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ARTICLE 12 SUBSTITUTION, CHANGES, PUBLICATIONS & MISCELLANEOUS PROVISIONS

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100. ENVIRONMENTAL IMPACT STUDY

A. Policy

1. The purpose of the environmental impact assessment is to gauge the extent of negative impacts of certain uses on the natural and man-made environments, on agricultural production, existing economic conditions and established patterns of the neighborhood.

B. Implementation

1. The Planning Commission may direct, or the Director of Planning may require, after an initial review of a specific application, that an applicant file an impact statement when:

a. It is assumed that there will be irreversible, negative impacts or irretrievable losses to the natural environment.

b. It is assumed that there will be impacts of great magnitude to the social and economic well being of the county.

c. It is assumed that conditions arising from a use of the land could have a serious negative impact on public safety, health or welfare.

2. A "Notice of Impact Statement" shall be sent by mail to an applicant and or/land owner (of the property). A copy of the notice shall be sent to all property owners within 1,000 feet of the proposed use.

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C. Contents of Statements

1. Each Impact Assessment shall be submitted in professional form and may include studies of the following information:

- a. Waste disposal: The amount of sewage and the type of sewerage system(s) to be used.
- b. Storage, disposal and transport of hazardous waste materials.
- c. Hydrology: Assessment of the amount of water to be used, the amount of water available and the impact to nearby uses, including agriculture, due to draw down of the water table.
- c. Traffic: The amount of traffic to be expected if the proposed use operates at full capacity and the condition of the roads and bridges in the vicinity.
- d. Fiscal impact: A description of the off-site public improvements that would be needed to support the proposed project. Off-site public improvements include, but are not limited to: new roads; road widening, pedestrian access and paths; drainage and retention structures; public water service; and, services - such as fire and police protection.
- e. {When Applicable} The estimated school aged children that would need to be served by schools if the project were completed.
- f. Irretrievable and irreversible losses to the natural environment, including prime agricultural land.
- g. Impacts caused by noise, dust, light - glare.
- h. A cash flow analysis of the development.

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101. CONFORMING ZONE CHANGES

A. Policy

1. The Planning Commission may, upon its own motion without further recourse to hearing or publication, substitute the following changes in zoning districts:

TABLE OF CONFORMING ZONING CHANGES				
Zoning District Allowed Changes and Substitutions				
Considered More Restrictive				
	1	2	3	4
Agricultural				
A-1	AB	AM	AR	P
A-2	X	X	X	P
AB	C	M2	X	M2 or P
AM	M2	X	X	X
AR	R1	R2		PUD
Residential				
R2	R1	X	X	P
R3	R1	R2	AR	P
CN				
CH	X	AB	M1	P
C	X	AB	M1	P
Manufacturing				
M1	X	X	X	P
M2	M1	M3	X	P

2. Reserved

3. Reserved

102. NOTICE AND PUBLICATION REQUIREMENTS.

A. Policy

1. Using the guidelines provided by Kansas Planning Statutes, the rules governing notice and publication for official actions of the County shall be:

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Table of Notices and Publications						
Action	Publish Notice /Resolution	Place	Time	Written Notice	To Whom	Method
Comp. Plan Amendment	Yes No	Official County Newspaper	20 days prior to hearing	Yes	All cities	Regular Mail
Subdivision Amendment	Yes No	Official County Newspaper	20 days prior to hearing	Yes	All cities	Regular Mail
Preliminary Plat	No			No		
Final Plat	No	No	No	No	No	No
Zone Map Amendment	Yes Yes	Official County Newspaper	20 days prior to hearing	Yes	Property Owners Within 1000'	Regular Mail
Zone Text Amendment	Yes Yes	Official County Newspaper	20 days prior to hearing	No	No	No
Condition Use Permit	Yes No	Official County Newspaper or General Newspaper	14 days prior to hearing	Yes	Property owners within 1000' and record owners of adjoining subdivisions	Regular Mail
BZA Appeal	Yes No	Official County Newspaper	20 days prior to hearing	Yes	Notice to each party in appeal	Regular Mail
Variance 20 days prior to hearing	No No	No	14 days prior to scheduled hearing	Yes	Adjacent property owners 14 days in advance of the hearing	Regular Mail
Exception	No No	No	No	Yes	Adjacent property owners and lot owners in adjacent subdivisions	Regular Mail

2. The proper fee for the specific request must be paid, and the necessary forms processed, before the Zoning Administrator will initiate action for a change or hearing.

3. Reserved

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103. OFFICIAL RULES FOR HEARINGS

A. Policy

1. State statutes impose certain time limitations on actions undertaken by the Planning Commission, Governing Body, and the Board of Zoning Appeals.

Actions with time limitations (for example, preliminary plat review and approval) are presumed to begin with the submission of a "sufficient application." It is the policy of the Planning Commission, Governing Body and Board of Zoning Appeals, to declare that applications are insufficient if:

- a. It is discovered that an applicant has submitted a fraudulent proposal
- b. The applicant has submitted a legal description that is in error, or if an application was not signed "in fact" by the owner of record.
- c. The applicant fails to provide the Planning Commission or Board of Zoning Appeals with reasonable and customary information {both quantitatively and qualitatively) required by this ordinance.

2. After each presentation for a requested change or for approval of a development instrument included in these regulations, the Planning Commission and the Board of Zoning Appeals shall, by motion, indicate whether or not in their judgment, and the opinion of the staff, the application is considered sufficient.

104. MISCELLANEOUS PROVISIONS.

A. Non-Operative Vehicles & Machines

1. General Policy

a. It is the policy of Pottawatomie County to provide safe and attractive residential, agri-residential and commercial areas by regulating the open storage of non-operable vehicles, equipment and machines, therefore, the outside storage of salvage or scrape materials, household goods, furniture, business equipment, construction debris, and other materials for more than 48 hours is prohibited on any non-

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agriculture tract (less than 40 acres) unless such materials are fully screened from view or are located in a legally established salvage yard or in conjunction that customarily stores items for sale out-of-doors, such as a car sales facility.

A storage area may be screened by a opaque solid fence (constructed of approved materials), a wall, berms, or other landforms with rounded slope intercepts or similarly established landscape

2. Non-Operative Vehicle

a. Definition – A non-operative vehicle shall include every device required to purchase a vehicle license by the State of Kansas. A non-operative vehicle, besides the normal and customary definition, also means the presence of a major mechanical defect which precludes operation on a public road.

3. Non-operative Machinery

a. Definition - Non-operative machinery or appliances include construction equipment, clothes washers and dryers, lawn mowers, bicycles, refrigerators, compressors, generators, air conditioners, lawn tractors, and similar equipment.

4. Inoperable Motor Vehicles Or Vehicle Trailers:

a. Intent - To prevent the repair, restoration, assembly, disassembly, storage, rental, sale or standing of more than one inoperable vehicle/trailer where it is visible from surrounding property or roads.

b. A motor vehicle shall be determined to be inoperable either when it is disassembled or wrecked in part or in whole or is unable to move, or it has not been moved under its own power within a continuous period of ten (10) days or more, or for which the motor vehicle registration has expired for six (6) months or more.

c. Inoperable motor vehicles, vehicle trailers, or construction equipment shall not be stored, nor shall they be allowed to stand on any non-agricultural tract of ground (less than 40 acres) in any manner except the following:

i. One inoperable motor vehicle may be openly stored for purposes of repair and/or restoration.

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ii. In a legally established and conforming vehicle storage or salvage yard;

d. These regulations on non-operative vehicles, machinery or equipment are not meant to include working farms, storage lots that have an agricultural purpose, or land that is zoned and meant to be used for salvage yards.

e. The Zoning Administrator is charged with the enforcement of these provisions. All violations shall be processed in a manner consistent with Article 3 of this ordinance. However, if the violating property owner ignores a proper order to abate, the County Commissioners may by resolution provide for the removal of such vehicles and charge an expense not to exceed \$100.00 per vehicle or machine to property taxes.

C. Home Occupations: Exclusions and Special Rules

1. Definition - A home occupation, as used in this ordinance, is a business or profession located in a dwelling unit, or in a permitted accessory building located on the same zoning lot as the dwelling unit.

a. Permits. All home occupations shall obtain a permit to operate. Permits shall continue to be in force for as long as the home occupation continues to operate under the original owner. Home occupation permits are not transferable.

b. Exclusions - The following uses, under the terms of this ordinance, are not considered to be home occupations, and may be conducted as a permitted use: (a) In "A-1" areas only: the incidental sale of agricultural products as food, or the sale of seed and fertilizer on a part time basis in conjunction with a operating farm; (b) In all areas: hobbies that relate to crafts, art, and handwork which are not open to the public; (c) A home business with no employees other than family members which is not open to the public (communication is by phone or mail).

c. Customized Items – Bona Fide agricultural uses in A-1 districts may obtain a home occupation permit to sell limited quantities of stock and trade items. Such non-motorized "highly customized items" for farm and agricultural purposes include, but are not limited to, stock rails and trailers, flat bed trailers, trailer accessories, and the

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like. Sale is limited to five customized items on the premises **when they are in plain view** from lot lines.

d. Vested Right - Any home occupation that was in legal operation prior to the adoption and publication of these resolutions that does not conform to the district regulations of this Unified Development Ordinance, shall be allowed to continue as a previously legally conforming use. Subsequent owners of the land and/or buildings shall not continue a previously legal use unless it is made to conform to these regulations.

e. The following activities are specifically prohibited and excluded as home occupations:

1. Motor Vehicle Sales and Repair
2. Sale of Package Liquor
3. Sale of Cereal Malt Beverages
5. Sale or Accumulation of Salvage
6. Kennels

D. BUILDING PERMITS- NUMBER OF PERMITS AND ZONING LOTS

1. Number of Building Permits - Except as otherwise provided in this ordinance, only one building permit per zoning lot shall be issued for a principal residential structure.
2. Exceptions to Limitation - Multiple residential building permits shall be allowed, but not limited to, the following: E.C.H.O (Elderly Cottage Housing Opportunity) units; care of disabled or elderly (when indicated in these regulations); farm families/employees; and, conversion/adaption of historic structures.