

## 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.

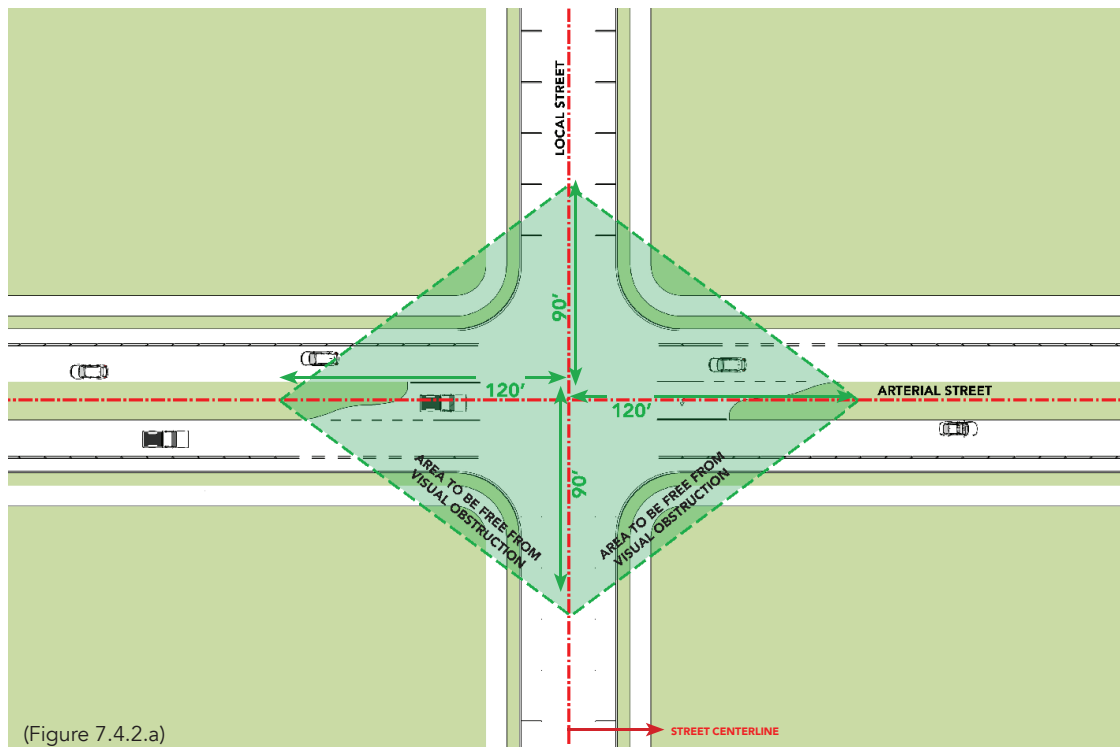
- a. *Front yards.* The front yards established by the District regulations shall be adjusted in the following cases:
  1. Where there is no Front Required Build-to-Line shown on the Regulating Plan and all of the structures on one side of a block are set back greater than required by the District regulations. 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. Eave 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.
- 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.
  - 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.
  7. Giving of lessons of any type.
  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.
  9. Fabrication and assembly of home crafts.
  10. Photographic studios.

- 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. The duration of the Temporary Use will be determined as written or in a time frame that is similar and acceptable to staff.

- 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.

- d. Each manufactured home shall be located on its space so that it is at least fifteen (15') feet from any other manufactured home or building within the park, except that such homes may be set to be no less than ten (10') feet end to end.
- e. All manufactured home spaces shall face a driveway with a width of not less than twenty (20') feet and shall have unobstructed access to a public roadway or highway. All dead-end roadways shall have an approved turnaround or cul-de-sac.
- f. Each manufactured home space shall provide a minimum of two (2) off driveway parking stalls.
- g. Each Manufactured Home Park shall provide an easily accessible playground space of at least twenty-five hundred (2,500) square feet or twenty-five (25) square feet per manufactured home, whichever is the greatest.
- h. All driveways and roadways within the park shall be all-weather surfaced, maintained, and adequately lighted.
- i. Each Manufactured Home Park shall be connected to an approved public or private water supply and sewage system and a public electrical utility system. The public natural gas supply shall be provided where available. All water and sewage systems shall be approved by the Lyon County Health Department and the Kansas Department of Health and Environment. All plans or systems shall be professionally approved. Construction may not start on any Park phase until such systems have been approved and approval has been filed with the ZA. Systems shall be inspected during installation. Where there is no water and sewage system available for the individual spaces, the size of each space shall be determined by the LCPAB upon receipt of the recommendation of the Lyon County Health Department.
- j. Storm shelters adequate to serve all occupants of the Manufactured Home Park shall be provided unless exempted by the LCPAB and the Governing Body.

## 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, fiberglass, or, metal excluding corrugated fiberglass roofs. The roof shall have a minimum eave projection and roof overhang on at least two (2) sides, 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 HUD-approved

standards.

- 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. The moving hitch, axles, wheels, and transporting lights shall be removed at the time of installation of the home on the lot.
- e. Any attached addition to such home shall comply with HUD-approved standards unless designed and constructed by a manufactured home factory.

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 use is located.

7.10.2 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.
- 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.
- d. At any time, no more than two (2) Recreational Vehicles can be occupied by a person(s) per parcel of land for no more than thirty (30) days.

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 a total of nine (9) unregistered Passenger and Recreational

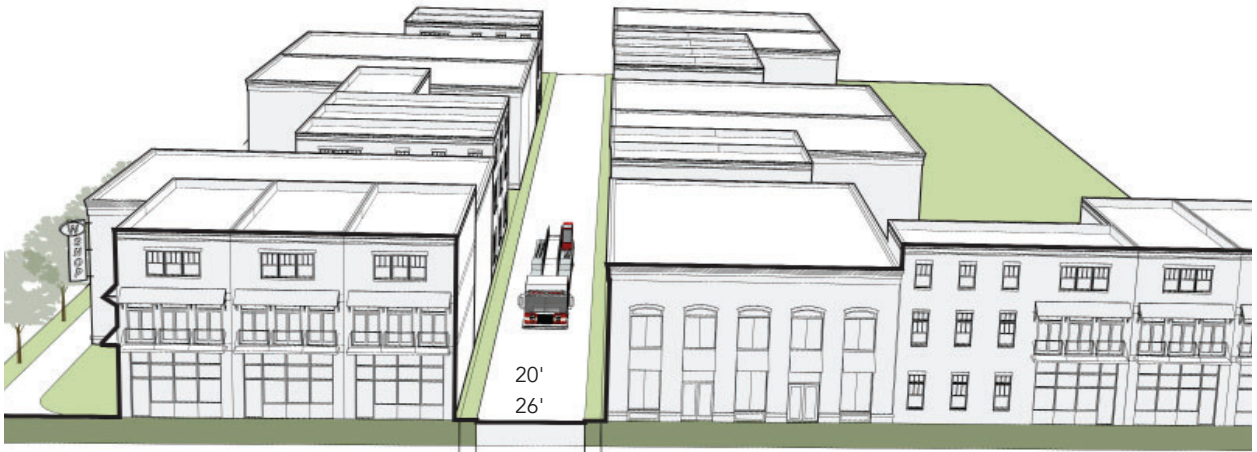


Vehicles when on Agricultural or Residential Parcel Types within unincorporated Lyon County. The vehicles must also be screened from public view.

- 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:

<i>Number of Spaces</i>	<i>Gross Floor Area in Square Feet</i>
1 .....	3,000 to 20,000
2 .....	20,000 to 40,000
3 .....	40,000 to 60,000
4 .....	60,000 to 80,000
5 .....	80,000 to 100,000
6 .....	100,000 to 150,000

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 or signs less than five (5) square feet. 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:
  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;
- 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.
  6. Signs less five (5) square feet located a minimum of ten (10) feet from the Right-of-way.



7.15.14

**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)

		<b>A</b>	<b>SF-D</b>	<b>FL</b>	<b>C</b>	<b>IF, LI, HI</b>
Number Allowed	per lot	-	1	-	-	-
	per façade facing ROW	1	-	1	2	2
	per paved alley	-	-	1	1	1
Max. Size	Area (SF)	32	32	32	2x the lineal feet of each building frontage	3x the lineal feet of each building frontage
	Height (ft)	10	10	10	10	10
Projecting Signs						
Allowed		-	-	x	x	x
Min. Height Above Grade (ft)		-	-	8	8	8
Max. Distance projecting over public property (ft)		-	-	3.5	3.5	3.5
EMC (Electric Message Center)		-	-	x	x	x
Roof Signs						
Allowed		-	-	x	x	x
EMC (Electric Message Center)		-	-	x	x	x
Wall Signs						
Allowed		x	x	x	x	x
Unilluminated Home Occupation (County) 32 SF in area		x	x	-	-	-
No more than 4 ft above wall		-	-	-	-	-
EMC (Electric Message Center)		-	-	x	x	x

	<b>A</b>	<b>SF-D</b>	<b>FL</b>	<b>C</b>	<b>IF, LI, HI</b>
Freestanding Signs					
Allowed	x	x (1 per subdivision/ development entrance)	x	x	x
Max. Height Above Grade (ft)	10	10	-	30	30
Max. Height Above Grade (when >250ft from Residential Parcel Type and on a federal highway)	-	-	55	55	55 (IF)
EMC (Electric Message Center)	-	-	x	x	x

## 7.15.15 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.

## 7.15.16 The following regulations apply only to Billboards.

	<b>A</b>	<b>SF-D</b>	<b>FL</b>	<b>C</b>	<b>IF, LI, HI</b>
Billboard					
Allowed	-	-	-	-	x
Max. Area (SF)	-	-	-	-	500
Max. Height (ft)	-	-	-	-	30
Min. Distance from property line (ft)	-	-	-	-	50
Min. Distance from other signs (ft)	-	-	-	-	1,000
EMC (Electric Message Center)	-	-	-	-	x

## 7.15.17 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

permit file of the Quarry Operator.

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.

## 7.18 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. In accordance with SB 49, Light-mitigating Technology Systems on Wind Turbines;

SB 49 requires the installation of a light-mitigating technology system (lighting system) in new and existing wind energy conversion systems (wind turbines) upon approval from the Federal Aviation Administration (FAA). The bill establishes requirements for the vendors of lighting systems and authorizes any county to enter into certain agreements with a developer, owner, or operator (developer) of wind turbines.

All current and future WECS will abide by the current and future state regulations regarding wind turbine lighting.

## Proposed Solar Regulations

### **7.19 Commercial Solar Energy Conversion System (CSECS)**

7.19.1 Commercial Solar Energy Conversion System (CSECS), when located in unincorporated portions of Lyon County, is subject to the following:

- a. Provide the name, address, and phone number of the developer, the project manager, the operational manager, and 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. Development Plan. A development plan is required by the regulations and must contain the following information:
  1. The project's nature and scope include a plot and development plan showing the project's location, scale, north arrow, and a map showing the project location and vicinity. The map must be formatted with ArcGIS, each layer being a workable file. It must show the site's acreage, 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, and homes within ½ mile of the project boundary. All electrical transmission lines, other electrical facilities, utilities, utility easements, underground pipelines, and underground utilities within the project boundary.
  3. For the CSECS, provide information relative to the solar technology to be used (i.e., polycrystalline PV, monocrystalline PV, Cadmium Telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.); an approximate number of solar modules/panels; system mounting (i.e., fixed-tilt on a flat roof, fixed-tilt ground-mount, I-axis tracking ground-mount, etc.); how the project will connect (i.e., net meter to existing distribution line, to new distribution line, to transmission line); substation location and size.
- c. Haul Routes. Provide information detailing the anticipated volume and designated haul routes for all construction traffic, including oversized loads and heavy equipment, with proposed assurance methods regarding maintenance and repair to public roads, bridges, or culverts during the construction. Provide information regarding the traffic control plan for designated haul routes or construction activities within the road right-of-way in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Provide plans and drawings detailing construction details for installation of entrances, road crossings, or right-of-way encroachment, and anticipate traffic volume and routes for facility operational traffic.
- d. Environmental. Provide a Phase One Environmental Screening Report in accordance with industry standards.
- e. Safety plan. A plan detailing expected public agency/emergency services support during emergencies. Identify potential fire risks associated with the project.
- f. Microwave Signals. Provide an assessment of microwave signal patterns in the project area before the project's construction. The developer shall be responsible for alleviating any

disruption or interference caused by the panels or any associated facilities of cell phone, television, radio, computer, satellite, or other electronic transmission, receptions, or services.

- g. Archeological. Provide results of an archeological survey determining recommendations for treating any significant archaeological sites identified.
- h. Liability Insurance. Provide a Certificate of insurance indicating the coverage of General Liability of not less than \$1,000,000 per occurrence for Contractors working within the public right-of-way. Evidence shall be provided annually in the form of a certificate of insurance.
- i. Provide a plan for ongoing dust and weed control.
- j. Decommissioning. Provide a decommissioning plan and land reclamation plan detailing the 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 decommissioning process. The company shall provide Lyon County with a bond or other security of sufficient funds to cover the planned cost of removal and reclamation. A third party shall determine the amount of the bond or other security. The bond or additional security amount shall be adjusted for inflation on the anniversary date of the permit each year. The bond or security shall favor Lyon County and remain in effect until the facility is decommissioned. Federal and State Standards shall qualify entities involved in decommissioning and reclamation.
- k. Road Use and Maintenance Agreement. Provide an agreement to address the usage of county roads during the project's construction. The developer shall ensure that, following completion of construction, all county roads will be repaired or restored to a condition equal to or better than the condition before construction of such facility, as inspected and approved by the County Engineer or designee of Lyon County.
- l. Notification of leasehold ownership change. Within five (5) days of any change in leasehold ownership, the CSECS 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 received, the permit shall be revoked, and the CSECS operation will stop until a new permit has been issued.

#### 7.19.2 Facility Design Requirements

- a. The facility shall meet the following design requirements:
  - 1. Height: Shall not exceed thirty-five (35') feet in height, measured when oriented at maximum tilt; provided, however, said height restriction shall not apply to substation facilities or transmission lines. Building Standards apply to other structures.
  - 2. Setback requirements for CESECS Structures:
    - a. Road Right-of-ways 50 ft
    - b. Existing occupied residences\* 300 ft
    - c. Existing Non-residential accessory structures\* 100 ft
    - d. Property Lines 100 ft
    - e. Existing Other structures (including but not limited to Schools, Churches, Community Facilities, etc.)\* 300 ft
    - f. Historical Sites 200 ft

\*(Includes submitted building permit plans at time of application)

3. Fencing. Shall be enclosed by perimeter fencing at least 8 feet (8') tall to restrict unauthorized access. No outdoor storage of any material or equipment is permitted except for construction equipment and material during construction.

A temporary construction barrier shall be installed along the perimeter. This fencing is to be signed with the following requirement: 'Grading, vehicles, equipment, or the storage of materials are not permitted beyond the construction fenceline. This fencing must remain in place until construction is complete.

4. Glare. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard as per any Local, State, and Federal laws and regulations. Examples of measures that can be utilized to limit glare include, but are not limited to:
  - a. Textured glass;
  - b. Anti-reflective coatings;
  - c. Screening;
  - d. Distance; or
  - e. Positioning units in a manner that reduces glare.

5. Transmission. Electrical lines shall be installed underground, except for the connection to transmission lines or factors related to culturally sensitive areas that dictate above-ground installation.

6. Location. The system shall be located to:
  - a. Accommodate the future growth of incorporated cities;
  - b. Utilize existing terrain, vegetation, and structures to screen the project from an off-site view to the extent possible. If this is not possible, additional screening may be required;
  - c. Avoid steep slopes of 15% or greater;
  - d. Make use of brownfield sites or similar, where possible; and
  - e. Minimize impact on environmentally sensitive lands

7. Size. To maintain the rural character and preserve agricultural land, the CSECS Site Area shall be limited to no more than 1,000 acres total unless the modification from this standard based on site-specific characteristics which are determined to aid in the preservation of rural character or natural features or to promote the shared agricultural use of the property.



The Site Area is the cumulative total of the Solar Modules within the facility. In this case, the Site Area consists of two Solar Modules outlined in dashed lines. The yellow highlighted area marks the area within the fence line.

8. Signage.
  - a. Perimeter fencing shall incorporate appropriate safety signage at a minimum spacing of every 500 feet.
  - b. Signage, including addresses for each fenced area, shall be provided as required by the Emergency 911 dispatch.
  - c. No advertisements or logos will be allowed on any structure. Except for ownership signage, it will be allowed.
  
9. Noise.
  - a. The operational noise generated from the solar installation equipment, including inverters, battery energy storage systems, components, and associated ancillary equipment, shall not exceed a noise level of 60 decibels (60 dBA) as measured at the property line.
  - b. Applicants shall submit equipment and component manufacturer noise ratings at the time of application to demonstrate compliance with the maximum permitted noise level, as noted above.
  - c. Transformers, inverters, or other sound or vibration-generating equipment must be placed so that low-level recurring ambient noise does not exceed the abovementioned limitations. Noise levels can be minimized with the type of equipment or the placement of equipment interior to the site, shielded by proposed solar panels and precisely placed noise- and vibration-deadening fence, landscape, or other efforts.
  
10. Lighting.
  - a. Security or safety lighting relating to the CSECS and appurtenant structures shall be limited to the minimum necessary to mitigate visual impacts.
  - b. No exterior lighting fixture shall be installed that exceeds fifteen (15) feet in height unless proven necessary by the applicant and approved as part of the conditional use review process.
  - c. No light source shall be directed off-site. All external lighting shall be shielded and downcast such that light does not infringe upon adjacent properties or the night sky.
  - d. All exterior lighting, where used, shall be motion activated and on a timer or switch-operated.
  - e. If LED lights are used, the color temperature shall be no more than 3000K (Kelvin).
  
11. Compliance. Shall comply with all applicable federal, state, and local laws, statutes, ordinances, rules, regulations, judgments, and other valid orders of any governmental authority having jurisdiction over the CSECS and obtain all permits and licenses required by any governmental authority having jurisdiction over the project to conduct all activities associated with the CSECS.



### 7.19.3 Conditions to Consider for Approval

- a. The following considerations shall be evaluated with the review of any application:
  1. The Operator shall demonstrate their ability to strictly conform to all applicable performance standards detailed in these Regulations and applicable Local, State, and Federal laws or regulations.
  
- b. Key issues to be considered with the review of the application include, but are not limited to:
  1. Visual impact;
  2. Impact on cultural, historical, or archeological features;
  3. Impact on critical wildlife habitats, current state-listed threatened and endangered species, and species in need of conservation as defined by the Kansas Department of Wildlife and Parks.
  4. Impact on environmentally sensitive lands;
  5. Impact on water quality and soil erosion;
  6. Impact on infrastructure, including roads and bridges for construction access;
  7. Aviation/Federal Aviation Administration (FAA) impacts;
  8. Decommissioning, removal, reclamation, and disposal;
  9. Bond agreement or other means of ensuring reclamation, disposal, and decommissioning performance;
  10. Specific requirements for building and construction;
  11. Emergency services and training requirements; and
  12. The degree to which agricultural uses and wildlife habitat are accommodated with the facility layout and design.

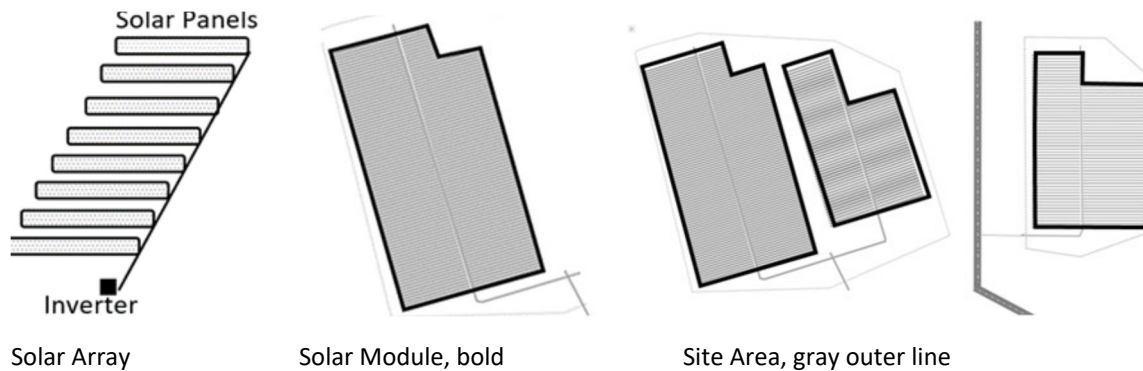
### 7.19.4 Definitions

Agrivoltaic. A solar energy conversion system that includes the dual use of the land: combining agriculture and a solar energy conversion system. The most common types of agrivoltaic facilities include growing crops, providing for pollinators, or grazing animals. These agricultural activities occur underneath and surrounding the panels or Modules. Projects that further enhance and preserve agricultural character by enabling the integration of food production into their design are encouraged.

#### Area Definitions.

1. *Solar Array:* A collection of multiple solar panels that generate electricity as a system. The most typical is a group of solar panels connected to the same inverter.
  
2. *Solar Module:* A grouping of Solar Arrays. The area of a Solar Module is measured with the panels as horizontally as possible. The Module may be separated from other Modules by fencing, wildlife corridors, natural areas, roads, etc. Secondary structures, such as substations, battery storage, and other storage buildings, are not included in this definition.
  
3. *Site Area:* The footprint of the solar facility, including the various Solar Modules, whether on property that is commonly owned/controlled or is under separate ownership. The Site Area is the cumulative total of the Solar Modules within the facility. The Site Area is measured with the panels as horizontally as possible. This term does not include the wildlife corridors or other solar energy conversion system features not considered part of the Solar Module.

4. *Project Area*: The total impacted area, including the Site Area along with the accessory, secondary structures, equipment, and other components of the solar energy conversion system.



Concentrating Solar Thermal Devices. Also known as concentrated solar power, these systems use mirrors or lenses to reflect and concentrate sunlight onto a receiver. The energy from the concentrated sunlight heats the receiver to a higher temperature. This heat is then used to spin a turbine or power an engine to generate electricity.

Solar Energy Conversion System (SECS): a machine or device that converts sunlight into heat (passive solar) or into electricity, whether by photovoltaics (PV), Concentrating Solar Thermal Devices (CST), or other conversion technology.

- 1) **Personal or Accessory Solar Energy Conversion System**: Solar energy conversion systems are used for personal use or are accessories to other uses. The electricity created is for consumption on-site and not for transfer or sale to a third party (although net metering is permitted).
- 2) **Commercial/Utility-Scale Solar Energy Conversion System (CSECS)**: Solar energy conversion systems, commonly called 'solar farms,' convert solar energy into electricity to store and sell generated electricity. This term includes all appurtenant facilities such as roads, substations, and operation or maintenance buildings. The system is connected to transmission, collector, feeder lines, and battery storage and is intended for use in a more extensive electrical network exclusive of individual use.