parallel from the front and corner side lot line, where the structure shall be located. The building facade shall be located on the RBL or within the given range. Facade articulation, such as a window or wall recesses and projections, are not counted as the building façade line, which begins at the applicable façade wall.

Required Entry Zone (REZ). The required entry zone indicates that the facade that shall provide a building entry.

Right-of-Way. A strip of land occupied or intended to be occupied by certain transportation and public use facilities, like roads, railroads, and utility lines.

Sale, retail. The sale of goods, merchandise, and 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.

School. Any public, private, or parochial learning facility, including any school commonly referred to as a grammar or elementary school, a junior high or middle school, or a high school. School that offer courses in general instructions at least five (5) days per week and seven (7) months per year, lawfully licensed by the State of Kansas, accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.

Screening. Decorative fencing or evergreen vegetation is maintained to conceal from view the area behind such structures or evergreen vegetation.

Sexually oriented business. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center, as defined in K.S.A. 12-770. Provided such establishments are not located within five hundred (500') feet of each other and are not located within five hundred (500') feet of any lot where a residential use, school, place of worship, or public park is permitted.

Shading element. An awning, canopy, or arcade frontage attached to the facade of a Principal Building along a Required Build-to-Line (RBL). Shading Elements shall have a minimum height clearance of eight (8’) feet above grade and a minimum depth of four (4’) feet, not to extend beyond the sidewalk.

Sharrow. A road marking in the form of two inverted V-shapes above a bicycle that is used to indicate a shared lane environment for bicycles and automobiles.

Short-term rental. Any rental of a residential dwelling unit, or a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.
a. **Operator-occupied short-term rental.** The short-term rental of a dwelling unit, or no more than three (3) individual bedrooms within such dwelling unit, is the operator’s primary residence.

b. **Owner-adjacent short-term rental.** The short-term rental of a dwelling unit is not the operator’s primary residence, but is located within a residential building. With four (4) or fewer dwelling units in the building owned by the operator, one (1) of the building’s dwelling units is the operator’s primary residence.

**Sight and vision triangle.** The unobstructed triangular area is visible to the driver of a passenger vehicle maintained in such a manner as to provide a safe and open line of vision when approaching an intersection.

**Sign.** Any words, numerals, figures, devices, designs or trademarks by which anything is made known are used to designate an individual firm, profession, business, or commodity and visible from any public street or the air.

a. **Billboard.** Any advertising sign, board or panel erected, constructed, or maintained to display posters, pictures, printed or painted advertising matter.

b. **Electronic Message Center.** A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

c. **Noncombustible material.** Any material that will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit that will not continue to burn or glow at that temperature.

d. **Projecting sign.** Other than a wall sign, any sign suspended from or supported by a structure or building, and projecting out.

e. **Roof sign.** Any sign erected, constructed, and maintained upon or over the roof of any building with the principal support on the roof structure.

f. **Structural trim.** The moldings, battens, cappings, and nailing strips which are attached to the sign structure.

g. **Temporary sign.** Any sign, banner, pennant, special flag, balloon, or other air or gas filled devices or other attention-attracting devices intended for short-term use.

h. **Wall sign.** All flat signs of solid face construction are placed against a building or structure and attached to the exterior front, rear, or sidewall of any building or other structure.

**Storm shelter.** An interior room, space within a building, or an entirely separate building, designed and constructed to protect its occupants from tornadoes or hurricanes. Shelters are intended to provide protection against both wind forces and the impact of wind-borne debris. The occupant protection level provided by a space specifically designed as a shelter is intended to be much greater than the protection provided by buildings that comply with the minimum requirements of building codes.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof. If the finished floor level directly above a basement or unused underfloor space is six (6’) feet or more above grade as defined. And for more than fifty (50%) percent of the total perimeter or is eight (8’) feet or more above grade for a total lineal distance of twenty (20’) feet or more, such basement or unused underfloor space shall be considered as a story.
Street or road. A Right-of-Way, dedicated to public use, which provides principal vehicular and pedestrian access to adjacent properties.

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

Street network.

a. Expressways. A street that provides fast and efficient movement of large volumes of traffic between areas and across the city and does not provide a land service function.

b. Arterial. A street that provides through traffic movement between and around areas and across the city, with direct access to abutting property, subject to necessary control of entrances, exits, and curb uses.

c. Collector. A street that provides traffic movement between arterials and local streets, with direct access to abutting property.

d. Local. A street that provides direct access to abutting property and local traffic movement, whether in business, industrial or residential uses.

Structure. A built or constructed edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structure, Non-permanent. Any structure that is not attached to a permanent foundation, such as a shed or mobile home.

Structural alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, girders, or any complete rebuilding of the roof or the exterior walls. For this regulation, 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.

Studio. A facility or area devoted to the expression and practice of and instruction in, arts, crafts, dance, pottery, photography, yoga, and similar activities, as well as private educational learning centers.

Substantial Change. A change in the footprint or style/design of a structure.

Telecommunication tower. A guyed or self-supporting tower, constructed as a free-standing structure or association with a building or other permanent structure or equipment, contains one or more telecommunication antennas. Includes radio or television towers, communication towers, microwave transmitting and receiving towers and stations, radio antennas, commercial satellite earth stations, base station antennas or wireless systems, omni-directional antennas and similar appurtenances. See Section 7.16 for permits and conditions.

Townhouse. A series of three (3) or more single-family residential dwelling structures joined together at one (1) or more sides by a common wall and where the units are independent of each other, including the immediate parcel of land upon which each unit is built, and where portions of the land are held in common ownership with other units in the project.
**Traffic street light.** Lights in the Right-of-Way that primarily function to illuminate roadways and differences between pedestrian and car zones. Traffic Street Lights are pole-mounted lighting fixtures less than thirty (30’) feet tall and shall be full cutoff fixtures to avoid casting direct light on any residential property. So no glare is visible to traffic on a public street.

**Use.** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

**Use regulations.** The provisions of these regulations that identify permitted, conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.

**Uses, temporary.** Uses of land permitted in each Zoning District unless specifically restricted to particular zoning Districts and are subject to the regulations and time limits, which follow, and to the other applicable regulations and information required of the District in which the use is permitted. See Section 7.7 for a list of permitted temporary uses.

**Variance.** A specific variation granted by the Appeals Board 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, Recreational.** Motorized vehicles and trailers used for recreational purposes, including, but not limited to, ATVs, boats, motor homes, and campers.

**Vehicle, Salvage.** An inoperable motor vehicle as defined by K.S.A 8-197.

**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 zoning regulations.

a. **Front.** A yard extending across the lot’s full width, the depth of which is the least distance between the street Right-of-Way and the building setback line.

b. **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 (10’) feet in length between the side lot lines, and the required rear yard shall be measured from this line.

c. **Side.** A yard between the main building and the side lot line, extending from the front lot line to the rear lot line. The yard’s width required side yard shall be measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

**Zoning Administrator(ZA).** The person or persons authorized and empowered by the Governing Body to administer the requirements of these zoning regulations.
APPENDIX A: Lyon County Development Corridors