



CODE OF ORDINANCES
Saline County, KS

CHAPTER 13
Part A: Zoning Resolution

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Chapter 13, Zoning and Master Plan Resolution, is divided into four interrelated sections:

- Part A: Zoning Resolution (defines zoning districts, regulates development and permit requirements)
- Part B: Subdivision Resolution (regulates subdivision of land)
- Part C: Permitted Uses and Conditional Uses (lists what uses are allowed in each zoning district)
- Part D: Definitions

The below document only includes Part A: Zoning Resolution. Please reference the Saline County website for Part B-D.

The resolutions in this chapter and all other chapters, sections, and appendices shall constitute and be designated the "Code of Saline County, KS". The construction of this codebook was done for the convenience of users of the Code and shall have no legal effect. The resolutions used for the construction shall supersede and have legal effect. Reference Chapter 1: Overview of Codes for further details.

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ARTICLE 13A-1 PURPOSE AND INTERPRETATION

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SALINE COUNTY, KANSAS:

That the unincorporated territory over which the Board of County Commissioners has jurisdiction within Saline County, Kansas, except federally owned land, shall be divided into districts pursuant to this plan, and that regulations pertaining to the erection, construction, reconstruction and use of structures and land shall be adopted as County policy.

This Resolution and maps shall be known as, "The Zoning Resolution of Saline County, Kansas." In exercising the authority of applicable legislation Saline County may:

- a. Regulate and restrict the location and use of buildings, structures and land for residence, trade, commerce, industrial and other purposes.
- b. Regulate the heights, number of stories, size, construction of buildings, and other structures; the size of yards, courts and other open spaces; the density of population; and the setback of buildings along public streets and road rights-of-way.
- c. Divide the County of Saline or any portion thereof into districts of such number, shape and area, or may establish such official maps as may be deemed best suited to carry out the regulations and provide for their enforcement.

13A-1.01 - AUTHORITY

This Resolution is adopted pursuant to authority granted by the laws governing planning and zoning in Kansas.

13A-1.02 - PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM STANDARDS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare.

Where this Resolution imposes a greater restriction upon land or structures than is imposed or required by existing provisions of law, resolution, contract or deed, the provisions of this Resolution shall apply.

13A-1.03 - SEVERABILITY CLAUSE

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Res. No. 1254-47, 2-27-18)

13A-1.04 - PURPOSE

Such regulations are deemed necessary in order:

- a. To promote the interest of health, safety, morals and the general welfare.
- b. To prevent the overcrowding of the land.



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- c. To avoid undue concentration of population.
- d. To facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas.
- e. To promote the achievement of the Comprehensive Plan for the County of Saline.
- f. To stabilize expectations regarding future development of Saline County thereby providing a basis for wise decisions with respect to such development.



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ARTICLE 13A-2 ESTABLISHMENT OF DISTRICTS AND SUB-DISTRICTS AND PROVISIONS FOR NONCONFORMING USE

13A-2.01 - ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS AND SUB-DISTRICTS

In order to classify and segregate the uses of lands and buildings and to regulate and restrict the height and size of buildings, the area of yards and other open space about buildings and to regulate the density of populations, the following classes of use districts are established.

AG	Agricultural District
RA	Residential-Agricultural District
RS	Single Family Residential District
V	Village
NB	Neighborhood Business District
BC	Community Business District
IL	Light Industrial District
IH	Heavy Industrial District
FW	Floodway District
FF	Floodway Fringe District

(Res. No. 1254-21, 2-18-01)

13A-2.02 - PUD SUB-DISTRICT

Sub-districts of any district (except the AG Agricultural District) may be created within Planned Unit Development boundaries provided a Planned Unit Development permit has been issued for said development pursuant to [13A-12.06 - PLANNED UNIT DEVELOPMENT](#). The sub-district shall be designated by the suffix "PUD" added to the classification of the parent district.

13A-2.03 - ZONING MAP

The boundaries of the districts are shown on the map or sections thereof attached hereto and made a part of the resolutions, which map is designated as the "OFFICIAL ZONING MAP OF SALINE COUNTY, KANSAS." The official zoning map and all notations, references, and other information shown thereon are a part of this regulation and have the same force and effect as if said map and all notations, references and other information shown thereon were all fully set forth or described herein. The Official Zoning Map shall be on file in the office of the Saline County Clerk.



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13A-2.04 - CHANGES IN BOUNDARIES

Changes in boundaries of districts or sub-districts shall be made by resolution amending the provisions of the article or amending the zoning map. The amended map, when so adopted, shall become a part of this article.

13A-2.05 - UNCERTAINTY OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any district as shown on any zoning map or part thereof, the following rules shall apply:

- a. Where such boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
- b. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, shall be shown by dimensions.
- c. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the centerline shall apply up to the centerline of such vacated street or alley or each respective side thereof.
- d. Boundaries indicated as approximately following municipal boundaries shall be construed as following the municipal boundary.
- e. If a property is de-annexed from an incorporated city or town, the zoning of adjacent properties shall apply to the de-annexed property, or a zoning district consistent with the adopted master plan for the area or zoning of the property prior to de-annexation.

13A-2.06 - NONCONFORMING USES AND STRUCTURES

- a. *Intent.* Nonconforming uses are declared by this resolution to be incompatible with permitted uses in the district in which such uses are located. It is the intent of this resolution to permit nonconforming uses to continue until they are removed but not to encourage their survival. It is further the intent of the resolution that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- b. *Avoidance of undue hardship.* To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plan, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently.
- c. *Single nonconforming lots or parcels of record.* In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be created on a single lot or parcel of record created on or before the date of adoption of this resolution or amendment. Such lots must be in separate ownership. This provision shall apply even though such lots or parcels fail to meet the requirements for area or width, provided that other yard requirements are met.
- d. *Nonconforming lots of record in combination.* If two or more lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, they shall be considered to be an undivided parcel for the purpose of this resolution and no division shall be made which would create a lot with a width or area below requirements of this resolution.
- e. *Nonconforming uses of structures or of structures and land in combination.* If a lawful use involving individual structures or of structures and land in combination exists at the effective date of adoption or amendment of



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this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. If no structural alterations are made, any nonconforming use of a structure or structure and land may, upon the issuance of a Conditional Use Permit by the Commission be changed to another nonconforming use provided that the Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accordance with other provisions of this resolution.
 3. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than six (6) months (except when access is impeded to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. Provided, that no determination nor rule, nor regulation shall be held to apply to the use of land for agricultural purposes, nor the erection or maintenance of buildings thereon for such purposes so long as such land and buildings erected thereon are used for agricultural purposes and not otherwise.
- f. *Repair and maintenance.* On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official. Nothing in this section shall prevent the restoration of a building damaged not more than fifty percent (50%) of its fair market value by fire, explosion, act of God, or the public enemy.
- g. *Uses under conditional use provisions not nonconforming uses.* Any use which is permitted as a Conditional Use in a district under the terms of this resolution shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming use.

(Amend. No. 1, 12-10-91)



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ARTICLE 13A-3 AG AGRICULTURAL DISTRICT

13A-3.01 - DESCRIPTION AND PURPOSE

Since lands which contain the proper combination of soil and topographic characteristics for agricultural development are limited and irreplaceable, the prime function of the AG Agricultural District is to establish standards which will encourage the use and preservation of this land for agricultural purposes. Subdividing in this district is prohibited.

13A-3.02 - PERMITTED BUILDINGS AND USES

The listing of permitted uses is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

13A-3.03 - BUILDINGS AND USES PERMITTED CONDITIONALLY

The listing of uses permitted conditionally is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of these regulations. All conditional uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

Natural mineral resources, development of, together with the necessary buildings, apparatus, including but not limited to rock, sand, gravel and mineral dredging, processing and stockpiling, top soil removal, and all other types of mineral recovery, excluding smelters, are permitted as a conditional use.

13A-3.04 - BUILDING HEIGHT REGULATIONS

No principal building shall exceed thirty-five (35) feet and no accessory building shall exceed twenty-five (25) feet in height, except for farm use or storage of farm products.

13A-3.05 - LOT AREA, LOT WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall be observed except where increased for conditional uses.

- a. Lot area: three (3) acres, exclusive of public right-of-way.
- b. Lot width: two hundred (200) feet minimum.
- c. Lot frontage requirements:

Option 1: 200 feet of property line along an improved (paved, gravel or earthen) right of way, or

Option 2: 100 feet of property line along an improved "branch-type" turnaround. The branch-type turnaround shall provide for the following:

- a. The turnaround shall be designed to the American Association of State Highway and Transportation Officials' (AASHTO) most recent version of "A Policy on Geometric Design of Highways and Streets", [ARTICLE 13A-5 RS SINGLE FAMILY RESIDENTIAL DISTRICT](#), Local Roads and Streets regarding cul-de-sacs and turnarounds. (See Figure 3.05[1]);



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- b. The turnaround shall be accompanied by a permanent easement adequate in dimensions to contain that part of the turnaround located on private property and dedicated to public access in perpetuity or until the adjacent right of way is improved to a gravel or paved surface for a length of at least 200 feet;
- c. The document dedicating the easement must be filed with the Saline County Register of Deeds prior to construction of the turnaround;
- d. Any alternative designs must be approved by the road and bridge department prior to construction; content of submittals for alternative designs shall be determined by the road and bridge department;
- e. The road and bridge department must inspect the completed construction of the turnaround and provide written approval to the planning and zoning department prior to issuance of a building permit;
- f. No encroachments in the right of way shall be permitted the length of the turnaround;
- g. The turnaround shall only be allowed on gravel or paved roads;
- h. Only two (2) parcels may use the turnaround for access.

Option 3: Fifty (50) feet where two hundred (200) feet would interrupt existing farming operations.

- a. Allowed for properties with an existing home and driveway that has been in place longer than five (5) years.
- b. There can be no other driveways within three hundred (300) feet of the existing driveway measured from edge to edge of driveways on the same side of the road.
- c. A deed restriction is required prior to lot split approval.
 - 1. Restriction must be record on the parent tract; and
 - 2. Restriction must indicate, "No new entrances shall be permitted within three hundred (300) feet of any existing entrance on this or adjacent properties.
- d. For the purpose of measuring lot width, the lot width requirement shall be the closest point of the property to the road frontage allowing for the required lot width between the side lot lines.
- d. Lot depth: two hundred (200) feet.
- e. Front yard: one hundred (100) feet from centerline of the public road or twenty-five (25) feet from any public right-of-way or property line whichever is greater.
- f. Rear yard: twenty-five (25) feet.
- g. Side yard: twenty-five (25) feet.
- h. The side setbacks for accessory structures shall be fifteen (15) feet.



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13A-3.07 - PERMITTED SPLITS FOR AGRICULTURALLY ZONED PARCELS

- a. A parcel, lot or tract that was recorded at the county register of deeds office prior to the adoption of the county zoning resolution in 1978 is defined as an "original parcel", provided property lines of the parcel, lot or tract have not been moved or adjusted resulting in a smaller parcel, lot or tract since said deed was recorded.
- b. Once the property lines of an original parcel have been moved or adjusted resulting in a smaller parcel, lot or tract, that parcel becomes a secondary parcel.
- c. Any original or secondary parcel may be split into two tracts that meet current zoning regulations and are to be used for agricultural or single-family purposes in the following manner:
 1. Number of splits allowed per parcel shall be based on density, or dwelling units per acre (dupa). In the AG zoning district, the density is .0125 dupa or one dwelling unit for every 80 acres.
 2. Allowable splits for an original parcel: One split (or building right) for every 80 acres plus one.
 3. Allowable splits for existing secondary parcels (secondary parcels in existence prior to the adoption of this policy): One split (or building right) for every 80 acres.
- d. Unless otherwise indicated on a certificate of survey, all splits from an original parcel shall result in a secondary parcel with one building right.
- e. Unless otherwise indicated on a certificate of survey, all splits from a secondary parcel shall result in a secondary parcel with one building right.
- f. Short acreages on parts of sections will be considered to have the intended acreage if it is clear that the sections are one-eighth, one-quarter, one-half, et cetera sections.
- g. In order for resultant tracts to be considered legal, buildable lots, resultant tracts shall be accompanied by a "certificate of survey" which shall be stamped by a registered land surveyor or licensed civil engineer authorized to practice in the state of Kansas.
- h. After February 1, 2007, newly created secondary lots not accompanied by a "certificate of survey" shall be considered illegal non-buildable lots and no structures shall be permitted on illegal nonbuildable lots. Existing secondary lots shall be considered legal, buildable lots.

Note: Per Buildings, Etc., [CHAPTER 6 – BUILDINGS](#), Article 3: Permits, subsection 6-3.4(b) Permits required; no building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed or converted unless a separate permit for each building or structure has first been obtained from the administrative agency.

The administrative agency for Saline County building permits is the planning and zoning department.

(Amend. 1254-25, 1-23-07)



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ARTICLE 13A-4 RA RESIDENTIAL-AGRICULTURAL DISTRICT

13A-4.01 - DESCRIPTION AND PURPOSE

The RA Residential-Agricultural District is designed to permit subdivisions in an agricultural environment. Building permits will be required for all structures in this district. In order to serve the "purpose" in [13A-04](#) of these regulations, applications for subdivision into residential lots of three (3) net acres or more must be preceded by zoning from AG to RA.

13A-4.02 - PERMITTED BUILDINGS AND USES

The listing of permitted uses is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#). These uses must be in accordance with the Saline County Sanitary Code.

13A-4.03 - BUILDINGS AND USES PERMITTED CONDITIONALLY

The listing of uses permitted conditionally is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of these regulations. All conditional uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

13A-4.04 - BUILDING HEIGHT REGULATIONS

No principal building shall exceed thirty (30) feet in height and no accessory building shall exceed twenty-five (25) feet in height and be no closer than ten (10) feet to each other or the principal building.

13A-4.05 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS

The following minimum requirements shall be observed except where increased by conditional use.

- a. Lot area: three (3) acres, exclusive of public rights-of-way.
- b. Lot width: two hundred (200) feet minimum.
- c. Lot frontage: two hundred (200) feet at street line.
- d. Lot depth: two hundred (200) feet.
- e. Front yard: one hundred (100) feet from the centerline of the public road or twenty-five (25) feet from any public right-of-way or property line, whichever is greater.
- f. Rear yard: twenty-five (25) feet.
- g. Side yard: twenty-five (25) feet.
- h. The side setbacks for accessory structures shall be fifteen (15) feet.

(Amend. 1254-18, 6-20-00)



ARTICLE 13A-5 RS SINGLE FAMILY RESIDENTIAL DISTRICT

13A-5.01 - DESCRIPTION AND PURPOSE

The RS Single Family Residential District is intended for low density single family residential use in [a] platted area. By combining three residential lot sizes under the RS Classification there will be a choice of density to potential residential [uses] and more intense use of small parcels.

13A-5.02 - PERMITTED BUILDINGS AND USES

The listing of permitted uses is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

The production of poultry, fowl, rabbits and the grazing or raising of domestic farm animals, is permitted and must be in accordance with the Saline County Sanitary Code. Pigs are not permitted. Buildings or fences (except accessory buildings and fences for household pets) for the roaming of livestock and fowl shall not be closer than twenty-five (25) feet to a property line except by mutual recorded agreement of adjacent owners. Such agreement shall be on file in the Planning and Zoning office. No commercial animal production or breeding enterprise shall be conducted.

13A-5.03 - BUILDINGS AND USES PERMITTED CONDITIONALLY

The listing of uses permitted conditionally is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of these regulations. All conditional uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

13A-5.04 - BUILDING HEIGHT REGULATIONS

No principal building shall exceed thirty (30) feet in height.

13A-5.05 - DETACHED ACCESSORY BUILDINGS

Detached accessory buildings in the RS Residential District shall not exceed twenty-five (25) feet in height and shall not be closer than ten (10) feet to each other or the principal building. Accessory buildings shall comply with the front and side yard setbacks required for the principal building and shall maintain a five (5) foot setback from the rear property line.



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13A-5.06 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS

The following minimum requirements shall be observed:

Use District	Minimum Lot Dimensions				Minimum Setback Requirements			
	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Frontage (feet)	Minimum Lot Depth (feet)	Front Yard	Rear Yard	One Side (feet)	Total of 2 Sides (feet)
RS1	43,500 (A)	150	150	130	D except when B	20%	10	25
RS2	21,500 (A)	100	100	130	D except when B	20%	10	25
RS3	10,500 (A)	70	70	130	D except when B	20%	7.5	20

- a. Minimum lot area shall be exclusive of public rights-of-way.
- b. Front yard dimensions may be adjusted in Single Family Residential Districts where more than fifty percent (50%) of the average-size lots in a block fronting one (1) side of the street, or where the adjoining lots on each side of a single lot are developed with existing buildings (other than accessory buildings) having front yard setbacks less than the dimensions required for the district. A new single family dwelling may adopt a front yard setback dimension which is the average of the existing front yard setbacks in the block or the average of the two (2) adjoining lots. In no case shall this yard dimension be less than fifteen (15) feet.
- c. The depth of the rear yard setback shall be at least twenty percent (20%) of the lot, but such depth need not be more than twenty (20) feet.
- d. Front yard setback shall be one hundred (100) feet from the center line of the street or twenty-five (25) feet from any public right-of-way or property line whichever is greater.

13A-5.07 - MAXIMUM LOT COVERAGE

Interior and corner lots: thirty-five percent (35%).

13A-5.08 - CORNER LOTS

Corner lots shall observe the minimum front yard setback requirement on one (1) street side. One-half (½) the minimum front yard setback requirement shall be observed on all other street sides.

13A-5.10 - PARKING

All uses shall conform to the general provisions and exceptions set forth in [13A-12.02 - OFF-STREET PARKING AND LOADING FACILITIES.](#)



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ARTICLE 13A-6 V VILLAGE ZONING DISTRICT

13A-6.01 - PURPOSE

The V Village Zoning District is designed to promote the economic and social vitality of Saline County's small unincorporated towns. The district promotes a mixture of residential and small scale businesses with site improvements to minimize negative externalities. In keeping with traditional small town development patterns, development standards regarding height, area, bulk, setback, and site improvement requirements are designed to provide close proximity of uses with well-defined public spaces. Investments in the unincorporated small towns will likely involve infill development, traditional use of existing structures, and adaptive reuse of existing structures.

The edge of a village district shall not be greater than 1,200 feet from the commercial center of the small town in order to allow for non-vehicular travel within the district. The traditional grid pattern road system shall be employed to provide for multiple routes within the district. In recognizing the water and sewer service issues facing small unincorporated towns, the expansion of existing Village zoning must only occur where public, semi-public, or collective private water and sewer services are available.

(Res. No. 1254-21, 2-18-01)

13A-6.02 - USES

The list of permitted uses is set out in Appendix A of these regulations. All uses are subject to the provisions of this Article and Articles 12 and 13. Conditional uses must be approved as provided for in [13A-13.06 - CONDITIONAL USE PROCEDURE](#).

(Res. No. 1254-21, 2-18-01)

13A-6.03 - AREA, BULK AND HEIGHT

- a. Lot, Block, and Alley Configuration
 1. Lot area—4,000 to 20,000 square feet maximum
 2. Lot width—40 ft.
 3. Lot depth—80 ft.
 4. Lot frontage—40 ft.
 5. Block Perimeter (including alley)—1,400 linear feet maximum
 6. Block Side (including alley)—500 linear feet maximum
 7. Secondary alley access to all lots is required and whenever possible utilities must be located within or adjacent to the alley.
 8. Alley Width—10 ft. to 20 ft.
- a. Primary Structures
 1. Front Setback—40 ft. from centerline of local roads, 25 ft. from proposed Right-of-Way for collector roads, 35 ft. from proposed Right-of-Way for arterial roads.
 2. Exterior Side Setback—40 ft. from centerline of local roads, 25 ft. from proposed Right-of-Way for collector roads, 35 ft. from proposed Right-of-Way for arterial roads.



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3. Side Setback—5 ft.
 4. Rear Setback—30 ft.
 5. Height—35 ft.
 6. Garage Door Setbacks—Garage doors for both attached and detached garages must be set back an additional 20 ft. from the primary structure's front facade.
 7. Sight Triangle—No structure or visually obstructing vegetation shall be located within the sight triangle of an intersection in accordance with 13a-3.06.02 of the Subdivision Resolution.
- b. Accessory Structures
1. Front Setback—50 ft. from centerline of local roads, 35 ft. from proposed Right-of-Way for collector roads, 45 ft. from proposed Right-of-Way for arterial roads.
 2. Exterior Side Setback[—]50 ft. from centerline of local roads, 35 ft. from proposed Right-of-Way for collector roads, 45 ft. from proposed Right-of-Way for arterial roads.
 3. Side Setback—3 ft.
 4. Rear Setback—3 ft.
 5. Height—25 ft.
 6. Garage Door Setbacks—Garage doors for both attached and detached garages must be set back an additional 20 ft. from the primary structure's front facade.
 7. Under no circumstances are mobile homes to be used as accessory buildings in any zoning district.
 8. Sight Triangle—No structure or visually obstructing vegetation shall be located within the sight triangle of an intersection in accordance with 13a-3.06.02 of the Subdivision Resolution.

(Res. No. 1254-21, 2-18-01)

13A-6.04 - SIGNAGE

Only the following signs are permitted, subject to the following regulations:

- a. Name plates not to exceed 2 square feet in area, containing the name of the occupant of the premises.
- b. Signs for the identification of a home occupation are subject to Section 12.05.01.A.
- c. One unlighted sign not to exceed 16 square feet in single side surface area for identification of premises, or advertising products produced on the premises.

(Res. No. 1254-21, 2-18-01)

13A-6.05 - MANUFACTURED HOMES

Manufactured homes are allowed to be located within the Village zoning district. In order to assimilate manufactured homes into the existing residential environment without compromising the health, safety, property values, and aesthetics of the neighborhood, the following provisions must be met before the structure is occupied. Under no circumstances are mobile homes as herein defined to be located in the village zoning district.

- a. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 inches for each 12 inches in horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction in the county.
- b. All roof structures shall provide an eave projection of no less than one (1) foot, which may include a gutter.



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- c. The exterior siding consists predominately of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction in the county.
- d. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed firmly to the primary structure and anchored securely to the ground.
- e. The moving hitch, wheels and axles, and transportation lights shall be removed.
- f. A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, which may include walk-out basements and garages, must be installed under the perimeter of the manufactured home.
- g. Shrubbery, bushes, or other similar vegetative landscaping must be planted adjacent to the front side of the structure.

(Res. No. 1254-21, 2-18-01)

13A-6.06 - SMALL BUSINESSES AND HOME OCCUPATIONS

Small businesses serving local needs and home occupations are encouraged in the Village zoning district. To provide for the harmonious coexistence of such commercial enterprises and residential uses in close proximity, the following standards shall be met.

- a. Parking—1 to 4 business related off street parking spaces must be provided on a maintained gravel or bituminous surfaced parking area located on the side of or behind the primary structure. Parking space design must be in accordance with [13A-12.02 - OFF-STREET PARKING AND LOADING FACILITIES](#). Shared parking may be allowed with no greater than six (6) parking spaces.
- b. Drive-Up and Drive-Thru—Drive-up and drive-thru facilities are prohibited in the Village zoning district.
- c. Screening—All parking and outside storage related to a commercial use must be screened from view of adjacent properties and public Rights-of-Way by a 6' high opaque fence, wall or vegetative barrier. Fencing or walls must be an earth tone (greens or browns) in coloration.
- d. Signage—Signage must be in accordance with [13A-6.04 - SIGNAGE](#)
- e. Outside Storage—Outside storage of commerce related items or material must be located in the side or rear yard and is limited to 10% of the total parcel square footage and must be screened as stipulated in [13A-6.06 - SMALL BUSINESSES AND HOME OCCUPATIONS \(C\)](#).
- f. Tree Scape—1 tree per 40' linear frontage must be planted between the front facade of the primary structure and the roadway surfacing prior to the opening of any business or home occupation. Trees planted within the public Right-of-Way must be approved by the Saline County Public Works Department.
- g. Nuisance Factors—There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable to the normal senses beyond any property line of the lot, parcel or tract of land due to the conduct of a small business or home occupation.
- h. Lighting—All lighting used to illuminate any portion of a commercial venture must be arranged as to reflect the light away from adjoining property, unless the light is shed on a shared parking facility.
- i. Hazardous Materials—The commercial storage or use of materials deemed hazardous by the Saline County Department of Emergency Management is prohibited within the Village zoning district.



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(Res. No. 1254-21, 2-18-01)



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ARTICLE 13A-7 NB NEIGHBORHOOD BUSINESS DISTRICT

13A-7.01 - DESCRIPTION AND PURPOSE

The NB Neighborhood Business District is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations, and is typically appropriate to small shopping clusters or integrated shopping centers located within residential neighborhoods.

13A-7.02 - PERMITTED BUILDING AND USES

The listing of permitted uses is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#)

13A-7.03 - BUILDINGS AND USES PERMITTED CONDITIONALLY

The listing of uses permitted conditionally is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of these regulations. All conditional uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#)

13A-7.04 - BUILDING HEIGHT REGULATIONS

No principal building shall exceed thirty (30) feet in height and no accessory building shall exceed fifteen (15) feet in height.

13A-7.05 - LOT AREA, LOT WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall be observed, except where increased for conditional use.

- a. Lot area: none specified.
- b. Minimum lot width: seventy-five (75) feet.
- c. Minimum lot depth: one hundred (100) feet.
- d. Front yard: thirty (30) feet from the property line. One-half ($\frac{1}{2}$) the minimum setback requirement shall be observed from the property line on all other street sides.
- e. Rear and side yards: all lots or development sites in the NB Neighborhood Business District have no rear or side yard required where said lot or development sites abut property lines of commercially zoned property. Where rear and side lot lines of said district are common with property zoned residentially, rear and side yards of not less than fifteen (15) feet shall be required opposite the residential district.

13A-7.06 - MAXIMUM LOT COVERAGE

None specified except subject to [13A-12.02 - OFF-STREET PARKING AND LOADING FACILITIES](#) as to amount of off-street parking required per use.

13A-7.08 - PARKING

All uses shall conform to the General Provisions and exceptions set forth in [13A-12.02 - OFF-STREET PARKING AND LOADING FACILITIES](#).



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13A-7.09 - OTHER REQUIRED CONDITIONS

The following additional conditions shall apply in an NB District.

- a. All uses shall be conducted wholly within a completely enclosed building except for conditional uses.
- b. In an NB District directly across the street from any residential district or any agricultural district designated for residential use on the Land Use Plan, the parking and loading facilities shall be at a distance at least twenty (20) feet from the street and the building and structures at least thirty-five (35) feet from the street provided, however, that the foregoing requirements of the subsection shall not apply where such residential district or agricultural district is separated from the NB District by a street planned to have a right-of-way eighty (80) feet or more, provided further, that a screen, wall and/or landscaping is established and maintained on the NB property.
- c. Not more than three (3) persons shall be engaged in the fabrication, repair, and other processing of goods in an establishment.
- d. All sites having a common boundary line with a residentially classified property shall have erected and maintained a view-obscuring wall, fence, or coniferous hedge not less than five (5) feet high. Public utility installations need only fence and screen with appropriate materials such as base planting of coniferous shrubs or trees and climbing coniferous plant material on the fences to minimize the industrial character of such installations and fences. The area surrounding the fenced and screened enclosure shall be landscaped and planted to create a park-like atmosphere.
- e. All operations conducted on the premises shall not constitute a nuisance by reason of smoke, fumes, odor, steam, gases, vibrations, noise, hazards, or other causes, beyond the property boundary lines, and shall comply with the provisions of [13A-12.04 - PERFORMANCE STANDARDS](#) of the resolution.



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ARTICLE 13A-8 BC COMMUNITY BUSINESS DISTRICT

13A-8.01 - DESCRIPTION AND PURPOSE

The BC Community Business District is intended to create, preserve and enhance an area with a wide range of retail sales and service establishments in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares. This district also includes some development which does not strictly fit the description of this Article but also does not merit a specific zoning district.

13A-8.02 - PERMITTED BUILDINGS AND USES

The listing of permitted uses is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All uses are subject to the regulations. All uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

13A-8.03 - BUILDINGS AND USES PERMITTED CONDITIONALLY

The listing of uses permitted conditionally is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of these regulations. All conditional uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

13A-8.04 - BUILDING HEIGHT REGULATIONS

In the BC District there is no building height limitation except; when said building abuts a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of fifty (50) feet from the abutting boundary.

13A-8.05 - LOT AREA, LOT WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall be observed, except where increased for conditional uses.

- a. Lot area: none specified.
- b. Lot width: none specified.
- c. Front yard: thirty (30) feet from the property line. One-half (½) the minimum setback requirement shall be observed from the property line on all other street sides.
- d. Rear and side yard: all lots or development sites in the BC District have no rear and side yard requirements where said lot or development sites abut property lines of commercially or industrially zoned property. When rear and side lot lines of said districts are common with property zoned residentially, rear and side yards of not less than fifteen (15) feet shall be required opposite the residential district.

13A-8.06 - MAXIMUM LOT COVERAGE

None specified, except subject to [13a-12.02](#) as to the amount of off-street parking, required per use.

13A-8.07 - PARKING

All uses shall conform to the general provisions of this resolution.



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13A-8.09 - OTHER REQUIRED CONDITIONS

The following additional conditions shall apply in the BC District:

- a. All uses shall be conducted wholly within a completely enclosed building except for conditional uses, service stations and all other drive-up uses permitted in this district.
- b. In any BC District directly across the street from any residential district or an agricultural district designated for residential use on the Land Use Plan, the parking and loading facilities shall be at least twenty (20) feet from the street, provided, however, that the foregoing requirements of this subsection shall not apply where such residential district or agricultural district is separated from the BC District by a street planned to have a right-of-way of eighty (80) feet or more, provided further that a screen, wall and/or landscaping is established and maintained on the BC property.
- c. Not more than five (5) persons shall be engaged in the fabrication, repair and other processing of goods in any establishment.
- d. All operations conducted on the premises shall not constitute a nuisance by reason of smoke, fumes, odor, steam, gas, vibrations, noise, hazards, or other causes, beyond the property boundary lines, and shall comply with the provisions of [13A-12.04 - PERFORMANCE STANDARDS](#) of this resolution.
- e. All sites having a common boundary line with a residentially classified property shall have erected and maintained a view-obscuring wall, fence or coniferous hedge not less than five (5) feet high for screening purposes and controlling access. Where the wall of a building is on such common property line, no separate wall or fence need be installed along that portion of the boundary occupied by the building. Public utility installations need only fence and screen with appropriate materials such as base plantings of coniferous shrubs or trees and climbing coniferous plant materials on the fences to minimize the industrial character of such installation. The area surrounding the fenced and screened enclosure shall be landscaped and planted to create a park-like atmosphere.



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ARTICLE 13A-9 IL LIGHT INDUSTRIAL DISTRICT

13A-9.01 - DESCRIPTION AND PURPOSE

The IL Industrial District is intended to create, preserve and enhance an area containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

13A-9.02 - PERMITTED BUILDINGS AND USES

The listing of permitted uses is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

If, however, in the determination of the zoning administrator any permitted building or use would be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, glare, liquid or solid waste, smoke or other air pollutants, then said building or uses shall be treated as a Conditional Use.

13A-9.03 - BUILDINGS AND USES PERMITTED CONDITIONALLY

The listing of uses permitted conditionally is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of these regulations. All conditional uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

Other items similar to the preceding items, including non-specific or general wholesaling, warehousing and storage that shall not have a different or more detrimental effect upon the adjoining neighborhood areas or districts than the items specifically listed, are permitted as a conditional use.

13A-9.04 - HEIGHT REGULATIONS

None specified subject to [13A-9.05 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS](#).

13A-9.05 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS

The following minimum requirements shall be observed, except where increased for conditional use.

- a. Lot area: none specified.
- b. Lot width: none specified.
- c. Front yard: ten (10) feet. When building height exceeds thirty-five (35) feet, then ten (10) feet plus one (1) foot for each two (2) feet of building height over thirty-five (35) feet.
- d. Rear and side yard: all lots or development sites in the IL District shall have no rear or side yard required where said lot or development sites abut property lines of commercially or industrially zoned property. When side or rear property lines of said district are common with property zoned residentially, rear and side yard shall be not less than thirty (30) feet.



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13A-9.06 - MAXIMUM LOT COVERAGE

None specified.

13A-9.08 - PARKING

All uses shall conform to the general provisions and exceptions concerning off-street parking and loading area standards, as required by [13A-12.02 - OFF-STREET PARKING AND LOADING FACILITIES](#) of this resolution.

13A-9.09 - PERFORMANCE STANDARDS

All uses shall conform to the general provisions concerning performance standards as required by [13A-12.04 - PERFORMANCE STANDARDS](#) of this resolution.

13A-9.10 - OTHER REQUIRED CONDITIONS

- a. All sites having a common boundary line with a residential classified property shall provide a fence or have planted and maintained a complete view-obscuring coniferous greenbelt of shrubs, trees and/or native vegetation not less than six (6) feet in height, for screening purposes and controlling access.
- b. Required open space: Additional open spaces, both as to amount and location on the premises, may be required in connection with this and other related codes pertaining to such matters as off-street parking, loading areas, convenient and safe circulation of vehicles and pedestrians, and traffic matters such as vision clearance, ingress and egress, lighting and drainage.
- c. In an IL District directly across a street or thoroughfare from a residential district or agricultural district designated for future residential use in the Land Use Plan, the parking and loading facilities shall be at least twenty (20) feet from the street, and the buildings and structures at least fifty (50) feet from the street; provided, however, that this requirement shall not apply when the street or thoroughfare is provided on one (1) or both sides with a service road.
- d. Exterior storage of raw or primary materials, waste products and construction materials shall be prohibited in that area of the property between the front of the principal building, or buildings, and the public street on which the principal building, or buildings, fronts. Any such exterior storage elsewhere on the property shall be screened by fencing or landscaping treatment in such manner that it shall not be visible from any public street; the adequacy and appropriateness of such screening shall be determined by the Planning Commission.



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ARTICLE 13A-10 IH HEAVY INDUSTRIAL DISTRICT

13A-10.01 - DESCRIPTION AND PURPOSE

The IH Heavy Industrial District is intended to create, preserve, and enhance an area containing manufacturing or related establishments which are potentially incompatible with most other establishments, and are typically appropriate to areas which are most distant from residential areas and which have extensive shipping facilities.

13A-10.02 - PERMITTED BUILDINGS AND USES

The listing of permitted uses is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

If any permitted building or use would be hazardous, obnoxious, offensive, or unsightly by reason of emission of odor, sound vibration, radio-activity, electrical interference, glare, liquid or solid waste, smoke or other air pollutants, said building or use shall be treated as a conditional use.

13A-10.03 - BUILDINGS AND USES PERMITTED CONDITIONALLY

The listing of uses permitted conditionally is set out in [PART "C" – PERMITTED AND CONDITIONAL USES](#) of the regulations. All conditional uses are subject to the provisions of this Article, [ARTICLE 13A-12 GENERAL PROVISIONS](#), and [ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION](#).

Natural mineral resources, development of, together with the necessary buildings, apparatus, including but not limited to rock, sand, gravel and mineral dredging, processing and stockpiling, top soil removal, and all other types of mineral recovery, excluding smelters, are permitted as a conditional use.

13A-10.04 - BUILDING HEIGHT REGULATIONS

None specified subject to [13A-10.05 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS](#).

13A-10.05 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS

The following minimum requirements shall be observed except where increased for conditional uses:

- a. Lot area: none specified.
- b. Lot width: none specified.
- c. Front yard: ten (10) feet. When building height exceeds thirty-five (35) feet the setback is increased to ten (10) feet plus two (2) feet for each one (1) foot of building height over thirty-five (35) feet.
- d. Rear and side yard: all lots or development sites in the IH District shall have no rear and side yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When side or rear property lines of said district are common with property zoned residentially, rear and side yards of not less than thirty (30) feet shall be required opposite the residential district.

13A-10.06 - MAXIMUM LOT COVERAGE

None specified.



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13A-10.08 - PARKING

All uses shall conform to the general provisions concerning use performance standards as required by [13A-12.04 - PERFORMANCE STANDARDS](#) of this resolution.

13A-10.09 - PERFORMANCE STANDARDS

All uses shall conform to the general provisions concerning performance standards as required by [13A-12.04 - PERFORMANCE STANDARDS](#) of this resolution.

13A-10.10 - OTHER REQUIRED CONDITIONS

- a. All sites having a common boundary line with a residentially classified property shall have planted and maintained a complete view-obscuring coniferous greenbelt of shrubs, trees, and native vegetation not less than six (6) feet in height for screening purposes and controlling access.
- b. Required open space: Additional open spaces, both as to amount and location on the premises, may be required in connection with this and other related codes pertaining to such matters as off-street parking, loading areas, convenient and safe circulation of vehicles and pedestrians, and traffic matters such as vision clearance, ingress and egress, lighting and drainage.
- c. In any IH District directly across a street or thoroughfare from a residential district or agricultural district designated for future residential use in the Land Use Plan the parking and loading facilities shall be at least twenty (20) feet from the street, and the buildings and structures at least fifty (50) feet from the street; provided, however, that this requirement shall not apply when the street or thoroughfare is provided on one (1) or both sides with a service road.



ARTICLE 13A-11 FLOODWAY (FW) AND FLOODWAY FRINGE (FF) OVERLAY DISTRICTS

13A-11.01 - STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

13A-11.01.01 STATUTORY AUTHORIZATION

a. APPROVAL OF DRAFT ORDINANCE BY KANSAS CHIEF ENGINEER PRIOR TO ADOPTION

The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on February 12, 2018.

b. KANSAS STATUTORY AUTHORIZATION

The Legislature of the State of Kansas has in K.S.A. 12-741 et seq, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of County Commissioners of Saline County, Kansas ordains as follows:

13A-11.01.02 FINDINGS OF FACT

a. FLOOD LOSSES RESULTING FROM PERIODIC INUNDATION

The special flood hazard areas of Saline County, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

b. GENERAL CAUSES OF THE FLOOD LOSSES

These flood losses are caused by:

1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

c. METHODS USED TO ANALYZE FLOOD HAZARDS

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

1. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials.
2. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.



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3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no development is permitted that would cause **any** increase in flood height.
5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

13A-11.01.03 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in [13A-11.01.02 FINDINGS OF FACT](#); to establish or maintain the community’s eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

- a. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- b. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- c. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

13A-11.02 - GENERAL PROVISIONS

13A-11.02.01 LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of Saline County, Kansas, identified as numbered and unnumbered A Zones, AE, AO and AH Zones on the Flood Insurance Rate Map (FIRM) panels referenced on the associated FIRM Index dated April 18th, 2018. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Saline County Board of County Commissioners or its duly designated representative under such safeguards and restrictions as the Board of County Commissioners or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community.

The boundaries of the Flood Insurance Rate Map and its designated zones are determined visually. If an exact location of the boundary is need, a licensed surveyor will provide a survey of the property showing the location of the flood zone relative to the structure or proposed building.

13A-11.02.02 COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

13A-11.02.03 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by



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debris. This resolution does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This resolution shall not create a liability on the part of Saline County, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made there under.

13A-11.02.04 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article will prevail. All other resolutions inconsistent with this article are hereby repealed to the extent of the inconsistency only.

13A-11.03 - ADMINISTRATION

13A-11.03.01 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The zoning administrator is hereby appointed to administer and implement the provisions of this ordinance.

13A-11.03.02 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

- a. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
- b. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- c. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- d. Issue floodplain development permits for all approved applications;
- e. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- f. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
- g. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- h. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
- i. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator will require certification from a registered professional engineer or architect.

13A-11.03.03 FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit will be required for all proposed construction or other development, including the placement of manufactured homes. No person, firm, corporation, or unit of government will initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.



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No permit for floodplain development will be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any flood zone, unless the conditions of this code are satisfied.

13A-11.03.04 APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant will first file an application in writing on a form furnished for that purpose. Every floodplain development permit application will:

- a. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- b. Identify and describe the work to be covered by the floodplain development permit;
- c. Indicate the use or occupancy for which the proposed work is intended;
- d. Indicate the assessed value of the structure and the fair market value of the improvement, if required by the floodplain administrator;
- e. Specify whether development is located in designated flood fringe or floodway;
- f. Identify the existing base flood elevation and the elevation of the proposed development;
- g. Give such other information as reasonably may be required by the floodplain administrator;
- h. Be accompanied by plans and specifications for proposed construction; and
- i. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- j. Provide a fee as directed by the Board of County Commissioners through a resolution.

13A-11.04 - GENERAL PROVISIONS FOR ALL FLOOD ZONES (A, AE, AH, AO)

13A-11.04.01 GENERAL STANDARDS

- a. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.
- b. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance or 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
- c. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- d. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments will require:
 1. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Construction with materials resistant to flood damage;
 3. Utilization of methods and practices that minimize flood damages;



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4. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
5. New or replacement water supply systems and/or sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination. New septic tanks and lagoons will not be located within any flood zone. Replacement systems will be installed according to the best practices available.
6. No construction will be permitted within fifty (50) feet of the centerline of any watercourse, river, creek, stream, or tributary within any floodplain as indicated by the Saline County river centerline map.

13A-11.04.02 RESIDENTIAL CONSTRUCTION

New construction or substantial-improvement of any residential structures, including manufactured homes, will have the lowest floor, including basement (unless previously approved for a basement exemption), mechanical and HVAC equipment servicing the building elevated a minimum of two (2) feet above base flood elevation. The elevation of the lowest floor will be certified by an elevation certificate sealed by a licensed land surveyor or professional engineer.

a. RESIDENTIAL BASEMENT EXEMPTION

Basements are permitted in numbered A, AE and AH zones except in areas of a floodway under the following conditions:

1. The basement is being altered or reconstructed (no new basements are permitted);
2. Flood depths are three (3) feet or less;
3. Flood velocities are five (5) feet per second or less; and
4. Flood warning times are twelve (12) hours or greater.

b. BASEMENT CONSTRUCTION CRITERIA

1. All basements will be designed so that any basement area, together with attendant utilities and sanitary facilities below the flood proofed design level, is watertight with walls that are impermeable to the passage of water without human intervention;
2. Basement walls will be built with the capability to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding and will be designed so minimal structural damage will occur if forces on the basement exceed design loads;
3. The bottom of the lowest exterior basement openings, such as doors and windows, must be placed at least two (2) feet above the one-percent change base flood elevation;
4. The basement floor will not be lower than five (5) feet below the flood proofed design elevation. The flood proofed design elevation is two (2) feet higher than the one-percent chance base flood elevation;
5. The land around the entire foundation must be filled at least to the one-percent change base flood elevation;
6. Basements constructed in accordance with this regulation will not be used for sleeping purposes;
7. A registered professional engineer or architect will certify that the flood proofing measures used in the structure satisfy the standards of this section. This certification will include the specific elevation (in relation to mean sea level) to which the structure is flood proofed; and
8. Saline County will certify that the structure has been built in accordance with this design.



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13A-11.04.03 NONRESIDENTIAL CONSTRUCTION

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, will have the lowest floor, including basement, mechanical and HVAC equipment servicing the building elevated a minimum of two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect will verify that the standards of this subsection are satisfied. The elevation of the lowest floor will be certified by an elevation certificate sealed by a licensed land surveyor or professional engineer.

13A-11.04.04 ENCLOSURES BELOW LOWEST FLOOR

All new construction and substantial-improvements, which fully enclose areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding will be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding will be provided;
- b. The bottom of all opening will be no higher than one (1) foot above grade.
- c. The openings will be provided on a minimum of two walls;
- d. Where internal walls create an enclosure or room openings must be provided for each room; and
- e. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters. Only the open area of coverings will be calculated in the required opening.

13A-11.04.05 ACCESSORY STRUCTURES

Accessory structures may be built at grade in all zoning districts provided:

a. **LIMITATION ON STRUCTURES**

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, and of limited investment value may be constructed at-grade and wet-floodproofed provided:

- 1. There is no human habitation or occupancy of the structure;
- 2. There is no permanent retail, wholesale, manufacturing, or home occupation use included in the structure;
- 3. It is not larger than 400 square feet;
- 4. The structure is of single-wall design;
- 5. No disaster relief assistance under any program administered by any Federal agency will be paid for any repair or restoration costs of the accessory structure;

b. **CONSTRUCTION STANDARDS**



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1. Equipment, machinery, or other contents must be protected from flood damage;
2. Wet floodproofing construction techniques must be reviewed and approved by Saline County. Saline County may require a licensed engineer prior to issuing any floodplain permit at the property owner's expense.
3. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be located one (1) foot above the base flood elevation (BFE) or contained within a floodproofed enclosure designed to prevent water from entering or accumulating within the components during conditions of flooding; Saline County may require a licensed surveyor or engineer to verify the elevations.
4. Must meet the general construction requirements of [13A-11.04.01 GENERAL STANDARDS](#);
5. Must meet the enclosures below lowest floor requirements of [13A-11.04.04 ENCLOSURES BELOW LOWEST FLOOR](#);
6. The structures must comply with the provisions of the Floodway (FW) zone, if applicable.

13A-11.04.06 AGRICULTURAL STRUCTURES

a. LIMITATION ON STRUCTURES

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock may be constructed at-grade and wet-flood proofed provided:

1. There is no human habitation or occupancy of the structure;
2. There is no permanent retail, wholesale, manufacturing, or home occupation use included in the structure;
3. The structure is of single-wall design;
4. No disaster relief assistance under any program administered by any Federal agency will be paid for any repair or restoration costs of the accessory structure;

b. CONSTRUCTION STANDARDS

Any permit granted for an agricultural or accessory structure will be decided individually based on a case by case analysis of the building's unique circumstances.

1. Equipment, machinery, or other contents must be protected from flood damage;
2. Wet floodproofing construction techniques must be reviewed and approved by Saline County. Saline County may require a licensed engineer prior to issuing any floodplain permit at the property owner's expense.
3. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be located one (1) foot above the base flood elevation (BFE) or contained within a floodproofed enclosure designed to prevent water from entering or accumulating within the components during conditions of flooding; Saline County may require a licensed surveyor or engineer to verify the elevations.
4. Must meet the general construction requirements of [13A-11.04.01 GENERAL STANDARDS](#);
5. Must meet the enclosures below lowest floor requirements of [13A-11.04.04 ENCLOSURES BELOW LOWEST FLOOR](#);
6. The structures must comply with the provisions of the Floodway (FW) zone, if applicable.



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13A-11-04.07 MANUFACTURED HOMES

All manufactured homes to be placed within all zones, on the community's FIRM will be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

The following standards are required for all manufactured homes whether the development is an individual home on a lot, part of a new manufactured home subdivision or park, or a replacement of an existing manufactured home:

- a. The lowest floor of the manufactured home, mechanical and HVAC equipment servicing the building is a minimum of two (2) feet above the base flood level; or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This option only allowed in an existing manufactured home park.
- c. The elevation of the lowest floor will be certified by an elevation certificate sealed by a licensed land surveyor or professional engineer.

13A-11.04.08 RECREATIONAL VEHICLES

Vehicles placed on sites within all zones on the community's FIRM will be allowed when:

- a. It is located on the property for fewer than 180 consecutive days, or
- b. The vehicle is fully licensed and ready for highway use*, or
- c. The vehicle meets the permitting, elevation, and anchoring requirements for manufactured homes.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions or skirting.

13A-11.04.09 CRITICAL FACILITIES

- a. All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the .2 percent annual chance flood event, also referred to as the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall verify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in [13A-11.03.02 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR \(G, H, & I\)](#).
- b. All critical facilities shall have access routes that are above the elevation of the 500-year flood.
- c. No critical facilities shall be constructed in any designated floodway.



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13A-11.04.10 STORAGE OF MATERIAL, EQUIPMENT AND HAZARDOUS MATERIALS

- a. Storage of other material or equipment may be allowed if not subject to major damage by floods, firmly anchored to prevent flotation, or readily removable from the area within the time available after a flood warning.
- b. All hazardous material storage and handling sites will be located out of the special flood hazard area.

13A-11.04.11 SUBDIVISION AND LOT SPLIT APPLICATIONS

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

- a. All proposals are consistent with the need to minimize flood damage;
- b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
- c. Adequate drainage is provided to reduce exposure to flood hazards;
- d. Lot sizes will be restricted to five (5) acres minimum lot size where the proposed lot contains more than 25 percent of land within the FF or FW zones; and
- e. All proposals for development, including proposals for manufactured home parks and subdivisions, of greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

13A-11.05 - OVERRIDING PROVISIONS FOR UNNUMBERED A ZONES

All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance or 100-year flood; however, the base flood elevation may not be provided. Development within unnumbered A zones is subject to all provisions of this resolution. If Flood Insurance Study data is not available, the community will obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

13A-11.06 - OVERRIDING PROVISIONS FOR AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

Located within the areas of special flood hazard are areas designated as AO or AH zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

13A-11.06.01 AO ZONES

- a. All new construction and substantial-improvements of residential structures, including manufactured homes, will have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, will have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or together with attendant utilities and sanitary facilities be



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completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- c. Adequate drainage paths will be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

13A-11.06.02 AH ZONES

Adequate drainage paths will be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

13A-11.07 - OVERRIDING PROVISIONS FOR DESIGNATED AND UNDESIGNATED FLOODWAYS (FW DISTRICT)

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

- a. The community will select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
- b. The community will prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge. Construction and substantial-improvements will comply with all applicable flood hazard reduction provisions.
- c. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 CFR 65.12, and receives the approval of FEMA.
- d. In unnumbered A zones, the community will obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
- e. Fill material is prohibited in floodways.

(Res. No. 1254-47, 2-27-18)



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ARTICLE 13A-12 GENERAL PROVISIONS

13A-12.01 - DESCRIPTION AND PURPOSE

The provisions of this Article are of general application for the various buildings and uses to one (1) or more of the designated districts. It is the intent of this Article to provide for the health, safety and welfare of the citizenry.

13A-12.02 - OFF-STREET PARKING AND LOADING FACILITIES

13A-12.02.01 GENERAL REQUIREMENTS

- a. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution.
- b. The provisions of this resolution, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this resolution.
- c. Whenever a building or structure existing prior to the effective date of this resolution is enlarged in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and therefore comply with the full parking requirements set forth herein.
- d. All required parking must be under the same ownership as the development site served, except through special covenant agreements as approved by the Saline County Counselor, which binds the parking in the development site.
- e. Plans and approval required: Plans showing the layout and design of all required off-street parking and loading areas shall be submitted and approved by the Zoning Administrator prior to approval of a Zoning Certificate Form.

13A-12.02.02 STANDARDS

a. LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas:

- 1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
- 2. Parking spaces for commercial, industrial or institutional uses shall be located not more than five hundred (500) feet from the principal use; and
- 3. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

b. LOADING SPACE REQUIREMENTS AND DIMENSIONS

Off-street loading spaces for commercial uses shall be provided.

- 1. Location of required loading facilities. The off-street loading facilities required for the uses mentioned shall not project into the public right-of-way or setback area. In no case shall the required off-street loading berths be part of the area used to satisfy the off-street parking requirements.



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2. Design and location of entrances and exits for required off-street loading areas shall be subject to review of the Administrator.

c. SURFACING

The required number of parking and loading spaces as set forth in [13A-12.02.04 PARKING SPACE REQUIREMENTS.](#), Parking space requirements, together with driveways, aisles and other circulation areas, shall be graded, paved, hard surface or gravel.

d. DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

e. LIGHTING

Any lights used to illuminate parking lots shall be so arranged as to reflect the light away from the adjoining property.

f. ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.

g. SCREENING AND/OR LANDSCAPING

Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet high and shall be maintained in good condition.

h. WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

i. MINIMUM DISTANCE AND SETBACKS

No part of any commercial parking area shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot unless separated by an acceptable designed screen. If on the same lot with a one (1) family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

j. JOINT USE



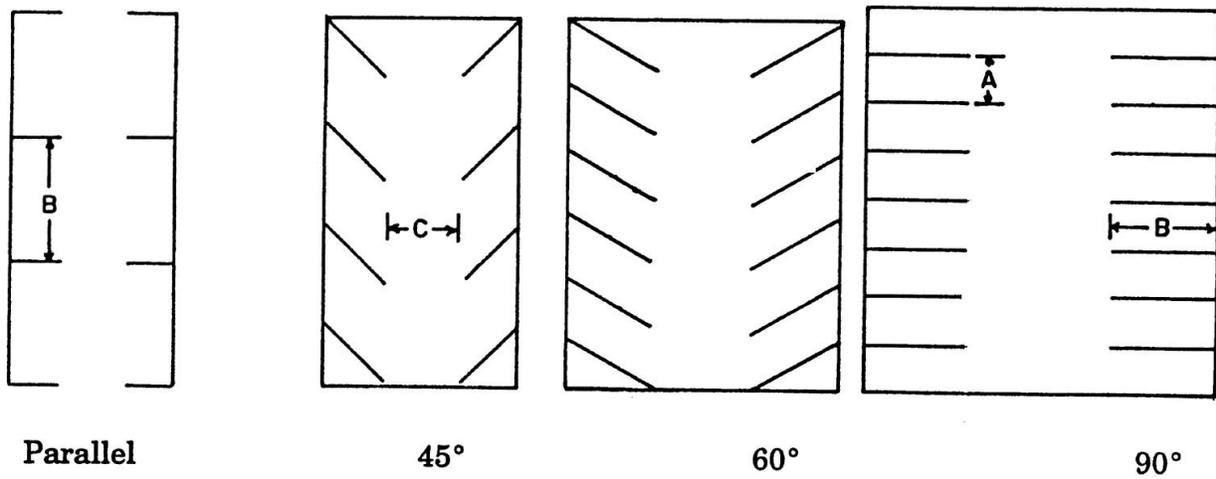
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Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that, a written agreement approved by the Saline County Attorney shall be filed with the application for Zoning Permit.

k. HANDICAP PARKING

Handicap parking shall be in accordance with the provisions of the Uniform Building Code.

13A-12.02.03 OFF-STREET PARKING DESIGN AND DIMENSIONAL TABLES.



OFF-STREET PARKING DESIGN

		45° (feet)	60° (feet)	90° (feet)	Parallel (feet)
A.	Width of Parking Spaces	13	10	9	9
B.	Length of Parking Space	15	18	19	23
C.	Width of Driveway Aisle	13	17	25	12



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13A-12.02.04 PARKING SPACE REQUIREMENTS.

For the purpose of this resolution the following parking space requirements shall apply:

Type of Use	Parking Spaces Required
Residential	
1. Single family or two (2) family dwelling	Two (2) for each unit.
2. Apartments, or multi-family dwelling	One and one-half (1½) for each unit.
3. Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms	One (1) for each sleeping room or one (1) for each permanent occupant.
4. Mobile home parks	One (1) parking space per each mobile home plus one (1) additional space for each two (2) mobile homes.
Commercial	
1. Automobile service garages which also provide repair	One (1) for each two (2) gasoline pumps and two (2) for each service bay.
2. Hotels, motels	One (1) per each sleeping room plus one (1) space for each two (2) employees.
3. Funeral homes	One (1) parking space for each four (4) seats based upon the designed maximum capacity of the parlor, plus one (1) additional parking space for each employee and each vehicle maintained on the premises.
4. Automobile, truck trailer and mobile home sales and rental lots	One (1) parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one (1) space for each employee.
5. Automobile wrecking yard	One (1) parking space for each employee plus one (1) parking space for each 10,000 square feet of storage area.
6. Banks, post office and business and professional office	One (1) parking space for each 300 square feet of gross floor area.
7. Bowling alleys	Five (5) parking spaces for each lane.



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8. Car and truck washes	Three (3) holding spaces for each car or truck washing stall plus, two (2) drying spaces for each washing stall.
9. Furniture and appliance stores, household equipment or furniture repair shop	One (1) parking space for each 400 square feet of floor area.
10. Medical and dental clinics or offices	One (1) parking space for each 100 square feet of floor area.
11. Service stations and repair garages	One (1) parking space for each employee plus two (2) parking spaces for each service bay.
12. Indoor, outdoor swimming pools, public or community clubs	One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each 30 sq. feet of floor area used for seating purposes whichever is greater.
13. Warehouse, storage and wholesale establishments	One (1) parking space for each two (2) employees based upon the largest working shift in any 24 hour period.
14. All other business and commercial establishments not specified above	One (1) parking space for each 300 square feet of floor area.

Recreational or entertainment [and office]

1. Dining rooms, restaurants, taverns, night clubs, lounges, etc.	One (1) for each two hundred (200) sq. feet of floor area; or one (1) for each twenty-five (25) seats based upon the seating capacity. Drive-in restaurants shall have a minimum of ten (10) parking spaces.
2. Dance floors, skating rinks	One (1) for each one hundred (100) sq. feet of floor area used for the activity.
3. Outdoor swimming pools, public or community or club	One (1) for each five (5) person capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) sq. feet floor area used for seating purposes whichever [is] greater.
4. Auditoriums, sports arenas, theaters and similar uses	One (1) for each four (4) seats.
5. Retail stores	One (1) for each two hundred and fifty (250) sq. feet floor area.
6. Banks, financial institutions and similar uses	One (1) for each two hundred (200) sq. feet of floor area.
7. Offices, public or professional administration or service building	One (1) for each four hundred (400) sq. feet of floor area.



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8. Private clubs, lodges and union headquarters	One (1) for each three (3) seats based on maximum seating capacity.
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Institutional

1. Churches and other places of religious assembly	One (1) for each five (5) seats.
2. Hospitals	One (1) for each bed.
3. Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar uses	One for each two (2) beds.
4. Medical and dental clinics	One (1) for every two hundred (200) sq. feet of floor area of examination, treating room, offices and waiting room.
5. Libraries, museums and art galleries	One (1) for each four hundred (400) sq. feet of floor area.
6. Nursery schools and day care centers, public or private	One (1) parking space for each employee.

Schools (public, parochial and/or private)

1. Elementary and junior high schools	Two (2) for each classroom and one (1) for every eight (8) seats in auditoriums or assembly halls.
2. High schools	One (1) for every ten (10) students and one (1) for each teacher and employee.
3. Business, technical and trade schools	One (1) for each two (2) students.
4. Colleges, universities	One (1) for each four (4) students.
5. Kindergartens, child care centers, nursery schools and similar uses	Two (2) for each classroom but not less than six (6) for the building.

Manufacturing

1. All types of manufacturing, storage and wholesale uses permitted in any manufacturing district	One (1) for every two (2) employees (on the largest shift for which building is designed) plus one (1) for each motor vehicle used in business.
2. Express, parcel delivery and freight terminal	One (1) for every two (2) employees (on the largest shift for which building is designed) and one (1) for each motor vehicle maintained on the premises.



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13A-12.03 - HEIGHT, YARD AND AREA REGULATIONS

13A-12.03.01 BUILDING HEIGHT EXCEPTION

Roof structures for housing of passenger elevators, stairways, tank, ventilating, fans and similar equipment required to operate and maintain the building, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, T.V. antennas, steeples and similar structures may be erected above the height limits prescribed in each of the use districts, provided that no roof structures, feature or any device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space.

13A-12.03.02 FENCES AND WALLS

- a. Fences providing a maximum of six (6) feet sight obstruction from adjacent properties may be built on the side and rear property lines, and across the front of the property in line with the front of the building, but not closer to the street right-of-way than the requirements for vision apply.
 1. Required vision clearance:
 2. 20 feet from corner lots.
 3. 7½ feet for lots at alley intersections, in all districts where front yards are required.
- b. Green belt or sight obscuring constructions, where required by provisions in this resolution, shall be of dense coniferous plantings or climbing varieties of non-deciduous vines on permanently installed fencing of such design and material that retains its attractiveness with normal maintenance. Fences which deprive adjacent properties of a natural view of a landscape which is a contributing factor in the value of the land, are prohibited.
- c. In any commercial or industrial district, fences or walls not to exceed eight (8) feet in height may be located or maintained in any yard except where the requirements of vision clearance apply.

13A-12.03.03 LOT AREA EXCEPTIONS

The following shall be exceptions to the required lot areas:

Original lots or parcels with less than the area required by each use district or by an imposed subdistrict, which existed prior to or to the date of the adoption of this resolution.

13A-12.03.04 PRINCIPAL BUILDINGS AND USES AND ACCESSORY BUILDINGS

- a. Hereinafter, any building which is the only building on a lot is a principal building.
- b. There shall be only one (1) principal use/building per lot, tract or development site, provided that home occupations shall be allowed where permitted.
- c. In any residential district there shall be no more than three (3) accessory buildings on any lot or parcel.
- d. No structure or building shall be constructed within an existing easement unless written approval is granted by all utility companies and parties with authority to use said easement.

13A-12.03.05 ADMINISTRATIVE SETBACK VARIANCES

The Zoning Administrator may grant up to a 10% variance from any setback requirement specified in these regulations. Request for the 10% variance must be submitted in writing to the Zoning Administrator. The Administrator must state in writing the reasons for granting the request. These reasons must come from [13A-13.05.04 STANDARDS](#) of these regulations.



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13A-12.04 - PERFORMANCE STANDARDS

Any dissemination incident to a permitted use shall comply with the standards established in this section.

- a. Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. All welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the boundaries of the property.
- b. In terms of fire and safety hazards, the storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the rules and regulations falling under the jurisdiction of the Fire District, the laws of the state and other local regulations.
- c. Provisions must be made for necessary shielding or other preventative measures against interferences occasioned by mechanical, electrical, electronic and nuclear equipment, uses or processes with electrical apparatus in nearby buildings or land uses.
- d. The emission of obnoxious odors of any kind shall not be permitted nor the emission of any toxic or corrosive fumes or gasses. Dust created by an industrial operation shall not be exhausted or wasted into the air.

13A-12.05 - HOME & RURAL OCCUPATIONS

13A-12.05.01 STATEMENT OF PURPOSE

The Home & Rural Occupation provision is included in recognition of the needs of many people who are engaged in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters for them, or which, in the nature of the home occupation, cannot be expanded to full-scale enterprises.

It is the intent of this resolution that full-scale commercial or professional operations, which would ordinarily be conducted in commercial or industrial districts, continue to be conducted in such districts and not at home.

13A-12.05.02 REGISTRATION REQUIRED

Home & rural occupations must register with Saline County in order to take advantage of additional commercial signage which may be allowed under [13A-12.15 - SIGNS](#). No fee is charged for registration of home & rural occupations.

13A-12.05.03 USE NOT PERMITTED AS HOME OR RURAL OCCUPATIONS

The following uses, because of their potential to create a nuisance to surrounding properties or disturb the residential or rural character of a neighborhood, are not permitted as home occupations:

- a. Adults uses
- b. Alcohol sales (wholesale or individual sales in a bar or tavern)
- c. Kennels
- d. Shooting ranges
- e. Bed & breakfasts

13A-12.05.04 HOME OCCUPATION STANDARDS

- a. INTENT



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The home occupation category is intended to allow the resident of a home or their family to conduct a small scale commercial business within the confines of the home or an accessory building that will cause no impact to the surrounding community.

b. HOME OCCUPATION STANDARDS

A business may be considered a home occupation if it meets the following standards:

1. The home occupation is conducted by a resident of the property.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than residential use except allowed advertising signs.
3. There is no outside storage of materials.
4. No more than ten (10) children are allowed with a KDHE day care license.
5. There are no outside paid employees.
6. The building or accessory buildings retain the characteristics of a residential use.
7. No more than 25% of the home may be used as a home occupation.
8. Accessory buildings used as part of the home occupation may not have more square footage than the house.
9. The use does not negatively impact the residential character of the neighborhood.

13A-12.05.05 RURAL OCCUPATION STANDARDS

a. INTENT

The rural occupation category is intended to allow the resident of a home or their family to conduct a small scale commercial business on a rural property with adequate screening to reduce any potential impact to the surrounding community.

b. RURAL OCCUPATION STANDARDS

A business may be considered a rural occupation if it meets the following standards:

1. The home occupation is conducted by a resident of the property.
2. Outside storage of materials is screened from view of any public road or home on an adjacent property.
3. No more than ten (10) children are allowed with a KDHE day care license.
4. There are no more than five (5) full time outside paid employees.
5. The building or accessory buildings retain the characteristics of a rural use.
6. No more than 25% of the property or two (2) acres, whichever is smaller, may be used as a home occupation.
7. The use does not negatively impact the residential character of the neighborhood.
8. The median size of all properties within 1,000 feet is greater than three (3) acres.
9. The property is agriculturally zoned.

13A-12.05.06 COMPLAINTS AGAINST A HOME OR RURAL OCCUPATION

Complaints against an existing home or rural occupation will require a special use permit to be issued by the Planning Commission in accordance with [13A-12.05.08 SPECIAL USE PERMITS FOR HOME OCCUPATIONS](#).



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13A-12.05.07 APPEALS OF ADMINISTRATIVE DECISIONS

Any home or rural occupation may appeal the administrative decision of the Zoning Administrator by filing for a special use permit in accordance with [13A-12.05.08 SPECIAL USE PERMITS FOR HOME OCCUPATIONS](#).

13A-12.05.08 SPECIAL USE PERMITS FOR HOME OCCUPATIONS

a. INTENT

In situations where an administrative ruling cannot be made regarding home occupations the Planning and Zoning Commission may hold a public hearing, following the procedures laid out under [13A-13.06 - CONDITIONAL USE PROCEDURE](#), to determine if a home or rural occupation will meet the intentions of this code by:

1. Not generating excessive traffic or otherwise creating a hazard to nearby streets, roads, or driveways
2. Limiting the size and/or amount of vehicles so they will not become a nuisance to the nearby community
3. Not generating noise, smoke, fumes, odors, or other nuisances in excess of those created by a typical home or rural property
4. Not creating any other offensive activities that are not in harmony with the character of the neighborhood

b. APPEALS OF THE PLANNING COMMISSION DECISION

An appeal to the Planning Commission’s decision may be made within fifteen (15) days from the action following [13A-13.04 - BOARD OF ZONING APPEALS](#). Appeals will be heard by the Board of Appeals and may be made by the applicant or a property owner within 1,500 feet of the subject property.

(Res. No 1254-43, 06-06-17)

13A-12.06 - PLANNED UNIT DEVELOPMENT

13A-12.06.01 INTENT AND PURPOSES OF DISTRICT

It shall be the policy to guide a major development of land construction by encouraging Planned Unit Developments (PUD) to achieve the following.

- a. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction of lot dimensions, yards, building setbacks and area requirements;
- b. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services;
- c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- d. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets and;
- e. A development pattern in harmony with land use density, transportation, and community facilities objectives of the Comprehensive Plan.



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13A-12.06.02 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

Whenever there is a conflict or difference between the provisions of the Article and those of other Articles of this Resolution, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the provisions found elsewhere in this Resolution and the subdivision regulations.

13A-12.06.03 QUALIFIED PARCELS

a. MINIMUM SIZE.

PUD's for the following principal uses shall contain an area of not less than:

PUD MINIMUM ACREAGE BY USE			
RESIDENTIAL	Commercial	Industrial	Mixed
5 ACRES	None	None	10 acres

b. OWNERSHIP

Planned Unit Development zoning, development plan, and final plat applications may be filed by a property owner or a person having existing interest in the property to be included in the PUD. The PUD application shall be filed in the name or names of the recorded owner or owners of the property included in the development. However, the application may be filed by a holder(s) of an equitable interest in such property. Before final plat approval is granted, the entire project shall be under single ownership or control and legal title must be presented with the final plat.

13A-12.06.04 USES PERMITTED

Allowed uses in a Planned Unit Development must be enumerated in the zoning resolution establishing the PUD. The Planning and Zoning Commission may recommend to the Board of County Commissioners a list of allowable uses and may exclude or include uses under the following provisions.

a. EXCLUSION.

When considering a PUD with base zoning of NB, BC, IL, or IH, the Planning and Zoning Commission may approve any use allowed within the standard zoning district requested as part of the PUD. However, the commission may exclude any use or category of use allowed under the standard zoning district provided findings are made to support such exclusion. Findings must relate to at least one (1) of the following reasons:

1. The excluded use individually or in tandem with other proposed uses in the PUD would create a demand for water, sewer, and fire protection, which cannot be adequately provided;
2. The operating and physical attributes of the excluded use would be incompatible with neighboring uses and those proposed in the PUD;
3. The use being excluded would generate an incompatible level of traffic, which would increase congestion, hazards, and the need for unnecessary roadway upgrades; and
4. Allowing the use would not be in accordance with the Saline County Comprehensive Plan.



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b. INCLUSION.

Within PUD's with a base residential zoning (RA, RS(1-2-3), RM), up to ten percent (10%) of the gross land area may be directed to other commercial, public and quasi-public uses that are not allowed within the base zoning district, provided there is a favorable finding by the Planning Commission, based on the following criteria:

1. That the uses are appropriate and compatible with the residential uses;
2. That the uses are intended to serve principally the residents of the PUD;
3. That the uses are planned as an integral part of the PUD;
4. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and
5. That a minimum of fifty percent (50%) of the residential development occur prior to the development of the related commercial land uses.

13A-12.06.05 COMMON OPEN SPACE

A minimum of ten percent (10%) of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The required common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Home Owners Association and retained as common open space for parks, recreation and related uses. Public utility and similar easements and right-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purposes and approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer and approved as part of the Final Plat.

13A-12.06.06 PROCEDURE

a. ZONING

1. *Application.* Development under the PUD provisions requires that an application for rezoning be completed in accordance with [13A-14.03 - CONTENTS OF APPLICATION](#). The application must indicate the requested base zoning district and that planned unit development status is sought.

In addition to the standard zoning application, the required "conceptual illustration" must be accompanied with a requested list of uses and the applicant's justification for said list of uses. Only those uses allowed in the base zoning district requested will be eligible for consideration for PUDs with commercial or industrial base zoning. Applications for residential PUDs must indicate the proposed dwelling density per acre and total acres to be preserved in common open space. The location of specific uses or list of uses must be clearly indicated on the conceptual illustration.

2. *Notification and Hearing.* The notification and hearing requirements for PUD zoning requests shall follow the standards established in [13A-14.04 - PUBLIC HEARING](#) of this resolution.
3. *Planning and Zoning Commission Action.* The Planning and Zoning Commission will make a recommendation on the zoning amendment to the Board of County Commissioners. Recommendations



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may be to approve or deny with specific findings for such recommendation. Specific findings must include statements concerning the following review criteria:

- a. That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under the standards of the base zoning district;
- b. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network external to the PUD development;
- c. That any proposed commercial and/or industrial development can be justified economically at the locations proposed;
- d. That the additional impact on public goods and services (water, sewer, fire protection, schools, streets) caused by the development will not have a negative impact on the system's ability to serve existing neighboring uses;

The Planning and Zoning Commission must submit a list of recommended uses and supportive findings per [13A-12.06.04 USES PERMITTED](#).

During the public hearing for a standard zoning request, the Planning and Zoning Commission may approve the standard zoning district with a PUD designation, provided the applicant agrees to this amendment in the public meeting.

- 4. *Board of County Commissioners Action.* The Board of County Commissioners, after review of the public record and the Planning and Zoning Commission's recommendation, will take action on the PUD zoning request by resolution. Resolutions for PUD zoning require a provision stipulating the allowable uses as recommended by the Planning and Zoning Commission ratified or amended by the County Commission. The County Commission may:
 - a. Approve the request as recommended by the Planning and Zoning Commission requiring a simple majority;
 - b. Approve the request with amendments to or contrary to the Planning and Zoning Commission's recommendation requiring a unanimous decision;
 - c. Deny the zoning request as recommended by the Planning and Zoning Commission requiring a simple majority;
 - d. Deny the zoning request contrary to the Planning and Zoning Commission recommendation requiring a unanimous decision; and
 - e. Refer the request to the Planning and Zoning Commission for further consideration of specific factors identified by the County Commission requiring a simple majority.
- 5. *Protest Petition.* The recommendation of the Planning and Zoning Commission may be protested by petition as set forth in [13A-14.09 - FILING OF PROTEST](#) of this resolution as governed by KSA 12-757(f).
- 6. *Appeals.* The Board of County Commissioner's decision taken by resolution, either to approve or deny, may be appealed only through action taken in the Saline County District Court.

b. DEVELOPMENT PLAN

- 1. *Application.* Following the adoption of the resolution establishing the PUD zoning, the developer shall submit a development plan for the entire area zoned PUD by the corresponding resolution. Such application for Development Plan approval shall include the following materials:



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- a. A preliminary plat as outlined in the [CHAPTER 13B - SUBDIVISION REGULATION](#), subsection 13B-2.03.04.
- b. A proposed schedule of development, which must include:
 - i. A timeline for the completion of all public/private utilities to be upgraded, constructed, and installed; including all roadways;
 - ii. Date of first offering of development lots, both residential and commercial;
 - iii. Proposed residential saturation prior to commercial development in mixed use PUD's;
 - iv. Initiation of development phases, if development is to occur in such a manner;
- c. A site vegetation inventory denoting what is to be removed, retained, relocated, and/or planted;
- d. A statement concerning the method to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this. The method of establishing maintenance responsibility must allow for legal enforcement by Saline County as a measure to ensure a healthy environment.
- e. A site plan consisting of parking, loading, and landscaping elements for all commercial/industrial lots with:
 - i. A list of proposed groundcover, bushes, and trees;
 - ii. Clearly denoted location of parking and loading areas;
 - iii. A table with a lot by lot breakdown of parking spaces, percent of landscaping, percent buildable area, percent of site covered with impermeable surfaces, dimensions and volume of water retention areas, and other on-site facilities as deemed necessary by the Planning and Zoning Commission.

All materials making up the Development Plan application must be presented and certified to it's acceptable form and completeness by the Planning and Zoning Director before the item is to be placed on any agenda of the Planning and Zoning Commission. The Board of County Commissioners may establish a reasonable fee for Development Plan approval and said fee must be paid at such time as a certified application is requested for hearing.

2. *Notification and Hearing.* The notification and hearing requirements for Development Plan review shall follow the standards established in [CHAPTER 13B - SUBDIVISION REGULATION](#), subsection 13B-2.03.06.
3. *Planning and Zoning Commission Action.* The Planning and Zoning Commission has final approval authority over Development Plans, unless a valid appeal is filed. Action to approve or deny must be taken within 60 days following the initial public hearing on the item, unless the item is tabled with consent by the applicant, in which case all review time limitations are void. To approve the Development Plan all of the below findings must be evident as determined by the Planning and Zoning Commission:
 - a. That the total development and each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained;
 - b. That adequate provisions have been made for the maintenance of all public/private open spaces, recreational facilities, and roads;
 - c. That the development includes drainage structures which are adequate to effectuate a zero percent increase in surface water runoff from the site compared to the amount generated by an undeveloped state;
 - d. That actions as indicated by the Development Plan demonstrate a sufficient effort to retain and enhance the natural assets of the site;



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- e. That proposed on-site parking and loading facilities are adequate to ensure safe convenient parking and circulation patterns;
- f. That the proposed zoning amendment is in accordance with the Comprehensive Plan and/or that the amendment is warranted due to a significant change in the development pattern of the area which is not accounted for in the Comprehensive Plan.

In the event that the Planning Commission finds that not all of the above criteria are met by the application, the development plan may be denied citing the specific criteria not met.

4. *Appeals.* The appeals process for Development Plans shall be the same as that of a Preliminary Plat and is therefore subject to the provisions of [CHAPTER 13B - SUBDIVISION REGULATION](#), subsection 13B-2.03.08.

c. FINAL PLAT

1. *Application.* After approval of zoning and the development plan, and prior to the publishing of the zoning resolution or issuance of a building permit, the developer shall submit an application for final plat approval. Said final plat application may include the entire Planned Unit Development or may be for a unit or section thereof as set forth in the approval of the development plan. The final plat shall conform to the requirements for a final plat in the subdivision regulations. In addition, a statement must be submitted from a certified land abstractor that all development interests in the property are under unified control.
2. *Notice and Hearing.* The notification and hearing requirements for final plat approval of land developed under the PUD provisions shall follow the standards established in [CHAPTER 13B - SUBDIVISION REGULATION](#), subsection 13B-2.04.04.
3. *Planning and Zoning Commission Action.* The Planning and Zoning Commission shall make a determination as to whether the final plat and accompanying documents meet the following criteria.
 - a. The final plat submitted for approval is in substantial compliance with the approved development plan and adheres to all relevant provisions in the subdivision regulations;
 - b. The final plat is in general conformance with and furthers the intentions of the Comprehensive Plan;
 - c. Rights-of-Way indicated on the plat conform to the widths implemented in the Minimum Road Standards Policy; and

Within 60 days of the initial public hearing on the final plat, the Planning and Zoning Commission must take one of the following courses of action:

- a. Recommend approval of the final plat;
 - b. Recommend denial of the final plat;
 - c. Table the final plat with consent of the applicant; or
 - d. Make no recommendation, which refers an automatic approval recommendation.
4. *Board of County Commissioners Action.* The Board of County Commissioners, after review of the public record and the Planning and Zoning Commission's recommendation, will take action on the final plat by resolution. The County Commission may:
 - a. Approve the final plat as recommended by the Planning and Zoning Commission by simple majority;



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- b. Approve the final plat with amendments or contradictory to the Planning and Zoning Commission's recommendation by unanimous vote;
- c. Deny the final plat as recommended by the Planning and Zoning Commission by simple majority;
- d. Deny the final plat contrary to the Planning and Zoning Commission's recommendation requiring a unanimous decision;
- e. Table for a maximum of 30 days to allow for revisions to bring the final plat into compliance with the provisions of the subdivision regulations; or
- f. Refer the final plat to the Planning and Zoning Commission with specific instructions on items to be further considered requiring a simple majority.

The County Commission shall accept or refuse the dedication of land for public purpose within 30 days after the first public hearing at which the Commission considers the final plat.

13A-12.06.07 EXPIRATION, ENFORCEMENT AND MODIFICATION OF PUD PROVISIONS.

a. EXPIRATION.

The proposed construction shall begin within a period of twenty-four (24) months following approval of the application by the Governing Body, and a minimum of fifty percent (50%) of the total planned construction shall be completed within a period of three (3) years following such approval or the approval of the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Planning Commission upon the showing of good cause by the developer.

b. ENFORCEMENT.

To further the mutual interest of the residents and owners of the Planned Unit Development and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

- 1. *Enforcement by the County.* The provisions of the established PUD relating to:
 - a. The land use, bulk, and the location of buildings and structures;
 - b. The quantity and location of common open space; and
 - c. The intensity of use or the density of residential units shall run in favor of the County and shall be enforceable in law or in equity by the County, without limitation on any powers or regulation otherwise granted the County by law.
- 2. *Enforcement by the Residents and Owners.* All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the Planned Unit Development except as to those portions of the plan which have been finally approved and have been recorded.



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3. *Modification of the Plan by the County.* All those provisions of the plan authorized to be enforced by the County under Paragraph 1 of this section may be modified, removed or released by the County (except grants or easements relating to service or equipment of a public utility unless expressly consented to by the public utility) subject to the following conditions:
 - a. No such modification, removal or release of the provisions of the plan by the County shall affect the rights of the residents and owners of the Planned Unit Development to maintain and enforce those provisions, at law or equity, as provided in Paragraph 2 of this section.
 - b. No modification, removal, or release of the provisions of the plan by the County shall be permitted except upon a finding by the Planning Commission, following a public hearing called and held in accordance with the provisions of this section, that the same is consistent with the efficient development and preservation of the entire Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.
4. *Modifications by residents.* Residents and owners of the Planned Unit Development may, to the extent and in the manner expressly authorized by the provision of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the County to enforce the provisions of the plan in accordance with the provisions of Paragraph 1 of this section.

13A-12.06.08 AMENDMENTS

A Planned Unit Development District resolution or an approved development plan may be amended in the same manner prescribed in this article for approval of an initial development plan.

(Amend. No. 1254-15, 12-21-99)

13A-12.07 - PROVISIONS APPLYING TO MISCELLANEOUS USES

The regulations herein set forth in this Section qualify or supplement as the case may be, the regulations within districts stated elsewhere in this resolution.

13A-12.07.01 SWIMMING POOLS

Swimming pools not completely enclosed within a building having solid walls shall be set back at least five (5) feet from the side and rear property lines and, shall be completely surrounded by a fence which is at least six (6) feet in height. All gates shall be equipped with a self-closing and self-latching device. Provided, this fencing requirement shall not apply to swimming pools located in unplatted areas in the AG zoning district. By definition, swimming pools in platted areas shall include filed surveyors plats, drawings or plans for multiple lots, recorded subdivision plats and unincorporated towns.

13A-12.07.02 STORAGE OF JUNK AND DEBRIS NOT PERMITTED IN RESIDENTIAL DISTRICT.

It shall be unlawful to keep or store upon any premises in a residential zoned district for more than fourteen (14) days junk, debris, or any motor vehicle which is inoperable, unlicensed, wrecked, or being dismantled for parts unless said junk, debris, or vehicle is located within an enclosed building, or screened from any public road or residence by an opaque screening fence or existing vegetative barrier.

- a. STORAGE OF JUNK AND DEBRIS IN AGRICULTURAL DISTRICT



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It shall be unlawful to keep and store nonagriculturally related junk and debris, or more than five (5) inoperable, unlicensed, wrecked or being dismantled motor vehicles that do not have farm titles upon any premises in the Agricultural district for more than 14 days, unless said junk, debris, or vehicles are located within an enclosed building, or screened from any public road or residence by an opaque screening fence or existing vegetative barrier.

13A-12.07.03 LOCATION OF GASOLINE PUMPS

Gasoline pumps shall be set back not less than fourteen (14) feet from any street or any Residential District boundary line.

Canopies may be located within the setback but not closer to a street than fourteen (14) feet.

13A-12.07.04 LOCATION OF POLITICAL SIGNS

Political signs not exceeding 16 square feet in area shall be exempt from the sign restrictions of the appropriate zoning district, provided, however, they shall not be located within the public right-of-way or in a manner that causes a visibility problem at an intersection, nor shall they be erected more than twenty-one (21) days prior to an election. Political signs shall be removed within seven (7) days after the election.

13A-12.07.05 FLAMMABLE LIQUID STORAGE

No flammable liquid may be stored unless and until said storage is found to be approved by Fire Districts of Saline County. No flammable liquids shall be stored in above-ground tanks which exceed five hundred fifty (550) gallons capacity, except in the AG, IL and IH zones.

13A-12.07.06 ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS

Public buildings, public utility buildings, public and parochial schools and churches may be erected to any height provided the building is set back from required building setback lines at least three (3) feet for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

13A-12.07.07 ADDITIONAL HEIGHT ALLOWED FOR WINDCHARGERS AND TRANSMISSION TOWERS

Windchargers and transmission towers shall be excepted from the structural height requirements of those zones where such a facility is permitted as a conditional use.

13A-12.07.08 CHURCHES

In approving a permit for churches, the following conditions must be met:

- a. All buildings on the site shall not cover more than thirty-five (35%) percent of the lot area.
- b. Front yards shall comply with requirements of the District in which it is located.
- c. No building shall be closer than ten (10) feet to any property line.
- d. Required side yards may be used to provide off-street parking area. In no case may the required front yard be used for off-street parking.
- e. All lights provided to illuminate any parking area of a building shall be so arranged as to direct the light away from any adjoining premises.
- f. A solid wall or view-obscuring fence or coniferous hedge not less than five (5) feet high shall be installed and maintained on any property line common to or abutting any residentially classified property.



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- g. Dedication and improvement of public streets and conveyances or dedication of public utility easements [shall be] as determined by the County of Saline.

Any parking lot shall meet the standards of [13A-12.02 - OFF-STREET PARKING AND LOADING FACILITIES](#).

(Amend. No. 1, 12-10-91)

13A-12.07.09 ADULT USES (ADULT RETAIL STORE, ADULT ENTERTAINMENT ESTABLISHMENT, ADULT PERSONAL SERVICES)

- a. SEPARATION REQUIREMENTS.

It shall be unlawful to operate or cause to be operated an adult use within one thousand (1000) feet of the following:

1. A church or place of worship.
2. A school.
3. A residential zoning district (RA, RS-1, RS-2, RS-3, RM)
4. An adult use.
5. A child care center.
6. A public park or public building.

And within five hundred (500) feet of the following:

7. A city limits boundary.
8. An arterial road (principal, major, or minor) as designated in the Functional Road Classification Map (Resolution 98-1568).

- b. MEASUREMENT OF SEPARATION.

For purposes of [13A-12.07.09 ADULT USES \(ADULT RETAIL STORE, ADULT ENTERTAINMENT ESTABLISHMENT, ADULT PERSONAL SERVICES\) \(A\)](#), the separation distance is measured as a straight line, without regard to intervening objects or structures, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the adult use to the closest point on property boundaries, city boundaries, or rights-of-way associated with those items listed in [13A-12.07.09 ADULT USES \(ADULT RETAIL STORE, ADULT ENTERTAINMENT ESTABLISHMENT, ADULT PERSONAL SERVICES\) \(A\)](#).

- c. ONE PER STRUCTURE.

It shall be unlawful to operate or cause to be operated more than one (1) adult use in any building, structure, or portion thereof.

- d. OTHER REQUIREMENTS.

In addition to the standards set forth in this [13A-12.07.09 ADULT USES \(ADULT RETAIL STORE, ADULT ENTERTAINMENT ESTABLISHMENT, ADULT PERSONAL SERVICES\)](#), adult uses are obligated to comply with requirements elsewhere in this resolution including but not limited to, zoning restrictions, conditional use permit process, nonconforming use provisions, and subdivision regulations when applicable.



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(Amend. No. 1254-17, 6-20-00; Amend. No. 1254-19, 11-28-00)

Editor's note—Attachment B is a map entitled "Adult Uses—Eligible Areas" which is available for review at the Saline County Planning and Zoning Department, Room 217, 300 W. Ash, Salina, Kansas.

13A-12.08 - PUBLIC AND SEMI-PUBLIC PARKS, PLAYGROUNDS AND SCHOOLS.

a. PURPOSE

The purpose of this provision is:

1. To foster the appropriate location and layout of public parks and playgrounds and recreational areas.
2. To harmonize the various features and facilities of parks and playgrounds with the surrounding areas, so as to produce sound, stable residential neighborhoods.
3. To foster a coordination of public recreational facilities on the part of the County, the School Districts, and other public and semi-public agencies.

b. APPROVALS NECESSARY; PLANS

Before a permit for the construction of a public or semi-public park, playground or school shall be issued, the overall plan of said park, playground or school shall be prepared and submitted to the Planning Commission. The Planning Commission may also act on its own initiative in preparing and approving plans for parks and playgrounds.

An application for approval of a permit shall be accompanied by plans showing the general layout and location of roadways, entrances and exits, walks, paths, and buildings, and structures; the general layout and location of landscaped areas, play areas, play apparatus areas, hard-surfaced areas, off-street parking, drainage, water supply, sewerage and other features of design.

c. STANDARDS AND REQUIREMENTS

1. Trees, shrubs, grass and other forms of landscaping shall be provided in sufficient quantities to insure a park-like appearance.
2. Facilities involving lights shall be so located, and the lights shall be designed and located so that glare and discomfort will not be unreasonably detrimental to surrounding residences.
3. Off-street parking areas and other facilities which attract or are intended to accommodate spectators, shall be screened or located so that the detrimental effects of noise and traffic on any surrounding residential area will be kept to a minimum. Further, no required front yard of the lot on which the building is located shall be used for play or parking purposes.
4. The entire layout and design of the park and playground shall be so arranged as to harmonize with the objectives and characteristics of the zone in which the park and playground are located.
5. Adequate ingress and egress shall be provided for both vehicles and pedestrians which the park, playground, and/or school are intended to serve.
6. All buildings shall maintain a setback of twenty-five (25) feet from every boundary line of any property included in any residential district.

Dedication or conveyance and improvements of public streets or the granting of public utility easements shall be determined by the County of Saline.



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13A-12.09 - AGRICULTURAL BUILDINGS AND USES.

Except for floodplain regulations in areas designated as floodplain, and setback restrictions, the provisions of this resolution shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings are used for agricultural purposes and not otherwise, except that a county building permit shall be required prior to the constructing of a structure or addition and prior to the moving of a structure on to a lot, as per [13A-12.05 - HOME & RURAL OCCUPATIONS](#) of this Code. As stated in said [13A-12.05 - HOME & RURAL OCCUPATIONS](#), the purpose of said building permit is to ensure a thorough and comprehensive review of the proposed construction for compliance with floodplain regulations, zoning regulations (if applicable), driveway entrance procedures, subdivision regulations, private sewerage regulations and groundwater regulations; and to provide to the public information on other related topics, including, but not limited to, road type, road maintenance, Saline County road improvement policy.

(Amend. No. 1, 12-10-91; Res. No. 1254-4, 9-14-93)

13A-12.10 - AIRPORT ZONING

13A-12.10.01 ZONES

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, noninstrument approach zones, transition zones, horizontal zones and conical zones. Such areas and zones are shown on the Salina Regional Airport airspace drawings found in the June 2014 Airport Layout Plans for the Salina Regional Airport which was prepared in compliance with FAA requirements and 14 CFR Federal Aviation Regulation Part 77 and are incorporated by reference as an amendment to the Zoning Map of Saline County. The 2014 Airport Layout Plans for the Salina Regional Airport are on file with the County Clerk and available in electronic form at www.salinaairport.com. The various zones are hereby established and defined as follows:

a. INSTRUMENT APPROACH ZONE

An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

b. VFR APPROACH ZONE

A visual flight rules (VFR) approach zone shall have a width of two hundred fifty (250) feet at a distance of two hundred (200) feet beyond each end of the runway widening thereafter uniformly to a width of one thousand two hundred fifty (1,250) feet at a distance of five thousand two hundred (5,200) feet beyond each end of the runway.

c. TRANSITION ZONES



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Transition zones are hereby established adjacent to each runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the airspace drawing.

The transition zones extend from all runways at a slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the horizontal surface. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of five thousand (5,000) feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.

d. HORIZONTAL SURFACE

The horizontal surface is a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs. The radius of each arc is: (1) five thousand (5,000) feet for all runways designated as visual; and (2) ten thousand (10,000) feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand (5,000) foot arc is encompassed by tangents connecting two adjacent ten thousand (10,000) foot arcs, the five thousand (5,000) foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

e. CONICAL SURFACE.

The conical surface is hereby established as a surface extending outward and upward from the periphery of the horizontal surface at a slope of one (1) foot vertically for each twenty (20) feet horizontal for a distance of four thousand (4,000) feet.

13A-12.10.02 HEIGHT LIMITATIONS

Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this article to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

a. INSTRUMENT APPROACH ZONE

One (1) foot in height of each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the instrument runway and extending a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway;

b. VISUAL APPROACH ZONES

One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the noninstrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway;

c. TRANSITION ZONES



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One (1) foot in height for each seven (7) feet in horizontal distance beginning at any five hundred (500) feet at the elevation of the centerline of the instrument runway, extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical surface a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of five thousand (5,000) feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended;

d. HORIZONTAL SURFACE

One hundred fifty (150) feet above the airport elevation or a height of one thousand four hundred thirty-five (1,435) feet above mean sea level;

e. CONICAL SURFACE

One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal surface, extending three hundred fifty (350) feet above the airport elevation; and

f. EXCEPTED HEIGHT LIMITATIONS

Nothing in this article shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to seventy-five (75) feet above the surface of the land; except when, because of the terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

13A-12.10.03 USE RESTRICTIONS

Notwithstanding any other provisions of this article, no use may be made of land within any zone established by this article in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

13A-12.10.04 NONCONFORMING USES

a. REGULATIONS NOT RETROACTIVE.

The regulations provided by this article shall not be construed to require the removal, lowering or other change or alternation of any structure or tree not conforming to the regulations as of November 20, 1992, as amended, or otherwise interfere with continuance of any nonconforming use, except as provided in subsection 3 of K.S.A. 3-707(3), or any amendments thereto; provided, however, that the county may require upon, thirty (30) days' notice in writing, any person owning and maintaining any nonconforming pole or pole line upon the roads and highways immediately adjoining the airport to remove, lower, change or alter said



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nonconforming pole or pole line upon prior payment by the Salina Airport Authority to said person of the reasonable and necessary expense of removing, lowering, changing or altering the pole or pole line; or in lieu thereof to execute a good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering, changing or altering such pole or pole lines. Reasonable and necessary expense of removing, lowering, changing or altering the pole or pole line shall include, among other items of expense, the actual cost of (i) constructing underground conduits and the construction of such wires and equipment in such conduits, and (ii) rerouting wires together with the poles, cross arms and other equipment connected thereto, together with the cost of any new right-of-way made necessary by such rerouting.

b. MARKING AND LIGHTING

Notwithstanding the preceding provisions of this article, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the building official to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Salina Airport Authority.

13A-12.10.05 PERMITS

a. FUTURE USES

No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in affirmative, the permit shall be granted.

b. EXISTING USES

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on November 20, 1992, or on the effective date of any amendment to this article, or that it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

c. NONCONFORMING USES ABANDONED OR DESTROYED

Whenever the zoning administrator determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these zoning regulations.

d. VARIANCES AND APPEALS

Variations from airport zoning regulations and appeals of decisions of the zoning administrator, with respect to the interpretation or application of the airport zoning regulations shall be considered by the board of zoning



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appeals, subject to the provisions of [13A-13.04 - BOARD OF ZONING APPEALS](#) and [13A-13.05 - VARIANCES](#) of this resolution. Such variances shall be allowed where:

1. It is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this article,
2. The applicant duly submitted an application to the FAA to determine the impact on airport utility,
3. The FAA determined that there was no substantial impact on airport utility,
4. The aeronautical study conducted by the FAA did not recommend an increase in minimums for instrument approaches or any additional impact to the airport's utility, and
5. The board of zoning appeals determines that the structure or growth does not reduce the utility of the airport.

e. HAZARD MARKING AND LIGHTING

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Salina Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

13A-12.10.06 ENFORCEMENT

It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the zoning administrator upon a form furnished by him. Applications required by this article to be submitted to the zoning administrator shall be considered within a reasonable time and granted or denied by him. Applications for action by the board of zoning appeals shall be forthwith transmitted by the zoning administrator.

13A-12.10.07 DEFINITIONS

As used in this article, the following words, terms and phrases shall have the meanings ascribed to them, unless the context otherwise requires:

Airport means Salina Regional Airport.

Airport elevation means the established elevation of the highest point on the usable landing area.

Airport hazard means any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

Airport reference point means the point established as the approximate geographic center of the airport landing area and so designated.

Authority means Salina Airport Authority.

FAA means Federal Aviation Administration.

Height, for the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.



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Instrument runway means a runway with an established or planned instrument procedure.

Landing area means the area of the airport used for the landing, taking off or taxiing of aircraft.

Nonconforming use means any preexisting structure, tree, natural growth or use of land which is inconsistent with the provisions of this article or an amendment thereto.

Noninstrument runway means a runway other than an instrument runway or a strictly visual runway.

Person means an individual, firm, partnership, corporation, company, association, joint stock association or political body, and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

Runway means the paved surface of an airport landing area.

Structure means an object constructed or installed by man, including, but without limitation [to], buildings, towers, smokestacks and overhead transmission lines.

Tree means a woody perennial plant having a single usually elongated main stem with generally few or no branches on its lower part.

Visual runway means a runway without an existing or planned straight-in instrument approach procedure.

(Res. No. 1254-3, 11-10-92; Res. No. 1254-42, 10-22-15)

13A-12.11 - SOUTH 9TH CORRIDOR OVERLAY DISTRICT

13A-12.11.01 PURPOSE

The purpose of the Service Commercial Overlay and Business Park/Light Industrial Overlay Districts is to implement the South 9th Corridor Study, which was adopted on December 23, 1997, as an amendment to the Saline County Comprehensive Plan. In accordance with that plan, this overlay district adopts land use standards which will limit increased traffic on 9th Street, create aesthetically pleasing entryways to the City of Salina, and allow compatible land uses with existing industrial uses east of 9th Street.

13A-12.11.02 SERVICE COMMERCIAL ZONE (SC)

a. SC EFFECTIVE AREA

The provisions of the SC District shall apply to that area bounded by a line one-quarter (¼) mile south of the centerline of Schilling Road on the north, a line three hundred (300) feet east of the centerline of Ninth Street on the east, a line one-quarter mile south of Water Well Road on the south, and the centerline of Ninth Street on the west.

b. PERMITTED USES.

The following uses are permitted by right in the Service Commercial District (SC):

1. Auto sales, new and used;
2. Auto parts and accessories, new;
3. Boats, sales and service;



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4. Furniture and household appliance, retail;
5. Recreational vehicles and equipment store, retail;
6. Research and development facilities;
7. Truck and bus sales and service.

c. **CONDITIONAL USES.**

The following uses may be permitted in the SC District provided a Conditional Use Permit (CUP) is issued in accordance [13A-13.06 - CONDITIONAL USE PROCEDURE](#) of this resolution.

1. Agricultural—machinery sales, service and supplies;
2. Business offices;
3. Car and truck washes;
4. Farm equipment, retail;
5. Garden supplies;
6. Greenhouse, commercial;
7. Nurseries, plant;
8. Hotels, motels;
9. Gymnasiums;
10. Restaurants, drive up or walk up;
11. Restaurants, walk up only;
12. Travel agencies;
13. Storage and warehousing, general;
14. Wholesaling, warehousing storage;
15. Petroleum pipeline right-of-way;
16. Transformers, electrical.

13A-12.11.03 BUSINESS PARK/LIGHT INDUSTRIAL (BP/LI)

a. **BP/LI EFFECTIVE AREA**

The provisions of the BP/LI District shall apply to that area bounded by a line one-quarter (¼) mile south of the centerline of Water Well Road on the north, a line 300 feet east of the centerline of Ninth Street (Old Highway 81) on the east, the centerline of Farrelly Road on the south, and the I-135 right-of-way on the west.

b. **PERMITTED USES**

The following warehousing, wholesaling, and distribution related uses are permitted by right in the Business Park/Light Industrial District (BP/LI):

1. Advertising signs;
2. Agriculture-chemicals, wholesale;
3. Bakeries, wholesale;
4. Billboard signs;
5. Bottle gas, wholesale;
6. Business office, general;
7. Commercial and industrial machinery, wholesale;



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8. Dams, water flowage areas;
9. Food products, wholesaling, warehousing and storing;
10. Freight service;
11. Ice, wholesaling, warehousing and storage;
12. Laboratories;
13. Liquid fuel, wholesaling and storage;
14. Magazine and newspaper, wholesaling;
15. Milk product distribution stations;
16. Motor freight terminals to include garaging and equipment maintenance;
17. Moving, transfer or storage plants;
18. Petroleum pipeline right-of-way;
19. Radio and television broadcast studios;
20. Railroad right-of-way;
21. Research and development facilities;
22. Storage and warehousing, general;
23. Taxi services;
24. Telephone and telegraph offices;
25. Transformers, electrical;
26. Truck yards or terminals;
27. Utility rights-of-way;
28. Wholesaling, warehousing storage.

c. CONDITIONAL USES

The following fabrication, assembly, and manufacturing uses may be permitted in the BP/LI District provided a Conditional Use Permit (CUP) is issued in accordance [13A-13.06 - CONDITIONAL USE PROCEDURE](#) of this resolution.

1. Animal hospitals and clinics;
2. Blueprinting;
3. Bottling works;
4. Building maintenance service;
5. Cabinet shops, manufacturing;
6. Clinics;
7. Communications towers;
8. Dairy products, process, bottle distribution;
9. Drugs, manufacturing and/or processing;
10. Dry cleaners and laundry;
11. Electrical components and accessories, manufacturing;
12. Equipment, rental and leasing services;
13. Feed and seed processing, wholesale;
14. Instruments, manufacturing;
15. Manufacturing, compounding, bottling, packaging of food or beverages;
16. Novelties, manufacture;
17. Photographic film processing, photo engraving, photocopying and photostating;



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18. Poultry dressing for wholesale;
19. Printing and publishing;
20. Public and semi-public buildings;
21. Radio and T.V., towers and transmitters;
22. Scales, sales and service;
23. Signs, manufacturing;
24. Small animal clinics;
25. Stone monument, manufacturing;
26. Textiles, manufacturing;
27. Tobacco products, manufacturing;
28. Toiletries, manufacturing;
29. Upholstery, automobiles and furniture;
30. Utility distribution plants and service yards;
31. Veterinarian services;
32. Water drilling offices and equipment storage.

13A.12.11.04 SC AND BP/LI DISTRICT REGULATIONS

Each site shall be subject to the following property development regulations:

a. PLANNED UNIT DEVELOPMENTS

All applications for rezoning shall be for Planned Unit Development (PUD) zoning and reviewed in accordance with [13A-12.06 - PLANNED UNIT DEVELOPMENT](#) of this resolution.

b. MINIMUM LOT SIZE

All uses must be located on a parcel having a minimum lot size of one (1) acre in the SC district and four (4) acres in the BP/LI;

c. PAVED AREAS

All access drives, parking areas and sidewalks shall be paved with asphalt or concrete;

d. LANDSCAPING

All sites shall be landscaped in accordance with the following provisions:

1. Front yards adjacent to public streets shall be landscaped at the rate of ten (10) square feet of landscaped area per lineal foot of street frontage. For zoning lots with frontage on two (2) or more streets, the amount of landscaped area may be reduced by thirty percent (30%);
2. A minimum of one (1) shade tree or three (3) ornamental trees shall be planted for every five hundred (500) square feet of required landscaped area. Shrubbery may be substituted for up to one-third (1/3) of the required trees at the rate of five (5) shrubs per one (1) tree.
3. Parking lots containing more than fifty (50) spaces shall contain landscaped islands equal to five percent (5%) of the paved area. This shall be in addition to the other required landscaped areas;
4. Trash receptacles, mechanical equipment, and service areas shall be screened from pedestrian access ways and the street right-of-way;



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5. All landscaped areas shall be properly maintained and kept in a neat and orderly appearance. Dead trees and shrubs shall be replaced as needed;
6. Sites where existing buildings are being expanded or redeveloped shall be required to meet landscaping requirements when the value of the proposed work exceeds fifty percent (50%) of the appraised value of existing improvements or when there is more than a thirty percent (30%) increase in the gross floor area of existing buildings;
7. The provisions of these requirements may be modified or varied by the zoning administrator where extraordinary topography, vegetation, property boundaries, parcel dimensions or other unusual site conditions exist.

e. SIGNAGE

No signs shall exceed thirty (30) feet in height. No mobile or ground anchored banner signs shall be permitted. No off-site advertising signs shall be permitted more than one hundred (100) feet east of I-135 right-of-way;

f. DRIVEWAYS

Access drives must be located a minimum of one hundred (100) feet from public streets, fifty (50) feet from other access drives, and twenty-five (25) feet from interior property lines unless shared access is provided;

g. OUTDOOR STORAGE

All materials, supplies, and equipment (not displayed for sale) shall be stored in an enclosed building or located in the side or rear yard and screened from visibility from adjacent streets;

h. EXTERIOR LIGHTING

Exterior lighting fixtures shall be aimed or shaded so that no direct light is cast towards any street traffic;

i. ARCHITECTURAL DESIGN

All development shall demonstrate a high quality visual appearance from the street. The Architectural design of buildings, site improvements and landscaping shall appear integrated and coordinated. The main entrances to primary buildings shall face Ninth Street or Water Well Road. All primary buildings in the SC district shall have an attractive exterior finish and no precast concrete or metal panels shall face Ninth Street or Water Well Road unless the overall design presents a compatible appearance.

(Amend. 1254-16, 3-21-00)

13A-12.12 - PRIVATE WIND ENERGY CONVERSION SYSTEMS

13A-12.12.01 PURPOSE

The purpose of this section is to provide for the construction and operation of private wind energy conversion systems in Saline County.



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13A-12.12.02 FINDINGS

Saline County finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce individual dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also reduce peak power demands and help diversify the county's energy supply.

13A-12.12.03 DEFINITIONS

a. PRIVATE WIND ENERGY FACILITY

An energy facility that consists of one or more small-scale wind turbines or other such devices and their related or supporting facilities that produces electric power from wind that is to be used primarily by the individual or entity that owns the property on which the facility is located.

b. COMMERCIAL WIND ENERGY FACILITY

An energy facility that consists of one or more wind turbines or other such devices and their related or supporting facilities that produces electric power from wind, some or all of which is to be distributed to an off-site customer or customers.

13A-12.12.04 APPLICATION PROCESS—PRIVATE WIND ENERGY FACILITY:

Private wind energy facilities shall be permitted in unincorporated Saline County and shall require approval of a Saline County Zoning Compliance Certificate. Private facilities must be approved by a small wind certification program recognized by the American Wind Energy Association (AWEA). Along with a completed zoning compliance certificate, the applicant shall also provide the following:

- a. Scale site plan with sufficient detail to understand the nature and scope of the proposed project and the attributes of the specific location. The specific location shall include at a minimum the entire area within 1.5 times the height of the proposed structure. Per the Zoning Administrator, the specific location may include additional area.
- b. Standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis and certification by a licensed professional engineer for the tower, base and footings shall also be provided. This analysis may be supplied by the manufacturer.
- c. Manufacturer's specification sheets; all wind energy facilities shall be constructed according to manufacturer's specifications.
- d. Confirmation that the affected utility company is aware of the property owner's intent to install a private wind energy facility.
- e. Certificate of completion provided by a licensed electrical contractor certifying that all electrical work has been completed in accordance with the manufacturer's specifications or the National Electric Code.
- f. Approved CUP if the proposed facility will be located in the Airport Overlay district.

13A-12.12.05 REQUIREMENTS FOR A PRIVATE WIND ENERGY FACILITY

- a. One single turbine shall be permitted for all legal lots of record in unincorporated Saline County up to 80 acres in size. Additional turbines may be allowed for additional acreage at the rate of one turbine for each additional



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- 80 acres. Turbines shall be located at least two rotor diameters away from each other. Lots smaller than 80 acres that require more than one turbine shall obtain approval of a conditional use permit.
- b. The total height of any single turbine shall not exceed 200 feet. Total height means the highest point reached by the rotor blades. Any private wind energy facility taller than 200 feet shall require approval of a conditional use permit.
 - c. The lowest point of the rotor blades shall be at least 25 feet above ground level at the base of the facility.
 - d. Individual wind turbines shall be set back from all property lines, easements and existing utilities a minimum of 1.5 times the total structure height.
 - e. All power lines shall be installed underground within a distance equal to 1.5 times the height of the turbine.
 - f. Individual wind turbine lighting and markings shall comply with, but not exceed, FAA requirements. If lighting of turbines or other structures is required, "daytime white/nighttime red" shall be the only type of lighting allowed with shielding from the ground and area residences.
 - g. Freestanding turbines may be mounted on either guyed or monopole type structures. Guyed structures shall provide shields or color markings on guy wires. All towers shall provide fencing at the base of the tower for security purposes.
 - h. All wind energy facilities shall maintain a galvanized finish or be painted in a color in conformance with the surrounding environment (white, gray, pale blue or pale green). No signage or writing may be placed on the facility at any time. In addition, no flags, streamers or other items may be attached to the facility.
 - i. Any project that does not meet the above requirements must be approved through a conditional use permit process.

13A-12.12.06 NUISANCE MANAGEMENT

Wind energy conversion systems shall be located in areas where there are adequate setbacks from residential areas and adjacent rural homes so that noise from the turbines is not an intrusion.

- a. Upon receipt by the Saline County Planning and Zoning Department of a complaint regarding an existing private wind energy conversion system, the property owner may be required, at the owner's expense, to mitigate any violations or make any necessary repairs to the facility at the owner's expense.
- b. Upon receipt by the Saline County Planning and Zoning Department of a complaint regarding noise from an existing private wind energy conversion system, the property owner may be required, at the owner's expense, to have prepared by an independent acoustical consultant an acoustical study that shall demonstrate that the noise level caused by the operation of the project, measured at five feet above ground level at the property line of the subject property, shall not exceed 60 decibels.
- c. The property owner shall minimize or mitigate, at the owner's expense, any interference with electromagnetic communications such as radio, telephone or television signals caused by any wind energy facility.
- d. Any wind energy system that is not functional shall be repaired by the owner or removed. A wind energy system that has been nonfunctional for more than six months shall be considered a nuisance.

13A-12.12.07 ENVIRONMENTAL FACTORS

- a. Wind facilities shall be required to meet any applicable flood plain requirements.
- b. Construction and operation shall be done in a manner so as to minimize soil erosion. Facilities should avoid steep slopes.



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- c. In areas where grassland burning is practiced, infrastructure should be able to withstand periodic burning of vegetation.

(Amend. 1254-29, 5-13-08)

13A-12.13 - COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

13A-12.13.01 PURPOSE

The purpose of this section is to provide for the construction and operation of Commercial Wind Energy Conversion Systems (WECS) in Saline County, subject to reasonable restrictions, which will preserve the public health and safety.

13A-12.13.02 FINDINGS

Saline County finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce individual dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also reduce peak power demands and help diversify the County's energy supply.

13A-12.13.03 DEFINITIONS

- a. PRIVATE WIND ENERGY FACILITY

An energy facility that consists of one or more small-scale wind turbines or other such devices and their related or supporting facilities that produces electric power from wind that is to be used primarily by the individual or entity that owns the property on which the facility is located. (See [13A-12.12 - PRIVATE WIND ENERGY CONVERSION SYSTEMS.](#))

- b. COMMERCIAL WIND ENERGY FACILITY:

An energy facility that consists of one or more wind energy conversion systems or other such devices and their related or supporting facilities that produces electric power from wind, some or all of which is to be distributed to an off-site customer or customers.

13A-12.13.04 APPLICATION PROCESS—COMMERCIAL WIND ENERGY FACILITY

Commercial wind energy facilities shall be permitted in the AG (Agricultural) zoning district and shall require approval of a Saline County Conditional Use Permit from the Saline County Planning and Zoning Commission, a zoning compliance certificate from the Saline County Planning and Zoning Department, and a City of Salina Building Permit from the City of Salina Building Services Department. Commercial wind energy facilities shall be prohibited in all other zoning districts governed by these regulations.

Minimum requirements for conditional use permit submittal for a commercial wind energy facility:

- a. Survey of the subject property stamped by a licensed Kansas surveyor showing the location of the proposed facility including ingress and egress. (Also see submittal requirements as outlined in document entitled Commercial Submittal Process Checklists.)



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- b. Site plan of the proposed facility stamped by a licensed Kansas civil engineer with sufficient detail to understand the nature and scope of the proposed project and the attributes of the specific location. (Also see submittal requirements as outlined in document entitled Commercial Submittal Process Checklists.)
- c. Written approval from FAA for the proposed structure or evidence of nonapplicability.
- d. Written approval from the Kansas Department of Wildlife and Parks that the project as proposed will have no affect [effect] on threatened or endangered species as designated by the Kansas Nongame and Endangered Species Conservation Act of 1975 and amendments thereto. If affected, the applicant shall provide a copy of the special action permit issued from the KDWP for the proposed use.
- e. Map showing all the residences within 1,500 feet of the subject property and waivers signed by all the property owners of any identified residences.
- f. Proof that the affected utility company has been informed of the customer's intent to install a Commercial Wind Energy Facility.
- g. Standard drawings of the wind turbine structure, including the tower, base, footings and ice/wind loads. In addition, a site-specific engineering analysis (which shall include a soils analysis), and certification of all WECS by a licensed professional engineer shall also be required.
- h. Data pertaining to the tower's safety and stability, including safety results from test facilities.
- i. Narrative including how noise, soil erosion and dust, water quality, safety issues, and fire risks will all be handled.
- j. Decommissioning Plan describing the manner in which the Commercial Wind Energy Facility shall be dismantled and removed from the site at the end of its useful life.
- k. Surety in the form of an escrow account, surety bond or insurance policy in an amount approved by the Board of County Commissioners as necessary to restore the site to its predevelopment state. Predevelopment shall mean removing all visible above-grade infrastructure.
- l. Written statement from the landowner confirming that they have read [13A-12.13.06 NUISANCE MANAGEMENT](#) and understand the extent of their liability for any commercial WECS located on their property. This shall include a document recorded with the Saline County Register of Deeds indicating that future property owners will also be made aware of the potential liability.

13A-12.13.05 REQUIREMENTS FOR A COMMERCIAL WIND ENERGY FACILITY

- a. No turbine shall be located closer than 1.5 times the total turbine height from public roads or property lines. Total turbine height is defined as the height of the structure supporting the turbine, plus the height of the rotor blade at its highest point, measured from the elevation of the ground surface at the base of the tower.
- b. No turbine shall be located closer than 1,500 feet to any residence located off the subject property unless a signed and executed waiver form signed by the property owner of the affected residence is supplied to the applicant and included with the CUP application.
- c. No turbine shall be located closer than two times the total turbine height from another turbine.
- d. The lowest point of the rotor blades shall be at least 30 feet above ground level at the base of the tower.
- e. Individual wind turbines shall be set back from easements and existing utilities a minimum of 1.5 times the total turbine height. In order to be closer to the easement, written permission from the easement owner will be required.
- f. All new power lines associated with energy production shall be installed underground. Power lines associated with distribution of energy to customers may be located above ground.
- g. All turbines shall be mounted on non-guyed or monopole type structures.



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- h. All wind energy facilities shall maintain a galvanized finish or be painted a color in conformance with the surrounding environment (white, gray, pale blue or pale green). No signage, writing or images may be placed on the tower at any time. In addition, no flags, streamers or other items may be attached to the facility.
- i. Individual wind turbine heights, lighting and markings shall comply with but not exceed FAA requirements. If lighting of turbines or other structures is required, "daytime white/nighttime red" shall be the only type of lighting allowed with shielding from the ground and area residences.

13A-12.13.06 NUISANCE MANAGEMENT

Commercial Wind Energy Facilities shall be located in areas where there are adequate setbacks from residential areas and adjacent rural homes so that negative impacts from the turbines are mitigated.

- a. Upon receipt by the Saline County Planning and Zoning Department of a complaint regarding noise from an existing public wind energy conversion system facility, the owner of the property on which the commercial facility is located may be required, at the owner's expense, to have prepared by an independent acoustical consultant an acoustical study that shall demonstrate that the noise level caused by the operation of the project—measured at five feet above ground level at the property line of the subject property—shall not exceed 65 decibels.
- b. Upon receipt by the Saline County Planning and Zoning Department of a complaint [complaint] regarding any other issues from an existing commercial facility, the owner of the property on which the WECS are located may be required, at the owner's expense, to have prepared by an independent consultant a study that shall demonstrate that the issue identified in the complaint is either within reasonable standards or mitigated to within reasonable standards.
- c. The owner of the property on which the commercial facility is located shall minimize or mitigate, at the owner's expense, any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.
- d. Any WECS that are not functional shall be repaired by the property owner or removed at the property owner's expense.
- e. In the event that the County becomes aware of any commercial facility that has been nonfunctional for a continuous period of six months, the County will notify the property owner by registered mail and provide 45 days for corrective action or a written response. In such a response, the property owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, the County shall notify the owner of the property on which the commercial facility is located and such property owner shall remove all evidence of the project within a reasonable time frame at their expense.
- f. On all of the above issues, the County will determine on a case-by-case basis a reasonable length of time in which property owners will either need to respond to complaints (maximum of 30 days) or correct confirmed violations.

13A-12.13.07 ENVIRONMENTAL FACTORS

- a. All commercial facilities shall be required to meet any applicable floodplain requirements.
- b. Construction and operation shall be done in a manner so as to minimize soil erosion; facilities should avoid steep slopes.



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- c. Dust emission control measures shall be utilized during construction and, where appropriate, during the life of the project.
- d. In areas where grassland burning is practiced, infrastructure should be able to withstand periodic burning of vegetation.

13A-12.13.08 ENFORCEMENT AND PENALTIES

- a. The Zoning Administrator shall be responsible for the administration and enforcement of this section.
- b. If the Zoning Administrator determines that any of the provisions of the zoning resolution are being violated or if any of the conditions of approval of the Conditional Use Permit are being violated, the property owner of the commercial facility will be notified in writing. The written notice will indicate the nature of the violation and order the action necessary to correct the violation within a reasonable time frame at the property owner's expense. The County will determine on a case-by-case basis what a reasonable time frame is.
- c. Any violation of any condition of Conditional Use Permit approval shall be addressed at a public hearing before the Saline County Planning Commission. Three such violations shall constitute revocation of the Conditional Use Permit. Upon revocation of the Conditional Use Permit, the County shall notify the property owner and such property owner shall remove all evidence of the project within a reasonable time frame at their expense. The County will determine on a case-by-case basis what a reasonable time frame is.
- d. On all of the above issues, a "reasonable length of time" for property owners to respond to complaints shall not exceed 30 days; a "reasonable length of time" to correct confirmed violations shall be based on the nature of the violation(s) and shall be determined by the County.

(Amend. 1254-31, att. A, 11-25-08)

13A-12.14 - WIRELESS TELECOMMUNICATIONS FACILITIES

13A-12.14.01 PURPOSE

To establish standards and requirements for the siting of commercial wireless telecommunications facilities compliant with the Telecommunications Act of 1996, K.S.A. 17-1902, and other state and federal regulations while ensuring a competitively neutral review.

13A-12.14.02 FINDINGS OF FACT

a. PROTECTION OF RIGHTS-OF-WAY AND ROADWAY EASEMENTS

Protection of rights-of-way and roadway easements for public transportation use is a primary concern of Saline County. As such, no obstructions to the normal operation and maintenance of the roadway and its storm water drainage areas will be allowed.

b. TOWERS AS A FALL HAZARD

Saline County recognizes any tower to be a potential fall hazard during severe weather. As such, a reasonable setback from property lines will be established to prevent damage to adjacent properties or creating a road hazard.

c. PROTECTION OF COMMUNITY CHARACTER



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Residents of Saline County enjoy expansive views with minimal obstruction from manmade objects. As such, additional consideration is given for towers locating near population centers and rural neighborhoods.

13A-12.14.03 ZONING DISTRICTS

- a. PERMITTED ZONING DISTRICTS
 - 1. Community Business (BC)
 - 2. Light Industrial (IL)
 - 3. Heavy Industrial (IH)

- b. CONDITIONALLY PERMITTED ZONING DISTRICTS
 - 1. Agricultural (AG)
 - 2. Airport (AIR) overlay district

- c. PROHIBITED ZONING DISTRICTS
 - 1. Residential-Agricultural (RA)
 - 2. Single Family Residential (RS)
 - 3. Village (V)
 - 4. Neighborhood Business (NB) zones.

13A-12.14.04 CUP APPLICATION REQUIREMENTS

All applications will include the following in addition to the requirements of [13A-13.06 - CONDITIONAL USE PROCEDURE](#):

- 1. A site plan showing the operation area of the facility; and
- 2. Elevations showing the height of the equipment; and
- 3. Approval from the Salina Airport Authority showing compliance with or the ability to comply with FAA standards and creating no operational impacts with the airport. Required for towers in the vicinity of the airport.

a. CUP REVIEW CONSIDERATIONS

The Saline County Planning Commission will not make a decision based on:

- 1. Quality of the service provided; and
- 2. Technical considerations regarding the equipment; and
- 3. Effects of equipment on electronic transmissions; and
- 4. The ability of a service provider to collocate or locate on other property; and
- 5. Removal of existing structures.

The Saline County Planning Commission will consider:

- 1. Hazards to rights-of-way and roadway easements; and
- 2. Hazards to storm water drainage; and
- 3. Hazards of developing in a floodplain or flood way; and
- 4. The effect of the facility on the character of the neighborhood; and



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5. The protection of view sheds; and
6. Other public health, safety, and welfare problems.

b. CUP REVIEW TIMING

Applications will be heard within 60 days of a complete application being filed. The Planning Commission may continue the application for additional information no more than 62 days without written consent of the applicant to extend the review process. Applications that do not have a decision from the Planning Commission within 120 days will be considered approved. The Planning Commission may deny applications as incomplete when the requested information is not provided. Any appeals beyond 120 days must include all requirements for an administrative development permit in order to be considered complete and heard by the Board of County Commissioners and approved for construction within the 150 day state requirement.

13A-12.14.05 ADMINISTRATIVE DEVELOPMENT PERMITS REQUIRED

a. PERMITS REQUIRED

An administrative development permit is required for the following activities:

1. Construction of a new pole or tower; and
2. Placement, replacement, or exchange of equipment on the pole or tower; and
3. Collocation of a new service provider

b. PERMIT EXEMPTIONS

The following are not required to obtain a permit:

1. Ground based equipment within an approved operations area and outside of any floodplain, floodway, right-of-way, or roadway easement; and
2. Small cell or DAS facilities located inside a structure, on privately owned property, or property not controlled by Saline County.

c. APPLICATION REQUIREMENTS

All applications will be required the following in addition to [ARTICLE 13A-8 BC COMMUNITY BUSINESS DISTRICT](#):

1. Construction drawings showing a site plan, elevations, and describing in detail the method of construction of the tower. Plans must be stamped by a Kansas licensed engineer; and
2. Structural analysis of the tower stamped by a Kansas licensed engineer; and
3. Property owner authorization through a lease agreement or other instrument; and
4. A written statement of FAA compliance for any new tower, increase in tower height, or other change which may alter FAA requirements; and
5. A statement provided by the Salina Airport Authority showing no impact on airport operations for any facility within the vicinity of the Salina Regional Airport.

d. PERMIT REVIEW TIMING

All permit applications will be reviewed within 60 days of a complete application. Incomplete applications will be denied as such. Applicants may resubmit a completed application within 30 days with no additional fees.



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13A-12.14.06 DEVELOPMENT STANDARDS

a. ALLOWED HEIGHT

1. Maximum allowed height for any tower is 350 feet.
2. Towers within ½ mile of any residential zoning, county (RA, RS & V) or an incorporated city, are limited to 100 feet height unless granted an exception by the Planning Commission during the CUP process. The Planning Commission will weigh their decision for an exception heavily on the opinion of land owners within the residential zoning district and opinions provided by adjacent city staff is applicable.

b. REQUIRED SETBACKS

1. All towers will be setback from any property line or roadway easement an amount equal to the height of the tower.
2. Towers in Light and Heavy Industrial (IL & IH) zones may reduce the setback to an engineered fall zone with documentation provided by a Kansas licensed engineer.
3. Towers within ½ mile of any residential zoning, county (RA, RS & V) or city, are required an additional setback of 500 feet unless waived by the Planning Commission during the CUP process. The Planning Commission will weigh their decision for an exception heavily on the opinion of land owners within the residential zoning district and opinions provided by adjacent city staff is applicable.

c. FEDERAL COMPLIANCE

Towers not in compliance with applicable FAA and FCC requirements will be deemed a hazard and will be removed in accordance with current emergency abatement provisions. Where FAA or FCC regulations have been changed facilities will be given six (6) months to bring the facility into compliance.

d. SECURITY

Towers will provide a minimum security of a six (6) foot high chain link fence or other administratively approved method to deter trespassing or tampering with high voltage equipment.

e. SIGNS

No commercial advertising signs are allowed on the tower or operational area except identification of the tower owner and service providers. Facilities must maintain an emergency contact sign with a phone number visible from the main entrance. No additional permits are required for these signs.

f. EQUIPMENT IN RIGHTS-OF-WAY AND ROADWAY EASEMENTS

No equipment will be permitted in any rights-of-way or roadway easement which presents a hazard, obstruction, or otherwise impedes the functions of the right-of-way or easement. Any equipment which requires use of a right-of-way or roadway easement will first obtain authorization from the county engineer.

g. ABANDONED TOWERS

Towers that have been inactive for longer than one (1) year will be considered abandoned. Property owners with abandoned towers and the tower owner will be notified in writing to remove the tower within 90 days by certified mail. After 90 days the county may remove the tower at the property owner's expense.



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13A-12.14.07 TEMPORARY FACILITIES

Temporary wireless towers, often called a Cell On Wheels (COW), are allowed with no permit for up to ninety (90) days, administratively permitted for up to 180 days with the application of a development permit. Temporary facilities requiring a longer duration will be required to obtain approval as a permanent tower.

(Res. 1254-46, 10-24-17)

13A-12.15 - SIGNS

13A-12.15.01 STATEMENT OF PURPOSE

The purpose of this section is to govern the placement, use, and structural quality of privately owned outdoor signs and other advertising and identification devices. Sign regulations are found to be necessary for Saline County to:

- a. Protect the general public from damage or injury which may be caused by faulty or unregulated sign construction or placement.
- b. Promote traffic safety by ensuring signs do not interfere with visibility, vehicle or pedestrian mobility, or become a distraction to the operation of vehicles.
- c. Promote the rural aesthetic quality of Saline County.

13A-12.15.02 SUBSTITUTION OF MESSAGES

A non-commercial message of any type may be substituted for any permitted or allowed commercial message.

13A-12.15.03 PERMITS REQUIRED

No sign will be constructed, placed, moved, or altered without first obtaining a permit unless specifically exempted by this code. The following are allowed without application of a permit:

- a. Change of sign copy on any sign with no other structural changes.
- b. Placement of a noncommercial sign.
- c. Placement of a temporary sign in accordance with [13A-12-15.12 TEMPORARY SIGNS \(B;1 & 2\)](#).
- d. Signs under four (4) square feet that are in compliance with [13A-12.15 - SIGNS](#).

13A-12.15.04 MAINTENANCE

All signs with their supports, braces, guys, and anchors must be kept in good repair so they do not present a hazard to life or property or the potential to become a road hazard.

13A-12.15.05 SIGNS EXCLUDED FROM REGULATION

The following signs are exempt from regulation under this code except for [13A-12.15.06 SIGNS PROHIBITED](#) relating to prohibited signs:

- a. Signs placed by a governmental body to include legal notices, informational signs, traffic signs, and regulatory signs.
- b. Flags, pennants, or insignias of any governmental or nonprofit organization when not displayed as a commercial promotion or advertising device.



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- c. Signs internal to the property that do not display a message meant to be read from roadways or other properties. (i.e. menu boards, directional signs, information signs).
- d. Signs inside the confines of a building or structure to include window signs.
- e. Signs permanently attached to licensed vehicles or trailers by paint, decal, or similar method that are not primarily used as signs.
- f. Non-commercial signs painted or otherwise permanently affixed to a building are exempt from this code.

13A-12.15.06 SIGNS PROHIBITED

The following signs are prohibited in all zoning districts:

- a. Signs in the rights-of-way or roadway easements except as allowed by state regulations
- b. Signs with flashing, blinking, rotating lights or otherwise animated lights
- c. Signs which interfere with vehicular movement on public or private parking or drive areas
- d. Signs which interfere with accessible access as required by the American's with Disabilities Act (ADA)
- e. Signs the may obstruct the line of sight of any traffic sign, signal or other traffic control device.
- f. Signs that resemble a traffic control device or sign by way of shape, color, or position that may be confused with a traffic control device.
- g. Signs placed in a sight visibility triangle, as defined by AASHTO, at any intersection.
- h. Vehicle signs: signs attached to a vehicle or trailer for the purpose of acting as a sign

13A-12.15.07 SIGNS PERMITTED IN ALL ZONING DISTRICTS

The following signs are permitted in all zoning districts unless modified by a specific zoning district:

- a. **NON-COMMERCIAL SIGNS**
 - 1. Signs less than four (4) square feet are allowed in any amount
 - 2. One (1) sign over four (4) square feet per property is permitted
 - 3. Maximum size permitted is thirty-two (32) square feet
 - 4. Maximum height permitted is ten (10) feet over the crown of the adjacent road.
- b. **COMMERCIAL SIGNS, ON PREMISE**
 - 1. Ground mounted signs are permitted with a home occupation license, agricultural use, or conditional use permit allowing a commercial use.
 - a. One (1) sign under four (4) square feet per property
 - b. One (1) sign over four (4) square feet per property
 - c. Maximum size permitted for any sign is sixteen (16) square feet.
 - d. Maximum height permitted is ten (10) feet over the crown of the adjacent road.
 - 2. Building mounted signs are permitted with a conditional use permit allowing a commercial use.
 - a. One-half (0.5) square foot of sign is allowed for every one (1) linear foot of building wall measured at the base of the wall.

13A-12.15.08 SIGNS IN THE AGRICULTURAL DISTRICT

The following signs are permitted in the agricultural district:



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a. COMMERCIAL SIGNS, ON PREMISE

Commercial signs will be permitted where any commercial use, principally or conditionally permitted, is in place.

1. Ground mounted signs
 - a. One (1) sign is allowed per street front over 200 linear feet.
 - b. Maximum size permitted for any one sign is fifty (50) square feet.
 - c. Maximum height permitted is ten (10) feet over the crown of the adjacent road.
2. Building mounted signs
 - a. One (1) square foot of sign is allowed for every one (1) linear foot of building wall measured at the base of the wall.

13A-12.15.09 SIGNS IN THE VILLAGE DISTRICT

The following signs are permitted in the village district:

a. COMMERCIAL SIGNS, ON PREMISE

Commercial signs will be permitted where any commercial use, principally or conditionally permitted, is in place.

1. Ground mounted signs
 - a. One (1) sign is allowed per property
 - b. Maximum size permitted for any one sign is sixteen (16) square feet.
 - c. Maximum height permitted is ten (10) feet over the crown of the adjacent road.
2. Building mounted signs
 - a. One (1) square foot of sign is allowed for every one (1) linear foot of building wall measured at the base of the wall.

13A-12.15.10 SIGNS IN THE NEIGHBORHOOD BUSINESS DISTRICT

The following signs are permitted in the neighborhood business district:

a. COMMERCIAL SIGNS, ON PREMISE

Commercial signs will be permitted where any commercial use, principally or conditionally permitted, is in place.

1. Ground mounted signs
 - a. One (1) sign is allowed per street front over 200 linear feet.
 - b. Maximum size permitted for any one sign is seventy-five (75) square feet.
 - c. Maximum height permitted is fifteen (15) feet over the crown of the adjacent road.
 - d. Signs must be setback fifteen (15) feet from agriculturally or residentially (RA & RS) zoned properties.
2. Building mounted signs
 - a. One (1) square foot of sign is allowed for every one (1) linear foot of building wall measured at the base of the wall.



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13A-12-15.11 SIGNS IN THE COMMUNITY BUSINESS, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL DISTRICTS

Commercial signs will be permitted where any commercial use, principally or conditionally permitted, is in place. The following signs are permitted in the community business, light industrial and heavy industrial districts:

- a. COMMERCIAL SIGNS, ON PREMISE
 - 1. Ground mounted signs
 - a. One (1) sign is allowed per street front over 200 linear feet. Interstates 135 and 70 are not considered road frontage.
 - b. Maximum size permitted for any one sign is seventy-five (75) square feet.
 - c. Maximum height permitted is twenty (20) feet over the crown of the adjacent road.
 - d. Signs must be setback fifteen (15) feet from agriculturally or residentially zoned properties.
 - 2. Building mounted signs
 - a. One (1) square foot of sign is allowed for every one (1) linear foot of building wall measured at the base of the wall.
- b. COMMERCIAL SIGNS, OFF PREMISE (AKA BILLBOARDS)
 - 1. Maximum sign amounts are permitted based on the following street classifications:
 - a. Interstate (I-135/US-81 & I-70): One (1) sign for every 500 feet of street frontage. Signs must be spaced 500 feet from the nearest off premise commercial sign.
 - b. State highways (K-4, 104, 140, 143): One (1) sign for every 300 feet of street frontage. Signs must be spaced 300 feet from the nearest off premise commercial sign.
 - 2. Maximum sign area is permitted based on the following street classifications:
 - a. Interstate (I-135/US-81 & I-70): 480 square feet.
 - i. State highways (K-4, 104, 140, 143): 200 square feet.
 - 3. Maximum sign height is permitted based on the following street classifications:
 - i. Interstate (I-135/US-81 & I-70): fifty (50) feet over the crown of the adjacent road.
 - ii. State highways (K-4, 104, 140, 143): thirty (30) feet over the crown of the adjacent road.
 - 4. Required setbacks: all off premise signs will be setback the height of the sign from any property line.

13A-12-15.12 TEMPORARY SIGNS

The following temporary signs are permitted in all zoning districts:

- a. SIZE LIMITATIONS
 - 1. Maximum size: thirty-two (32) square feet
 - 2. Maximum height: ten (10) feet above the crown of the adjacent road
- b. DURATION AND AMOUNT
 - 1. While a property is offered for sale or lease one (1) sign will be allowed per street front
 - 2. Between June 1st and December 1st, noncommercial signs will be allowed in any amount



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3. Thirty (30) day permits will allow one (1) sign for every 200 linear feet of street front. No property may be issued more than three (3) permits in any calendar year.

13A-12-15.13 SPECIAL USE PERMITS FOR UNIQUE SIGNS

a. INTENT

The Planning and Zoning Commission may hear cases for special use permits to allow signs not normally authorized under regulations. The intent of this regulation is to allow unique signs that have not been considered under this section. Examples may include enhanced subdivision entrances, special events, or the placement of signs to provide information to drivers. This code is not intended as a variance to sign regulations nor to allow additional billboards or increase sign areas or the number of signs permitted on a property.

b. PROCESS

A special use permit entitlement following the application and hearing requirements of a conditional use permit ([13A-13.06 - CONDITIONAL USE PROCEDURE](#)) will be required.

c. FINDINGS FOR APPROVAL

The Planning and Zoning Commission will consider the following findings prior to approval of a sign special use permit:

1. Increased aesthetic appeal
2. Increased public safety
3. Convenience to drivers
4. Signs provided to support local events or location based businesses with limited visibility from major traffic routes.

d. LIMITATIONS ON THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission may not:

1. Increase the permitted area of any signs
2. Increase the amount of permitted signs in a zoning district
3. Provide off premise advertising for businesses that are not reliant on their location (i.e. real estate, insurance offices, law firms, or any business where a customer is not required to visit the property to conduct business).

(Res. No. 1254-45, 8-22-17)



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ARTICLE 13A-13 ENFORCEMENT AND ADMINISTRATION

13A-13.01 - OFFICE OF ZONING ADMINISTRATOR ESTABLISHED

There is hereby established in Saline County, Kansas, the office of Zoning Administrator, which shall be under the jurisdiction of the Board of County Commissioners of Saline County, Kansas. The Administrator appointed under the provisions of the Resolution of Saline County, Kansas, shall be the officer charged with the administration and enforcement of this resolution.

Representatives of the administrative agency shall have the right to enter, examine and/or survey at any reasonable time such premises, establishments and buildings as they shall deem necessary for the enforcement of this code and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

(Res. No. 1254-47, 2-27-18)

13A-13.02 - PENALTY FOR VIOLATIONS

Any violation of any provision of this resolution shall be deemed to be a misdemeanor and punishable by a fine of not to exceed five hundred dollars (\$500.00) for each offense or imprisonment for not more than six months for each offense, or by both such fine and imprisonment and that each day's violation shall constitute a separate offense, and the County Commissioners shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the regulations adopted in accordance with the terms of this resolution and to abate nuisances maintained in violation thereof.

(Amend. No. 1, 12-10-91)

13A-13.03 - PERMITS TO COMPLY WITH RESOLUTION

From the time of the effective date of the resolution, the Administrator shall not grant a permit for construction of any building or structure, or for moving of the building or structure on to a lot, or for the change in any use of land, building, or structure if such construction, alteration, moving or change in use would be in violation of any of the provisions of this resolution, nor shall any other office of the county grant any permit or license for the use of any building or land.

13A-13.03.01 ZONING CERTIFICATE REQUIRED

- a. No structure shall be constructed, moved, added to or altered, without having first obtained a Zoning Certificate prior to such construction, moving or adding to or alteration, except that an interior alteration to an agricultural structure, an interior alteration to a single-family primary structure, or an interior alteration to a single-family accessory structure shall not require a Zoning Certificate. An expansion or enlargement of an existing structure shall not be considered an interior alteration. A Zoning Certificate shall be issued only in conformity with the provisions of this resolution and all amendments thereto.
- b. If work described on any zoning certificate has not begun within four (4) months from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Administrator and written notice thereof shall be given to those persons affected. Further, if said work has not been completed within one year from the



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date of issuance thereof, said Certificate shall expire; one six (6) month extension shall be granted by the Administrator upon a written request.

- c. Construction and use to be approved on application and certificates. Zoning Certificates and Certificates of Occupancy issued on the basis of plans and applications approved by the Administrator authorizes only the use and arrangements set forth in such approved plans and applications. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution and all amendments thereto.
- d. Any alteration that results in a change in occupancy shall require a Zoning Certificate in accordance with this section.
- e. The Zoning Certificate application shall be accompanied by appropriate site plans if deemed necessary by the Administrator.

13A-13.03.02 ZONING CERTIFICATE POLICY

- a. It shall be unlawful for any individual, firm or corporation to start constructing a structure, addition or alteration, or to move a structure on to a lot, in the unincorporated area of Saline County without having first obtained a Zoning Certificate from the Saline County Planning and Zoning department, except that a Zoning Certificate shall not be required to be filed for an interior alteration to an agricultural structure, and interior alteration to a single-family primary structure, or an interior alteration to a single-family accessory structure.
- b. Applications for Zoning Certificate shall be filed with the Saline County Planning and Zoning office prior to starting construction.
- c. Uniform Building Code. Non-agricultural and non-single family structures shall meet the standards of the Uniform Building Code, and amendments thereto, in accordance with Saline County Amendment No. 1 to Resolution No. 883.
- d. Agricultural exemption. Agricultural uses on unplatted property with forty (40) or more contiguous acres located in the AG (Agricultural) zoning district are considered agricultural exempt and are exempt from the requirement for a Zoning Certificate, except that:
 - 1. Setback requirements shall be met;
 - 2. Floodplain requirements shall be met; and
 - 3. A Saline County Building Permit shall be obtained, in accordance with Saline County Resolution No. 93-1347.

Individuals, firms or corporations who wish to claim the agricultural exemption but do not meet the forty (40) acre requirement may file an application with the Administrator for the agricultural exemption and upon proof that they are engaged in an agricultural operation as herein defined, shall be entitled to that exemption.

13A-13.03.03 AGRICULTURE USE NOTICE

The owner of land on which proposed construction requires approval of a zoning certificate pursuant to [13A-13.03.01 ZONING CERTIFICATE REQUIRED](#), must endorse an Agriculture Use Notice prior to the completion of a Construction Registration Form. The agriculture use notice is designed to increase the rural building public's awareness of nuisance factors attributed to generally accepted agriculture production. The notice shall read:

"I, _____ the undersigned owner of real property in Saline County, Kansas am hereby notified that Saline County considers agriculture a vital component of the local economy and cultural heritage. In addition, I am hereby made aware that within Saline County generally accepted agriculture practices



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produce nuisance factors which may negatively impact enjoyment of property and use of public infrastructure. Nuisance factors may include, but are not limited to:

1. The generation of noise, dust, smoke, odors, other airborne particles, and vibration;
2. The operation of heavy machinery and trucks, both on and off public Rights-of-Way, potentially at all hours of the day and night;
3. The application of chemicals to the land;
4. The existence of various animal and vegetative pests.

I recognize the existence of agriculture's industrial characteristics as described in the above nuisance factors and accept them as part of the rural environment in which I am investing or allowing an investment to occur on real property that I own.

Signature

_____/_____/_____
Date"

13A-13.03.04 FEE

The permit for a single family residential or agricultural building shall not be assessed a fee for filing of the construction registration. Permit fees for non-agricultural commercial, non-agricultural industrial and footing inspections of residential structures with basements in floodplain areas shall be as established by agreement or resolution of the Board of County Commissioners.

13A-13.03.05 PENALTY FOR VIOLATION

The penalty for violation shall be in accordance with Resolution No. 783, and any amendments thereto. Failure to file a construction registration shall constitute a misdemeanor under [13A-13.02 - PENALTY FOR VIOLATIONS](#) of the Saline County Zoning and Master Plan Resolution.

(Res. No. 883, § IVa—22-81; Res. No. 1254-4, 9-14-93; Amend. 1254-20, 7-17-01)

13A-13.04 - BOARD OF ZONING APPEALS

There is hereby created a Board of Zoning Appeals, hereafter referred to as Appeals Board to aid in the administration of this resolution with the powers and duties herein set forth. Said Appeals Board shall consist of all of the rural representatives that are appointed to the Saline County Planning and Zoning Commission. No less than three (3) nor more than seven (7) rural representatives of the Saline County Planning and Zoning Commission shall make up the Board of Zoning Appeals. The term of office for members will coincide with their term on the Planning and Zoning Commission, three (3) years, as outlined in Article 2-7.4 of the Saline County Code of Ordinances. Members of the Appeals Board serve without compensation.

(Res. 1254-41, 10-13-15; Res. 1254-44, 04-13-17; Res. 1254-48, 09-10-19)

a. SECRETARY

The secretary of the Planning Commission shall serve as Secretary of the Board of Appeals.



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b. MEETINGS

The members of the Board of Zoning Appeals shall meet at the call of the Chairman and at such time as the Appeals Board determines. They shall select one of their members as chairman and one as vice-chairman, who shall serve one (1) year and until their successors have been selected. The vice-chairman, shall preside in the absence of the Chairman. A simple majority of the Appeals Board shall constitute a quorum for the transaction of business. The Appeals Board shall cause a proper record to be kept of its proceedings.

13A-13.04.01 POWER AND JURISDICTION

a. APPEALS

An appeal of a decision of the Zoning Administrator with respect to the interpretation or application of the regulations may be taken to the Appeals Board by any person aggrieved or by any officer, department or bureau, or any governmental agency or body affected by such decision of the Zoning Administrator. All decisions made by the Appeals Board shall be final unless appealed to the courts.

b. TIME FOR APPEALS

Appeals shall be taken within fifteen (15) days after a decision has been made by filing an application for appeal with the Zoning Administrator. Such application shall specify the grounds for such appeal. Upon receipt of an application for appeal, the Zoning Administrator shall transmit to the Appeals Board all of the papers constituting the record upon which the decision being appealed was based.

c. STAY OF PROCEEDINGS

An appeal shall stay all legal proceedings in furtherance of the action appealed from unless, after the application for appeal has been filed with the Zoning Administrator, [he finds] that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Appeals Board, or by a court of record on application, on notice to the Zoning Administrator and on cause shown.

d. HEARING AD NOTICE

The Appeals Board shall select a reasonable time and place for the hearing of the appeal. Public notice of the time, place, date and subject of such hearing shall be published once in the official newspaper at least twenty (20) days prior to the date of the hearing. A copy of such notice shall be mailed to each party making the appeal and to the Planning Board. The Appeals Board may by rule provide a similar notice by mail twenty (20) days prior to the hearing date to all owners of directly adjoining property excluding streets and roads. Any interested party may appear and be heard at the hearing in person, by agent or by attorney.

e. DECISION

The Appeals Board shall have the power to affirm or reverse, all or part, or modify any order, requirement or decisions appealed to it. The Appeals Board may direct the issuance of a permit. A two-thirds (2/3) vote of the Appeals Board present which includes at least three (3) affirmative votes shall be necessary to reverse all or part of the order, decision or determination of the Zoning Administrator.

f. ACTION BY THE APPEALS BOARD



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Within thirty (30) days after the public hearing the Appeals Board shall either approve, conditionally approve or disapprove the request for appeal or variance. Upon granting or denying an application the Appeals Board shall specify:

1. The resolution and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The action, if any, that the applicant can take.

Within ten (10) days after a decision has been rendered the Administrator shall provide the applicant with written notice of the action on the request.

g. RECORDS

The Zoning Administrator shall maintain complete records of all actions of the Appeals Board with respect to appeals, and shall keep the Governing Body and Planning Board informed on a current basis of the disposition of each case.

h. APPEAL OF DECISION

Any person, official or governmental agency dissatisfied with any order or determination of the board may bring an action in the district court of the county to determine the reasonableness of any such order or determination. Such appeal shall be filed within thirty (30) days of the final decision of the board.

i. LIMITATIONS ON REAPPLICATION

Whenever an application for an appeal has been denied by the Board of Zoning Appeals, such application or one substantially similar shall not be reconsidered sooner than one (1) year after such denial, unless such board has been ordered to reconsider such application by the District Court.

13A-13.04.02 EXCEPTIONS

The zoning administrator may grant up to a ten percent exception and the board of zoning appeals may grant up to a 30 percent exception to land use code regulations specified in [ARTICLE 13A-3 AG AGRICULTURAL DISTRICT](#), [ARTICLE 13A-4 RA RESIDENTIAL-AGRICULTURAL DISTRICT](#), and [ARTICLE 13A-5 RS SINGLE FAMILY RESIDENTIAL DISTRICT](#), [13A-3.04 - BUILDING HEIGHT REGULATIONS](#), [13A-4.04 - BUILDING HEIGHT REGULATIONS](#), and [13A-5.04 - BUILDING HEIGHT REGULATIONS](#); [13A-3.05 - LOT AREA, LOT WIDTH AND YARD REQUIREMENTS](#), [13A-4.05 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS](#), and [13A-5.06 - LOT AREA, LOT WIDTH, AND YARD REQUIREMENTS](#); [13A-5.05 - DETACHED ACCESSORY BUILDINGS](#); [13A-5.07 - MAXIMUM LOT COVERAGE](#); and [13A-5.08 - CORNER LOTS](#).

a. ZONING ADMINISTRATOR EXCEPTION

Public notification shall not be deemed necessary in the granting of an exception that is within ten percent of the actual requirement, e.g. if the setback requirement is 100 feet and the applicant is proposing a setback of 90 feet, the zoning administrator may determine whether the request meets the findings without holding a public hearing.

b. BOARD OF ZONING APPEALS EXCEPTION



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Public notification shall be deemed necessary in the granting of an exception that is more than ten percent but no more than 30 percent of the actual requirement; e.g., if the setback requirement is 100 feet and the applicant is proposing a setback of 75 feet, the board of zoning appeals shall determine whether the request meets the findings at a public hearing. Notification of the public hearing shall be the same as the notification for an appeal as stipulated in [13A-13.04.01 POWER AND JURISDICTION \(D\)](#). No request for an exception that is greater than 30 percent shall be considered.

c. APPLICATIONS

Applications for BZA exceptions shall be filed with the planning and zoning department. The zoning administrator shall prescribe the form of application and the supporting information required to initiate the exception application review. Once an application is received by the planning department, the application will be reviewed for completeness. If the zoning administrator finds the application to be complete, then the application shall be processed accordingly. In the case of a ten-percent exception, the zoning administrator shall make the necessary findings within 30 days. In the case of an 11-percent to 30-percent exception, the board of zoning appeals shall make the necessary findings within 60 days.

If the application is found to be incomplete, the zoning administrator will notify the applicant by telephone within 30 days as to what additional information is required, and the application will not be processed until that information is received by the planning department.

d. FINDINGS

An exception to the above identified sections may be granted provided a positive finding can be made in the following areas:

1. That there are special physical circumstances regarding the property and/or surrounding area which justify granting the exception;
2. That the intent of the requirement is being met in the design of the total project; and
3. That there is little potential for the exception to create a negative impact on surrounding areas.

e. CONDITIONS

In granting an exception, the zoning administrator or the board of zoning appeals may impose whatever conditions they deem necessary to ensure:

1. The compatibility of the use with the existing and proposed uses;
2. That any potential negative impacts have been adequately mitigated; and
3. Consistency with the goals, policies, and objectives of the comprehensive plan.

f. APPEALS

An appeal of the zoning administrator's decision shall be handled in the same manner as specified in [13A-13.04.01 POWER AND JURISDICTION](#). An appeal of the board of zoning appeals decision shall be handled in the same manner as specified in [13A-13.04.01 POWER AND JURISDICTION \(H\)](#).

(Amend. No. 1, 12-10-91; Res. No. 1290-1, 10-13-92; 1254-9, 11-5-95; Amend. 1254-28, 10-9-07)



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13A-13.05 - VARIANCES

The Appeals Board may grant, in specific cases, variances from the terms of this resolution that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of lands, structures or buildings in the same or other district shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

13A-13.05.01 APPLICATION FOR VARIANCES.

A variance from the terms of this resolution shall not be granted by the Appeals Board until a written application for a variance is submitted to the Administrator. [The application shall contain the following:]

- a. Name, address and phone number of applicant(s);
- b. Legal description of property;
- c. Description of nature of variance requested;
- d. Name and address of all adjoining property owners; and
- e. A narrative statement demonstrating that the requested variance conforms to the following standards:
 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures, or buildings in the same district;
 2. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
 3. That special conditions and circumstances do not result from the actions of the applicant; and
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures or buildings in the same district.

A variance shall not be granted unless the Appeals Board makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.

13A-13.05.02 HEARING AND NOTICE

The Appeals Board shall select a reasonable time and place for the hearing. Notice, including public notice of such hearing, shall be given in the manner required for hearings on appeals. Such notice shall contain the date, time and place of the hearing, the street address or common description of the property involved, and a brief description of the relief sought. Any interested party may appear and be heard at the hearing in person, by agent or by attorney.

13A-13.05.03 AUTHORIZED [VARIANCES]

Variances from the provision of these regulations shall be granted by the Appeals Board only in accordance with the standards set out in 13a-13.05.04 and may be granted only in the following instances and in no others:

- a. To vary the applicable lot area, lot width, lot frontage and lot depth requirement.
- b. To vary the applicable bulk regulations, including maximum height, lot coverage and minimum yard requirements.
- c. To vary the applicable off-street parking and off-street loading requirements.



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- d. To vary the regulations relating to restoration of damaged or destroyed non-conforming structures contained in these regulations.
- e. To vary the requirements of the floodplain regulations according to the following standards:
 - 1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - 2. Variances may be issued for the reconstruction, repair, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provide the proposed activity will not preclude the structure’s continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - 3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge or base flood elevation would result.
 - 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 5. Variances shall only be issued upon:
 - i. Showing of good and sufficient cause,
 - ii. Determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 6. A community shall notify the applicant in writing over the signature of a community official that:
 - i. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and
 - ii. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
 - 7. A community shall maintain a record of all variance actions, including justification for their issuance.
 - 8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- f. To vary the parking standards.

(Res. No. 1254-47, 2-27-18)

13A-13.05.04 STANDARDS

- a. The Appeals Board shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented which support conclusions that:



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1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or applicant;
 2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 3. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
 5. Granting the variance desired will not be opposed to the general spirit and intent of these regulations.
Note: Variances shall not permit any use not permitted by the district regulations.
- b. In determining whether the evidence supports the conclusions required by 13a-13.05.04.1 the Appeals Board shall consider the extent to which the evidence demonstrates that:
1. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in practical difficulty or unnecessary hardship upon or for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced;
 2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property;
 3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and
 4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 5. In the case of a variance from the floodplain regulations, these additional standards are considered:
 - i. Danger to life and property due to flood damage;
 - ii. Danger that materials may be swept onto other lands to the injury of others;
 - iii. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. Importance of the services provided by the proposed facility to the community;
 - v. Necessity to the facility of a waterfront location, where applicable;
 - vi. Availability of alternative locations, not subject to flood damage, for the proposed use;
 - vii. Compatibility of the proposed use with existing and anticipated development;
 - viii. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - ix. Safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
 - xi. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.
- c. Conditions and restrictions. In granting a variance, the Appeals Board may impose such conditions, safeguards and restrictions upon the premises benefitted by the variance as may be necessary to comply with the standards set out in [13A-13.05.04 STANDARDS](#) to reduce or minimize any potentially injurious



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effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

- d. Period of validity. No variance granted by the Appeals Board shall be valid for a period longer than one hundred eighty (180) days from the date on which the Appeals Board grants the variance, unless within such 180-day period a zoning permit or construction registration is obtained and the construction, moving or remodeling of a structure is started. The Appeals Board may grant additional extensions not exceeding one hundred eighty (180) days each, upon written application, prior to the expiration date, without notice or hearing.
- e. Limitations on reapplication. Whenever an application for a variance has been denied by the Board of Zoning Appeals, such application or one substantially similar shall not be reconsidered sooner than one (1) year after such denial, unless such board has been ordered to reconsider such application by the District Court.

(Amend. No. 1, 12-10-91; Res. No. 1254-9, 11-5-95; Res. No. 1254-47, 2-27-18)

13A-13.06 - CONDITIONAL USE PROCEDURE

13A-13.06.01 DESCRIPTION AND PURPOSE

It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involve, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and growth and development of the community as a whole. It is recognized that for some conditional uses, technical review by agencies outside the Saline County Government is necessary to ensure a complete evaluation of the proposal.

All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts herein defined. The authority for the location and operation thereof shall be subject to review and the issuance of a Conditional Use Permit. The purpose of review shall be to determine that the characteristics of any such use shall not be reasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this Section shall be served. Nothing construed herein shall be deemed to require the Planning Commission to grant a Conditional Use Permit.

13A-13.06.02 USE PERMIT PREREQUISITE TO BUILDING

No building permit shall be issued when a Conditional Use Permit is required by the terms of this Section unless a Conditional Use Permit has been granted by the Planning Commission and then only in accordance with the terms and conditions of the Conditional Use Permit. Conditional Use Permits may be temporary or permanent for any use or purpose for which such permits are required or permitted by provisions of this Section.

13A-13.06.03 APPLICATIONS

Application for a Conditional Use Permit shall be made by the owner of the affected property, or his authorized agent, on a form prescribed by the Zoning Administrator and shall be filed with such department. The application shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required to enable the pertinent criteria to be applied to the proposal.



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Also included should be the names and addresses of property owners within one thousand five hundred (1,500) feet.

13A-13.06.04 GENERAL USE PERMIT CRITERIA

A Conditional Use Permit may be granted only if the proposal conforms to all the following general use permit criteria, as well as to all other applicable use permit criteria:

- a. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density, to the availability of public facilities, utilities, to the harmful effect, if any, upon desirable neighborhood character; the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.
- b. That the location, design, and site planning of the proposed development will provide a convenient and functional living, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.
- c. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

13A-13.06.05 INVESTIGATION

The Commission shall cause to be made an investigation of facts bearing on the application necessary to provide information to insure a decision consistent with the intent of [13A-13.06.01 DESCRIPTION AND PURPOSE](#) and the criteria in [13A-13.06.04 GENERAL USE PERMIT CRITERIA](#).

Such investigation may require the hiring of outside consultants for review of the technical data of the application. Payment of such consultants' fees shall be the responsibility of the applicant, and not Saline County. The conclusions of any such study shall not be binding upon any decision of the Planning Commission or Governing Body, but shall be viewed [as] an additional factor in evaluation of the request. All consulting fees in accordance with this section shall be paid prior to scheduling the request for hearing by the Planning Commission.

13A-13.06.06 PUBLIC HEARINGS

Notice of time, place and subject of such hearing shall be published once in the official county newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to all property owners within one thousand five hundred (1,500) feet at least twenty (20) days prior to the date of such hearing. Notice of the County's action shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city. Failure to receive such notice shall not invalidate any subsequent action taken. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules. The Commission shall determine whether the proposal conforms to the general use permit criteria set forth in [13A-13.06.04 GENERAL USE PERMIT CRITERIA](#) and to other applicable use permit criteria and may grant or deny the application for the proposed Conditional Use Permit or require such changes or impose such reasonable conditions of approval as are in its judgement necessary to ensure conformity to said criteria. The determination of the Planning Commission shall become final fourteen (14) days after the day of decision unless appealed to the Governing Body in accordance with [13A-13.06.12 CONDITIONAL USE PERMIT APPEAL](#).



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13A-13.06.07 ACTION BY THE COMMISSION

The action by the Commission upon the application for Conditional Use permit shall be by the simple majority of the members of the Commission present at the meeting where the application is considered. If a Conditional Use Permit is denied, the minutes of the Commission shall clearly state the reasons for denial. In order to grant a Conditional Use Permit, the findings of the Commission shall be that the establishment, maintenance and operation of such use or building applied for will meet the requirements of [13A-13.06.04 GENERAL USE PERMIT CRITERIA](#).

13A-13.06.08 CONDITIONS

The Commission shall designate such conditions in connection with the Conditional Use Permit as it deems necessary to secure the purpose of this Section and may require guarantees and evidence that such conditions will be complied with. Such conditions may include:

- a. Regulations of use;
- b. Special yards, spaces;
- c. Fences and walls;
- d. Surfacing of parking areas and streets to County specifications;
- e. Street dedications and improvements (or bonds);
- f. Regulation of points of vehicular ingress and egress;
- g. Regulation of signs;
- h. Landscaping and maintenance thereof;
- i. Maintenance of the grounds;
- j. Regulations of noise, vibration, odors or other similar nuisances;
- k. Regulation of time for certain activities;
- l. Time period within which the proposed use shall be developed;
- m. Duration of use;
- n. Such other conditions as will make possible the development of the county in an orderly and efficient manner in conformity with the intent and purposes set forth in this Section.

13A-13.06.09 EFFECTIVE DATE

No Conditional Use Permit granted by the Commission shall become effective until after an elapsed period of fifteen (15) days from the date of the action of the Commission.

13A-13.06.10 ADHERENCE TO APPROVED PLANS

A Conditional Use Permit shall be subject to the Plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate six (6) months from the effective date of this granting unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits within such period. However, such period of time may be extended by the Planning Commission, upon application filed at any time before said period has expired.



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13A-13.06.11 REVOCATION

In the event of a violation of any of the provisions of zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, the County Planning Commission may, after notice and hearing, revoke any Conditional Use Permit. In the case of revocation of a Conditional Use Permit for one of the reasons set forth in [13A-13.06.04 GENERAL USE PERMIT CRITERIA](#), the determination of the Commission shall become final fourteen (14) days after the date of the decision, unless appealed to the Governing Body in accordance with [13A-13.06.12 CONDITIONAL USE PERMIT APPEAL](#).

13A-13.06.12 CONDITIONAL USE PERMIT APPEAL

All decisions on Conditional Use Permit may be appealed by the applicant or by affected property owners to the Governing Body. An appeal by property owners shall be accompanied by a petition which is duly signed and acknowledged by the owners of twenty (20) percent or more of the total area required to be notified, excepting streets and ways. Appeals shall be made within fourteen (14) days after a decision has been made by filing an application for appeal with the Zoning Administrator. Such application shall specify the grounds for such appeal. Upon receipt of an application for appeal and an application fee, the Zoning Administrator shall transmit to the Governing Body all of the papers constituting the record upon which the decision being appealed was based.

A two-thirds (2/3) vote of the governing body is required to overturn a planning commission decision on a conditional use permit.

(Res. No. 1254-40, 08-25-15)

13A-13.06.13 LIMITATIONS ON REAPPLICATION

Whenever an application for a Conditional Use Permit has been denied by the Planning Commission, or whenever an appeal of a Planning Commission decision has been denied by the Governing Body, such application or one substantially similar shall not be reconsidered sooner than one (1) year after such denial.

(Res. No. 1290-1, 10-13-92; Ord. No. 1254-9, 11-5-95; Res. No. 1254-11, # 3—6, 1-28-97; Res. No. 97-1522, 9-16-97; Charter Res. No. 09-10, 7-14-09)

13A-13.07 - MOBILE HOME PARKS

- a. Whenever application for a mobile home park is considered, there shall be two (2) public hearings. The first public hearing shall be limited to the application for a Conditional Use Permit and the action by the Commission shall be circumscribed by [13A-13.06.07 ACTION BY THE COMMISSION](#). The second public hearing shall be for the purpose of review of the site plans of the park which are to be prepared in accordance with the Sanitation Code of Saline County, Mobile Home Parks resolution. Action by the Commission shall be to approve, disapprove or approve with conditions as indicated in [13A-13.06.08 CONDITIONS](#).
- b. Individual approval at one (1) of the two (2) required public hearings does not constitute final approval.
- c. Final approval for mobile home park Conditional Use Permits shall require approval at both public hearings.
- d. The Conditional Use Permit shall be issued with all conditions listed thereon, following the second required public hearing at which approval has been given.
- e. Appeals to actions by the Commission at either public hearing may be made in accordance with [13A-13.06.12 CONDITIONAL USE PERMIT APPEAL](#).



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13A-13.07.01 PERMITS

- a. It shall be unlawful for any person to construct or operate any Mobile Home Park or Campground within the unincorporated limits of Saline County, Kansas without first obtaining an Original Permit and a Conditional Use Permit as required in Part 3 of these regulations. The application for an original permit shall be made to the Administrator and shall contain the following:
 1. The name and address of the applicant.
 2. The name of the Mobile Home Park or Campground.
 3. Interest of the applicant in the Mobile Home Park or Campground.
 4. Legal description of the Mobile Home Park or Campground.
- b. The application shall be accompanied by a complete plan of the Park or Campground showing the following:
 1. Name of the Mobile Home Park or Campground.
 2. Legal description of the Park or Campground.
 3. Number, location and size of lots.
 4. Location, width and surfacing of all roads and walks.
 5. Location and size for all buildings, existing or planned.
 6. Location and size of all utilities.
 7. Provisions for approval by Saline County Planning and Zoning Board and the Saline County Health Department.
 8. Such further information as may be requested by the Administrator or Health Officer to determine compliance with legal requirements.
- c. The fee for an original permit for constructing a mobile home park or campground shall be as follows:
 - \$10.00 each for the first five spaces.
 - \$5.00 each for the next ten spaces.
 - \$2.50 each for the next twenty spaces.
 - \$1.00 each for all over thirty-five spaces.
- d. The owner or operator of a mobile home park or campground existing at the time of passage of this resolution shall file with the Planning and Zoning Board a plot plan showing information required in [13A-13.07.01 PERMITS \(B\)](#), along with an application for an Annual Permit. The application for an Annual Permit shall indicate any changes or additions that have been made since the last previous inspection. If any changes have been made, a complete plot plan showing all changes shall be submitted with the application. An inspection will be made by the Health Officer and the Administrator. If the inspection shows the park or campground to be in compliance, an Annual Permit will be issued upon payment of a fee. The fee shall be computed at the rate of ten dollars (\$10.00) per year for the remainder of the permit year. Subsequent Annual Permits will run from July 1 to June 30. The permit shall be in triplicate with the original copy going to the mobile home park or campground operator and one (1) copy each to the Health Department and the Planning and Zoning Board. If the mobile home park or campground is found to be in violation of these regulations, the Administrator shall notify the operator in writing of the violation(s) and the operator shall be given a reasonable period of time for correction of the violation(s). If conditions or practices are not corrected in the period given, the permit shall be suspended and operation of the mobile home park or campground shall cease. Any person whose permit has been suspended or who has received notice that their permit will be suspended may request and shall be granted a hearing on the matter before the Appeals Board. If no petition for such hearing is filed



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within fifteen (15) days of the notice of violation such permit shall be deemed to have been automatically revoked at the expiration of such fifteen (15) day period.

13A-13.07.02 INSPECTIONS

- a. The Health Officer and Administrator are hereby authorized and directed to make a joint annual inspection in June to determine the condition of mobile home parks or campgrounds in the unincorporated area of Saline County, and shall have the power to enter at any reasonable time upon any private or public property for the purpose of investigating conditions relating to the enforcement of this resolution or of regulations promulgated thereunder.
- b. After construction of a Mobile Home Park or Campground, the Health Officer and the Administrator shall make a final joint inspection and approval report before the park or campground is opened for business. The first annual permit will be issued at this time if the park or campground is in compliance with those regulations.

13A-13.07.03 LOCATION, SPACE AND GENERAL LAYOUT

- a. The mobile home park or campground shall be located on a well drained site, which shall be so located that its drainage will not endanger any water supply and shall be in conformity with plans approved by the Health Officer and the Administrator.
- b. No mobile home shall be permitted to park closer than 10 feet from the side line of its unit area nor shall it be so parked that it is closer than 20 feet from any other mobile home or building.
- c. Approved tie down anchors shall be provided for all mobile homes.
- d. No mobile homes shall be located closer than 35 feet from the right-of-way of any public street or highway.
- e. Roadways within a mobile home park or campground shall be a minimum of twenty (20) feet in width and no mobile home shall be parked within ten (10) feet of such roadways.
- f. Skirting of mobile homes is permissible but areas enclosed shall not provide harborage for rodents or create a fire hazard.

13A-13.07.04 WATER SUPPLY

- a. An adequate, safe, potable supply of water shall be provided in each mobile home park or campground and shall meet all requirements as set forth by the Kansas State Department of Health. A water sample shall be submitted annually or more often if deemed necessary by the Health Officer.
- b. If an independent source is used, no pumps or machinery shall be located in any space extending below ground level. The well casing shall conform to all Kansas State Board of Health Regulations.
- c. When an independent source is used, there shall be a minimum distance of 100 feet between the water supply and any possible source of contamination.
- d. When a mobile home park has five or more mobile homes supplied by an independent source of water, such water must be chlorinated by a system approved by the Health Officer and samples shall be submitted for bacteriological examination each month by the mobile home park operator.
- e. Each mobile home space shall have an individual water connection at an approved location. This connection shall consist of a riser terminating at least four (4) inches above the ground surface with two (2) valved outlets, one (1) for connection to the mobile home and one (1) for fire control. Shut off valves located below freezing level are advised.



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13A-13.07.05 SEWAGE DISPOSAL

- a. All plumbing in the mobile home park or campground shall comply with state and local plumbing laws and regulations.
- b. Mobile home parks or campgrounds shall be served by a public sewer system where available or by private disposal system approved by the Health Officer.
- c. Dumping facilities shall be provided for use by transient mobile homes or campers using the mobile home park or campground.
- d. Each mobile home space shall be provided with an eighteen (18) inch square concrete slab, at least four (4) inches thick, through which shall extend vertically, at least four (4) inches above the slab, a three (3) inch cast iron pipe so threaded as to furnish a watertight sewer connection and such connection shall be closed with a screw-type cap or plug when not in use. In cases where it is to the advantage of the sewage disposal system, a 45 degree elbow may be used in conjunction with the vertical three (3) inch threaded cast iron pipe. If used, this elbow must also be threaded for the water-tight sewer connection and kept closed with a screw-type cap or plug when not in use.
- e. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property and such facilities shall conform to the Kansas State Board of Health regulations.

13A-13.07.06 REFUSE AND GARBAGE DISPOSAL

- a. The storage, collection, and disposal of refuse and garbage in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards, unsightly conditions or air pollution.
- b. All refuse and garbage shall be stored in fly-tight, water-tight, rodent proof containers, which shall be located not more than one hundred fifty (150) feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse and garbage.
- c. Racks or holders shall be provided for all refuse and garbage containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
- d. All refuse and garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies the operator shall provide this service. All refuse and garbage shall be collected and transported in covered vehicles or covered containers and disposed of in approved disposal sites. No refuse or garbage shall be burned.

13A-13.07.07 INSECT AND RODENT CONTROL

The mobile home park or campground area shall be kept free of rubbish and weeds and shall be maintained in a sanitary condition at all times. All harborage places for rodents and all breeding places for flies, mosquitoes and other insects shall be eliminated or effectively treated.

13A-13.07.08 ELECTRICITY

An electrical outlet supplying at least 115 volts shall be provided for each mobile home space. The installation shall comply with all applicable State and local electrical codes and resolutions. Such electrical outlets shall be



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grounded and weatherproofed. No main power supply line shall be permitted to lie on the ground or to be suspended less than eighteen (18) feet above the ground. All mobile homes shall be adequately grounded.

13A-13.07.09 FUEL

- a. All piping from outside fuel storage tanks or cylinders to mobile homes shall be copper and other acceptable metallic tubing and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or less than five (5) feet from any mobile home exit or in areas exposed to traffic.
- b. If natural gas is available, it may be used if the piping, outlets and connections all conform to safety regulations approved by the State Fire Marshal of Kansas.

13A-13.07.10 [FIRE] PROTECTION

Every mobile home park shall be equipped with at least one (1) approved fire extinguisher in good working order for every five (5) units or fraction thereof. Approved means a minimum of 2A-20BC dry chemical extinguisher or equivalent.

13A-13.07.11 RESTRICTIONS ON ANIMALS AND PETS

- a. No dogs, cats, or other pets shall be permitted to run at large within the mobile home park or campground.
- b. All animals must be properly vaccinated.

13A-13.07.12 SERVICE BUILDINGS

If a mobile home park is to accommodate dependent mobile homes, it must be provided with proper service buildings. One such building is to be constructed for each ten (10) dependent homes or fraction thereof. Each service building shall:

- a. Be located fifteen (15) feet or more from any mobile home space and not more than two hundred (200) feet from any dependent mobile home space.
- b. Be of permanent construction of moisture-resistant material to permit frequent washing and cleaning, adequately lighted and have adequate heating facilities to maintain a temperature of at least 70 F. during cold weather and to supply adequate hot water during time of peak demands.
- c. Have all rooms well ventilated, with all openings effectively screened against flies.
- d. Provide separate compartments for each shower and water closet and have a sound-resistant wall to separate male and female toilet facilities.
- e. The toilet facilities for each service building shall consist of not less than two (2) flush-type water closets, one (1) shower and one (1) lavatory for females and two (2) flush-type water closets (or one (1) flush-type water closet and one (1) flush type urinal), one (1) shower and one (1) lavatory for males.
- f. Have any electrical equipment used in the service buildings, including wall outlets and light switches, adequately grounded.
- g. If a mobile home park is to provide laundry facilities, such facilities may be built as a part of the service building but shall be in a separate room.



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13A-13.07.13 ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS

- a. *General requirements.* Entire area shall be well drained and all exposed ground surfaces shall be covered with surfacing material or vegetative growth to eliminate dust and prevent erosion.
- b. Park areas for non-residential use.
 - 1. No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for management and maintenance of the park.
 - 2. All parks accommodating or designed to accommodate twenty-five (25) or more mobile homes shall provide a minimum of 2500 square feet of recreation area and an additional 100 square feet for each mobile home over 25.
- c. Required off-street parking.
 - 1. Off-street parking areas shall be provided for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) spaces for each mobile home lot.
 - 2. Parking spaces shall be located to provide convenient access to the mobile home but shall not be more than 200 feet from the mobile home it is to serve.

13A-13.07.14 REGISTRATION AND COMMUNICABLE DISEASE REPORTING

- a. Every mobile home park owner or operator shall maintain a register containing a record of all transient mobile homes and occupants using the park. Such register shall be available to any authorized person inspecting the park and shall be preserved for a period of three (3) years. Such register shall contain:
 - 1. Name and address of all mobile home occupants stopping at the park.
 - 2. Make, model and license number of motor vehicles and mobile home.
 - 3. State, territory or county issuing mobile home license.
 - 4. Dates of arrival and departure of mobile home.
 - 5. Whether each mobile home is dependent or independent.
- b. Every owner, operator, attendant, or other person operating a mobile home park shall notify the local Health Officer immediately of any suspected communicable or contagious disease within the mobile home park. In the case of diseases diagnosed by a physician as quarantinable, the departure of a mobile home or its occupants, or the removal therefrom of clothing or other articles exposed to infection is prohibited without approval of the Health Officer.
- c. The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with this resolution and regulations issued thereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition at all times.
- d. Every operator, attendant, or other person (including owner if on premises regularly) operating a mobile home park shall show satisfactory evidence of freedom from tuberculosis by a negative chest X-ray or negative tuberculin skin test once yearly.

13A-13.07.15 PENALTIES

Any violation of any provision of this resolution shall be deemed to be a misdemeanor and punishable by a fine of not to exceed two hundred dollars (\$200.00) for each offense and that each day's violation shall constitute a separate offense, and the County Commissioners shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the regulations adopted in accordance with the terms of this resolution and to abate nuisances maintained in violation thereof.



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13A-13.07.16 NOTICES, HEARINGS AND ORDERS

Whenever the Administrator or Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this resolution, or of any regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person to whom the permit was issued, as hereinafter provided:

Such notice shall:

- a. Be in writing;
- b. Include a statement of the reasons for its issuance;
- c. Allow a reasonable time for the performance of any act it requires;
- d. Be served upon the owner or his agent as the case may require; provided: that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address; or when he has been served with such notice by any other method authorized or required by the laws of this State;
- e. Contain an outline of remedial action, which if taken, will effect compliance with the provisions adopted pursuant thereto.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Resolution, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Appeals Board, provided that such person shall file in the office of the Administrator a written petition requesting, such hearing and setting forth a brief statement of the grounds therefor within fifteen (15) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under [13A-13.04.01 POWER AND JURISDICTION \(C\)](#) of the Zoning Resolution. Upon receipt of such petition, the Administrator shall set a time and place for such hearing, [and] the petitioners shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than fifteen (15) days after the day on which the petition was filed; provided that upon application of the petitioner, the Administrator may postpone the date of the hearing for a reasonable time beyond such fifteen (15) day period when in his judgement the petitioner has submitted good and sufficient reasons for such postponement.

After such hearing, the Administrator shall make findings as to compliance with the provisions of this resolution, and regulations issued thereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in [13A-13.07.16 NOTICES, HEARINGS AND ORDERS](#). Upon a failure to comply with any order sustaining or modifying a notice, the permit of the mobile home park affected by the order shall be revoked.

The proceedings at such a hearing, including the findings and decision of the Appeals Board, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the Appeals Board, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this State.



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Whenever the Administrator finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit. Notwithstanding any other provisions of this resolution, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition within two (2) working days. The provisions of [13A-13.07.16 NOTICES, HEARINGS AND ORDERS](#), Zoning Resolution shall be applicable to such hearing and the other [order] issued thereafter.



ARTICLE 13A-14 AMENDMENTS

13A-14.01 - GENERAL PROVISIONS FOR AMENDMENTS

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Governing Body may, by resolution after receipt of recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries of classification of property.

13A-14.02 - INITIATION OF ZONING AMENDMENTS

Amendments to this resolution may be initiated in one (1) of the following ways:

- a. By adoption of a motion by the Planning Commission,
- b. By adoption of a motion by the Governing Body, and
- c. By the filing of an application of the owner of the property to be affected.

13A-14.03 - CONTENTS OF APPLICATION

When the owner of the property affected proposes an amendment to any of these regulations or to any zoning district an application must be filed with the Zoning Administrator at least thirty (30) days prior to any regular meeting of the Planning Commission. The application shall be such form and contain such information as shall be prescribed from time-to-time by the Planning Commission; but shall in all instances contain the following information:

- a. The applicant's name and address;
- b. The precise wording of any proposed amendment to the text of these regulations;
- c. In the event that the proposed amendment would change the zoning classification of any property:
 1. Name, address and phone number of applicant;
 2. Proposed amending resolution, approved as to form by the Board;
 3. Present land use;
 4. Present zoning district;
 5. Proposed land use;
 6. Proposed zoning district;
 7. A vicinity map at a scale approved by the Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require;
 8. A list of all property owners and their mailing addresses who are within one thousand five hundred (1,500) feet of the external boundaries of the land being considered. When the notification area extends within the corporate limits of a city, notice of the County's action shall extend two hundred (200) feet into corporate limits;
 9. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities and compatibility with the surrounding area;
 10. Signature of property owner.
 11. Conceptual preliminary plan—Submittal of a "conceptual illustration" of street alignments, potential house sites, tentative lot lines, and open space is required. The applicant is encouraged to submit a



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"conservation subdivision design plan" where a significant portion of the land area is designated as undivided, permanent open space. Guidance on preparation of a "conservation subdivision design plan" can be obtained from the procedures described in "Conservation Design for Subdivision: A Practical Guide to Creating Open Space Networks," produced by Natural Lands Trust and published by Island Press.

(Amend. No. 1, 12-10-91; Res. No. 1254-11, # 7, 1-28-97; Res. No. 97-1522, 9-16-97)

13A-14.04 - PUBLIC HEARING

The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by the Planning Commission.

13A-14.04.01 NOTICE OF HEARING

Public notice of a hearing on a proposed amendment shall be published once in the official county newspaper and at least twenty (20) days shall elapse between the date of such publication and the date for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed changes in regulations or the zoning classification or zoning district boundaries of any property. If the proposed amendment would change the zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification and the proposed classification. When a proposed amendment will affect the zoning classification of specific property, the Planning Commission shall mail a written notice of public hearing thereon, containing the same information as the published notice thereof, to the owner(s) of the property affected and to the owners of property within one thousand five hundred (1,500) feet of the boundaries thereof, at least twenty (20) days prior to the date of such hearing. Notice of the county's action shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city. Failure to receive such notice shall not invalidate any subsequent action taken. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

13A-14.04.02 CONDUCT OF HEARING

The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Planning Commission may from time to time vote to prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any government official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested person(s) prior to and at the public hearing.

The Planning Commission may make recommendations on proposed amendments to specific properties which affect only a portion of the land noted in the public hearing notices or which give all or any part of the land described a zoning classification of lesser change than set forth in the said notice. The Table of Lesser Change is hereby made a part of these regulations, designating which zoning district classifications shall be lesser changes authorized for zoning district classifications published in the notice.



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TABLE OF LESSER CHANGE

Zone District of Lesser Change									
Proposed Zone District	AG	RA	RS1	RS2	RS3	NB	BC	IL	IH
AG									
RS	X								
RS1	X	X							
RS2	X	X	X						
RS3	X	X	X	X					
NB									
BC						X			
IL						X	X		
IH						X	X	X	
PUD	X	X	X	X	X	X	X	X	X

For action on zoning amendments, a quorum of the Planning Commission must be more than one-half of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the Planning Commission, whereas, a vote either for or against an amendment by less than a majority of all Planning Commission members present constitutes a "failure to recommend." On all actions the Planning Commission members present shall state the reason for denial or approval.

For action on a text amendment, the affirmative vote of a majority of the entire membership of the Planning Commission is required to adopt a recommendation.

For action on a rezoning, or amendment to change zoning districts for a specific property, the affirmative vote of a majority of the Planning Commission present is required to adopt a recommendation of approval or denial.

If the Planning Commission fails to make a recommendation on the text amendment or rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval. On all actions of the Planning Commission regarding a text amendment or rezoning, the Commission shall state their reasons for the recommendation, and the findings as required by these regulations.

(Amend. No. 1, 12-10-91; Res. No. 97-1522, 9-16-97)



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13A-14.05 - REPORT BY PLANNING COMMISSION

Within fifteen (15) days after the close of a public hearing on a proposed amendment, the Planning Commission shall submit a report to the Governing Body. A copy of this report shall also be filed with the Clerk and with the Zoning Administrator and such copies shall be kept available for public inspection. A copy of the report shall also be mailed to the owner or his designated agent of the property affected by the proposed amendment. Such report shall contain a recommendation as to whether the proposed amendment should be approved or disapproved and specific written determinations on the items listed in [13A-14.06 - AMENDMENTS TO TEXT](#) and [13A-14.07 - AMENDMENTS TO CHANGE ZONING DISTRICTS](#) and on such other items as the Planning Commission may consider relevant. The report submitted to the Governing Body shall be accompanied by a copy of the record of the hearing on the proposed amendment.

13A-14.06 - AMENDMENTS TO TEXT

When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the report of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations; and
- b. Whether the proposed amendment is made necessary because of changed or changing conditions in the zoning districts affected and, if so, the nature of such change or changing conditions.

13A-14.07 - AMENDMENTS TO CHANGE ZONING DISTRICTS

When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the Planning Commission shall then contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and determination as to the following items:

- a. Whether the change in classification would be consistent with the intent and purpose of these regulations;
- b. Whether every use that would be permitted on the property reclassified would be compatible with the uses presently on other property in the immediate vicinity;
- c. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
- d. The general amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
- e. In the event that the property as re-classified would be available for business or manufacturing uses, whether such uses particularly in the area in question, are required to provide business or manufacturing services or employment opportunities;
- f. Whether the proposed amendment would correct an error in the application of these regulations as applied to the subject property;
- g. Whether the proposed amendment is made necessary because of change or changing conditions in the area affected, and if so, the nature of such change or changing conditions;



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- h. Whether the proposed amendment would be in accordance with and further enhance the implementation of the Comprehensive Plan.

13A-14.08 - ADOPTION OF AMENDMENTS BY THE GOVERNING BODY

When the Planning Commission submits a recommendation of approval or disapproval of a text amendment or amendment to change zoning districts (rezoning) and the reasons therefor, the governing body may:

- a. Adopt such recommendation by resolution;
- b. Override the Planning Commission's recommendation by a two-thirds (2/3) vote of the membership; or
- c. Return such recommendation to the Planning Commission with a statement specifying the basis for the governing body's failure to approve or disapprove.

If the governing body returns the Planning Commission's recommendation, the Planning Commission may resubmit its original recommendation giving the reasons therefor, or submit new and amended recommendations. Upon receipt of such recommendation, the governing body by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation, or it need take no action thereon. Failure of the Planning Commission to deliver its recommendation following the Planning Commission's next regularly scheduled meeting shall be considered a resubmission of its original recommendation.

(Amend. No. 1, 12-10-91, Res. No. 1254-40, 08-25-15)

13A-14.09 - FILING OF PROTEST

[If] a written protest against a zoning amendment is filed in the office of the county clerk within fourteen (14) days after the date of conclusion of the public hearing pursuant to the publication notice, which protest is duly signed and acknowledged by the owners of twenty (20%) percent or more of any property proposed to be rezoned, or by the owners of twenty (20%) percent or more of the total area required to be notified, excepting public streets and ways, the resolution adopting such amendment shall not be passed except by a unanimous vote of the Governing Body.

(Amend. No. 1, 12-10-91)

13A-14.10 - CHANGE OF OFFICIAL MAP

The amending resolution shall describe the change of boundary to be amended and shall order the Official Zoning Map(s) changed to reflect the amendment, and shall amend the section of the resolution originally incorporating the same and shall reincorporate the map as amended.

13A-14.10.01 PLAT APPROVAL REQUIRED PRIOR TO REZONING

Land shall be platted in accordance with the subdivision regulations of the County prior to rezoning any area to any district other than the AG (Agricultural) District. If the governing body determines that the requested zoning district is appropriate, the zoning request shall be tentatively approved, subject to proper platting for a period not to exceed one (1) year. The Planning Commission may grant one (1) extension not exceeding six (6) months, upon written application. In the event that proper platting is not completed within the specified time, the Planning



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Commission shall recommend appropriate action to the Governing Body. A resolution of final rezoning approval will not be considered until a resolution of final plat approval is considered.

(Res. No. 1254-11, # 8, 1-28-97)

13A-14.10.02 EFFECTIVE DATE

The proposed rezoning or amendment of the regulations shall become effective upon publication of the respective adopting resolution.

(Amend. No. 1, 12-10-91; Res. No. 1254-11, # 9, 1-28-97)

13A-14.10.03 LIMITATIONS ON REAPPLICATION

Whenever an application for amendment, supplement, change or rezoning has been denied by the Governing Body, such application or one substantially similar shall not be reconsidered sooner than one year after such denial.

(Res. No. 1254-9, 11-5-95; Res. No. 1254-11, # 10, 1-28-97)

13A-14.11 - ANNUAL REVIEW

In order to properly maintain these regulations and the Comprehensive Plan, the Planning Commission shall annually hold a public review at their regular meeting in March to consider amendments, if any to these regulations. Such amendments shall follow the procedures of Article 14 for amendments to the text. During the year, the Zoning Administrator shall maintain a list of possible amendments which may be periodically brought to his attention. Any amendment to the Comprehensive Plan shall become effective upon publication of the respective adopting resolution.

(Amend. No. 1, 12-10-91)

13A-14.12 - FEE SCHEDULE

Filing fees for conditional use applications, appeals, variance applications, amendments to the text and zoning map, subdivision filing fees and construction registration fees are set by Saline County Amendment 20 to Resolution #783, or amendments thereto.

Conditional use outside review. For those projects that due to their highly technical nature require review by outside consultants, the applicant shall be responsible for payment of consultant fees in accordance with [13A-13.06.05 INVESTIGATION](#).



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Fee Table

Application	Fee
Zoning Compliance Cert./Building Permit/Sign Permit	\$50
Floodplain Development Permit	250
Rezoning	250
Lan Evaluation and Site Assessment	50
Conditional Use Permit	200
Appeal to BCC	100
Text Amendment	200
Preliminary Plat	200
Final Plat	150
PUD (combined rezone and plat)	350
Subdivision Exception	125
Variance to BZA	125
Appeal to BZA	125

(Res. No. 96-1494, 9-24-96; Amend. 1254-30, 5-13-08)

13A-14.13 - VESTING OF DEVELOPMENT RIGHTS

- A. For the purpose of single-family residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five (5) years of recording a plat, the development rights may expire.
- B. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use and construction has begun and substantial amounts of work have been completed under a validly issued permit.

(Amend. No. 1, 12-10-91)