

SECTION 303 ZONING DISTRICTS

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12-303-1 AG-1 (AGRICULTURAL) DISTRICT

The AG-1 District is intended to accommodate a full range of agricultural activities such as the raising of crops or livestock as well as the processing and sale of agricultural products raised on the premises and, at the same time, to offer protection to agricultural land and land uses. Maintaining an inventory of productive, or potentially productive, agricultural land is a principal goal within the unincorporated portion of the county. The district is also intended to provide protection for watersheds and water supplies, forest areas, and scenic areas; to promote the conservation of fish and wildlife; and to prevent the untimely scattering of more dense urban development. The standards of the AG-1 District are designed to permit limited development that is compatible with the existing rural character and agricultural land uses.

12-303-1.01 Permitted Uses

- a. A building or land shall be used only for the uses listed in the Permitted Use Table in Section 12-304-3. Uses intended to support and encourage agriculture, such as Agritourism, Value-Added Agriculture Business, Commercial Grain Storage, Small Scale Ag Related Research Facility, and Ancillary Agricultural Retail Sales are permitted in the AG-1 District.
- b. Any request to change the use of land in the AG-1 (Agricultural) District from agriculture to a non-agricultural use will be evaluated with regards to the suitability of the property for agricultural uses in order to maintain a strong inventory of agricultural land and may require rezoning or approval of a conditional use permit.

12-303-1.02 Accessory Uses and Structures

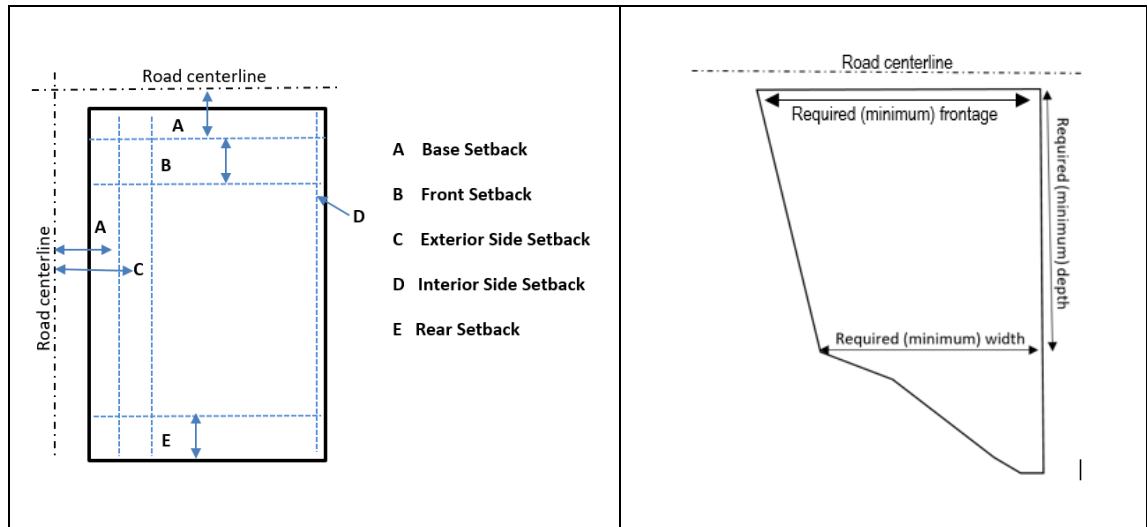
Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same dimensional standards as the principal use and structure.

12-303-1.03 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart below apply to all development in the AG-1 District. Additional dimensional standards are contained in Section 12-305.

AG-1	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75/60 [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	150'	100'	100'	75'	50
Interior Side Setback	30'	30'	30'	30'	30'
Rear Setback	30'	30'	30'	30'	30'
Minimum Parcel Area	20[2]	20[2]	20[2]	20[2]	20[2]
Minimum frontage	1320' [3]	660' [3]	660'/500' [3] [4]	330' [3]	250' [3][5]
Minimum width at Minimum Depth	1188'	594'	594'/450' [4]	297'	225'
Minimum Depth	300	250'	250'	250'	250'
Maximum Height	35'	35'	35'	35'	35'
Maximum Density	1 du/20 acres	1 du/20 acres	1 du/20 acres	1 du/20 acres	1 du/20 acres

- [1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median
- [2] Parcels with less area may be created when maximum density is maintained with an Agricultural Preservation Easement.
- [3] Minimum frontage requirement applies along the road which the property fronts on and takes access to.
- [4] 1st number is frontage required when the posted or design speed, as determined by the County Engineer, is greater than, or equal to, 55 mph/ 2nd number is frontage required when the posted or design speed, as determined by the County Engineer, is less than 55 mph.
- [5] There is no minimum frontage or width requirement for properties served by Commission approved private roads established per Home Rule Resolution No. HR-09-10-3 or for properties that connect to, and take access from, the terminus of a 'dead end' road; however, a means for turnaround of emergency and road maintenance vehicles must be provided at the end of dead end roads, e.g. enough public road right-of-way and a wide entrance to permit 3-point turns, or a bulb cul-de-sac.



12-303-1.04 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-1.05 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-2 AG-2 (TRANSITIONAL AGRICULTURAL) DISTRICT

- a. The AG-2 (Transitional Agricultural) District will provide an appropriate zoning designation for low density development that retains the character of a rural area with limited residential development. This District is intended to accommodate low-density rural development in areas that are not well-suited for agriculture or development that has been designed to accommodate agricultural land uses in the area. For this reason, rezoning requests to this district will be evaluated on a case-by-case, site-by-site basis. Due to the unique purpose and nature of this district it may not be provided in uniform areas, as is common with most zoning districts, but may be provided in very small areas located throughout the unincorporated portion of the county.
- b. In addition, the AG-2 District is intended to accommodate lands which are currently located in the A (Agricultural) District but have inadequate parcel area for the AG-1 District (e.g. land was divided into less than 20 acres, prior to the adoption of these regulations).
- c. The AG-2 District will allow the zoning maps to more clearly represent the current land uses in an area. The AG-1 District will include larger parcels with agricultural or open space land uses and the AG-2 District will include smaller parcels and land that has been divided for residential development. Agriculture remains a permitted and encouraged use in the AG-2 District.

12-303-2.01 Applicability

Rezoning to the AG-2 District is required prior to the development of parcels with less than 20 acres that do not meet the exemption from the dimensional standards in the AG-1 District, Section 12-301.2 or Section 11-101(c)(vii) of the Subdivision Regulations. In addition to the criteria listed in Section 12-307-4.06 of these Regulations, rezoning applications to the AG-2 District shall be evaluated for the suitability of the property for agricultural uses to minimize the loss or conversion of agriculturally productive land, or potentially productive agricultural land.

12-303-2.02 Permitted Uses

A building or land shall be used only for the principal uses listed in the Permitted Use Table in Section 12-304-3.

12-303-2.03 Accessory Uses

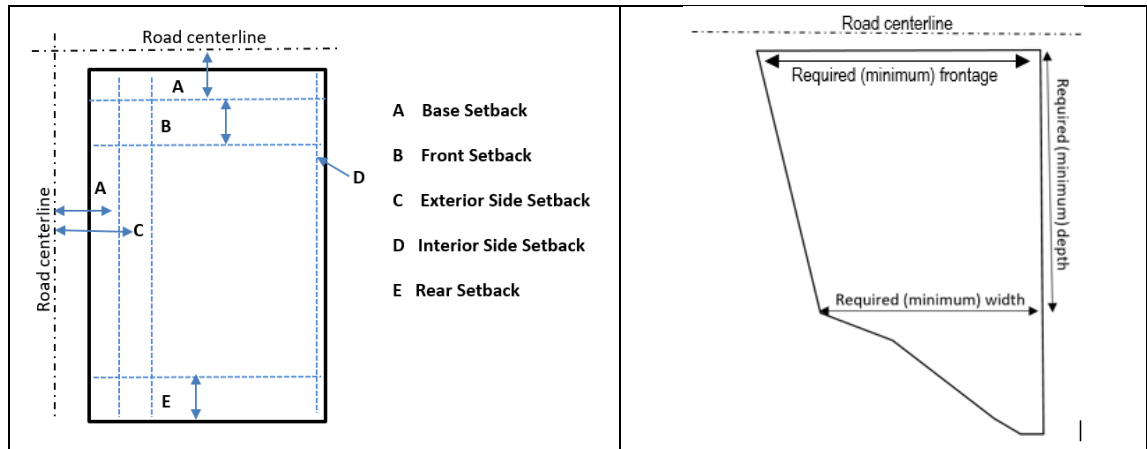
Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same dimensional standards as the principal use and structure.

12-303-2.04 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart below apply to development in the AG-2 District. Additional dimensional standards are contained in Section 12-305.

AG-2	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback	75/60 [1]	50'	40'	35'	35'
Front and Exterior Side Setback	150'	100'	100'	75'	50'
Interior Side Setback	30'	30'	30'	30'	30'
Rear Setback	30'	30'	30'	30'	30'
Minimum Area	10 acres [2]	10 acres [2]	10 acres [2]	10 acres [2]	10 acres [2]
Minimum frontage	1320'[3]	660' [3]	660'/500'[[3][4]	330'[3]	250'[3]
Minimum width at Minimum Depth	1188'	594'	594'/450'[4]	297'	225'
Minimum Depth	300	250'	250'	250'	250'
Max. Height	35'	35'	35'	35'	35'
Maximum Density	1 du / 10 acres	1 du / 10 acres	1 du / 10acres	1 du / 10 acres	1 du / 10 acres

- [1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median
- [2] The minimum area requirement applies to properties divided after the effective date of these regulations. Parcels or lots that were legally created prior to the effective date that have less than this minimum area are vested. Parcels with less area may be created when maximum density is maintained with an Agricultural Preservation Easement.
- [3] Minimum frontage requirements apply along the road which the property fronts on and takes access to. There is no minimum frontage for properties served by Commission approved private roads established per Home Rule Resolution No. HR-09-10-3 or for properties that connect to, and take access from, the terminus of a 'dead end' road; however, a means for turnaround of emergency and road maintenance vehicles must be provided at the end of dead end roads, e.g. enough public road right-of-way and a wide entrance to permit 3-point turns, or a bulb cul-de-sac.
- [4] 1st number is frontage required when the posted or design speed, as determined by the County Engineer, is greater than, or equal to, 55 mph/ 2nd number is frontage required when the posted or design speed, as determined by the County Engineer, is less than 55 mph.



12-303-2.05 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3. with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-2.06 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- g. General Development Standards – Section 12-314
- h. Landscaping/Screening – Section 12-305
- i. Off-Street Parking and Loading – Section 12-311
- j. Sign Regulations – Section 12-314
- k. Lighting Standards – Section 12-314
- l. Additional Dimensional Standards-Section 12-305

12-303-3 (CP) CLUSTERED PRESERVATION DISTRICT

The CP (Clustered Preservation) District accommodates lands which were zoned A-1 (Suburban Home Residential) District and R-1 (Single-Family Residential) Districts within the Urban Growth Area or were divided through a cluster development certificate of survey prior to the effective date of these revised Zoning Regulations. The District also provides a suitable zoning district for medium density residential development within the Urban Growth Area while preserving agricultural lands and open space by clustering development. Existing A-1 Zoning outside of the urban growth area will convert to the CP District with the adoption of these regulations; however, no new rezoning to the CP District shall occur on any land outside the Urban Growth Area.

12-303-3.01 Applicability

- a. Rezoning to the CP District is required within the Urban Growth Area prior to the development of residential uses at a higher density than is permitted in the AG-2 District (greater than 1dwelling unit per 10 acres). This district is intended to accommodate land divisions of up to 4 rural development parcels through a cluster development certificate of survey and the platting of residential subdivisions. Rezoning requests from the AG-1 or AG-2 District will be evaluated to minimize the loss or conversion of productive, or potentially productive, agricultural lands.
- b. The district permits the clustering of residential development, thereby allowing agricultural or open space preservation on a minimum of 40% of the total property area. It may be possible to cluster development on smaller lots than required by the density and dimensional standards in this section, provided the Health Department approves an engineered wastewater system which is governed by an improvement district, a public water supply system is available, and a protected agricultural or open space area exceeding the required minimum of 40% of the total site area is provided.
- c. Lots or Rural Development Parcels shall be clustered (contiguous), unless necessary to be separated to protect environmentally sensitive lands or productive agricultural land.

12-303-3.02 Permitted Uses

A building or land shall be used only for the principal uses listed in the Permitted Use Table in Section 12-304-3.

12-303-3.03 Accessory Uses

Accessory uses and structures are permitted by right in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same dimensional standards as the principal use and structure.

12-303-3.04 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart below apply to development in the CP District. Additional dimensional standards are contained in Section 12-305.

CP	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75/60 [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	150'	100'	100'	75'	50
Interior Side Setback	10'	10'	10'	10'	10'
Rear Setback	30'	30'	30'	30'	30'
Minimum Lot/Parcel Area*	3 acres [2]	3 [2]	3 [2]	3 [2]	3 [2]
Minimum frontage	1320'[3]	660' [3]	660'/500' [3][4]	330'[3]	250'[3][5]
Minimum width at Minimum Depth	1188'	165'	594'/450'[4]	297	225'
Minimum Depth	300	250'	250'	250'	250'***
Max. Height	35'	35'	35'	35'	35'
Maximum Density	1 du / 3 acres	1 du / 3 acres	1 du / 3 acres	1 du / 3 acres	1 du / 3 acres

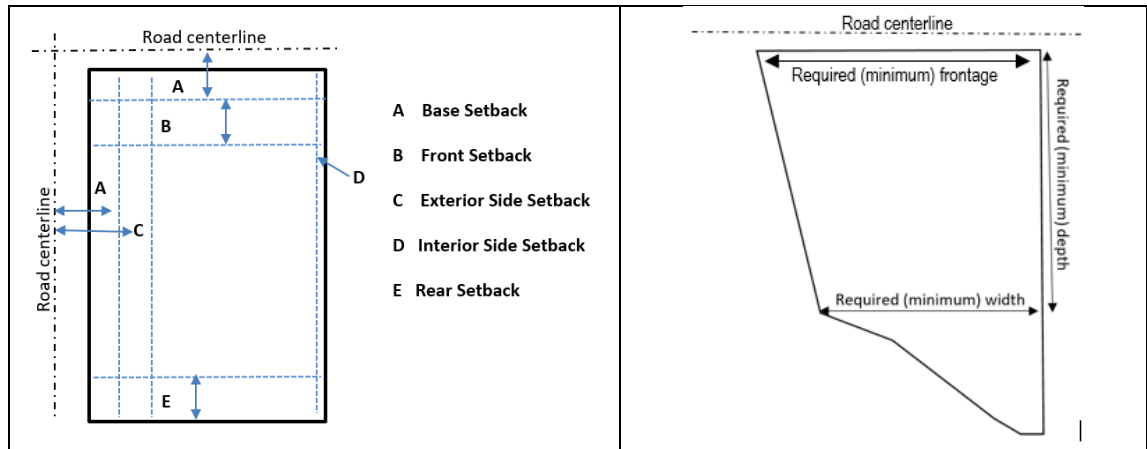
[1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median.

[2] Lot area must comply with Douglas County Sanitary Code requirements.
a. The minimum area requirement applies to properties divided after the effective date of these regulations. Properties divided prior to the effective date with less than this minimum area, will be subject to the nonconforming lot provisions of Section 12-308-4.

[3] Minimum frontage requirement applies along the road which the property fronts on and takes access to.

[4] 1st number is frontage required when the posted or design speed, as determined by the County Engineer, is greater than, or equal to, 55 mph/ 2nd number is frontage required when the posted or design speed, as determined by the County Engineer, is less than 55 mph.

[5] Minimum frontage of 50 feet is required for properties that take access from a cul-de-sac. There is no minimum frontage or width requirement for properties that connect to, and take access from, the terminus of a 'dead end' road; however, a means for turnaround of emergency and road maintenance vehicles must be provided at the end of dead end roads, e.g. enough public road right-of-way and a wide entrance to permit 3-point turns, or a bulb cul-de-sac.



12-303-304 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-3.05 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-4 LS (LONE STAR LAKE LOT RESIDENTIAL) DISTRICT

The purpose of the LS (Lone Star Lake Lot Residential) District is to establish a district that recognizes the lake lots or tracts previously created by plat within Douglas County at Lone Star County Lake, which are unique and distinctive from other lake lot developments and which are each served by public water and private sewer, and to maintain overall density and development standards contained within said Douglas County Lake developments. The District is not to be used for the creation of additional lots or tracts of a similar nature.

12-303-4.01 Permitted Uses

A building or land shall be used only for the purposes shown in the Permitted Use Table in Section 12-304-3.

12-303-4.03 Accessory Uses and Structures

Accessory uses and structures are permitted by right in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same regulations as the principal use and structure.

12-303-4.04 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart apply to development in the LS District. Additional dimensional standards are contained in Section 12-305.

<u>LS</u>	<u>Local Road</u>
Front and Exterior Side Setback	<u>20' from the right-of-way line</u>
Interior Side Setback	<u>6'</u>
Rear Setback	<u>10'</u>
Max. Height	<u>35'</u>
Min. Area	<u>1,600 sq ft</u>

a. Lot Dimensions

No minimum lot area is established for legal lots of record as of the date of the adoption of these regulations; however, it is anticipated that every such lot shall provide sufficient setbacks as specified herein and still provide adequate building area.

b. Lot Area

No minimum lot area is established for legal lots of record as of the date of the adoption of these regulations. Additional area may be required per the Douglas County Sanitary Code for on-site sewage management system.

12-303-4.05 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-4.06 Other Regulations

There are a number of other regulations that may apply to development in this district including

but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-5 LB (LAKE ORIENTED BUSINESS) DISTRICT

The LB (Lake Oriented Business) District is intended to accommodate the grouping of uses that serve the users of, or are dependent upon, the recreational lakes in the County (Clinton Lake, Lone Star Lake, Douglas County Lake, Ski Lake, and Lakeview Lake).

12-303-5.01 Permitted Uses

A building or land shall be used only for the purposes listed in the Permitted Use Table in Section 12-304-3.

12-303-5.02 Accessory Uses

Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same regulations as the principal use or structure.

12-303-5.03 Dimensional Standards

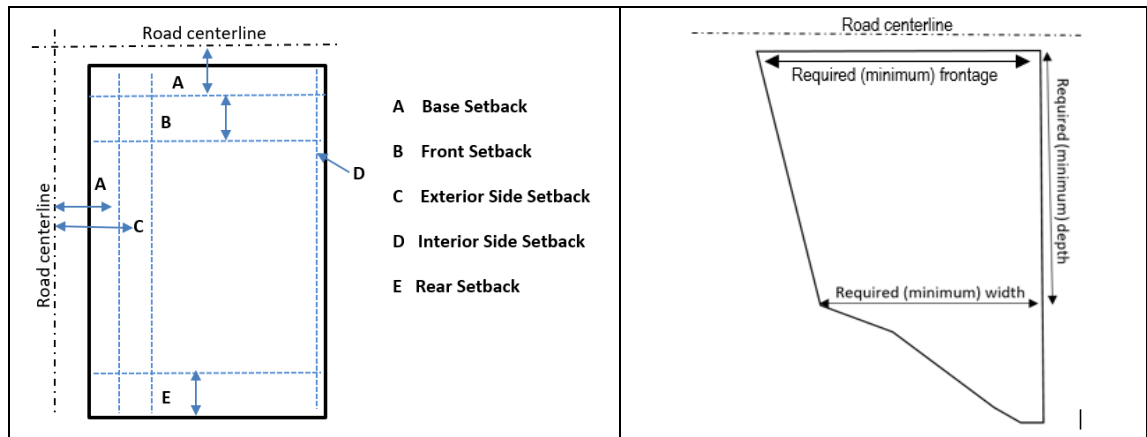
Unless otherwise expressly stated, the Dimensional standards provided in the chart below apply to development in the LB District. Additional dimensional standards are contained in Section 12-305.

LB	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75'/60' [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	80'	40'	40'	40'	40
Interior Side	10'/20/ [2]	10'/20/ [2]	10'/20/ [2]	10'/20/ [2]	10'/20/ [2]
Rear	30'	30'	30'	30'	30'
Minimum Area	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]
Minimum frontage	75' [4]	75' [4]	75' [4]	75' [4]	75' [4][5]
Minimum Depth	125'	125'	125'	125'	125'
Maximum Height	35'	35'	35'	35'	35'

[1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median

[2] First number is setback when adjacent to a non-residentially zoned or developed property. Second number is setback when adjacent to a residential use or residentially zoned property.

- [3] Additional area may be required per the Douglas County Sanitary Code for on-site sewage management system for properties platted after the effective date of these regulations.
- [4] Minimum frontage requirements apply along the road which the property fronts on and takes access to.
- [5] Minimum frontage of 50 feet is required for properties that take access from a cul-de-sac. There is no minimum frontage or width requirement for properties that connect to, and take access from, the terminus of a 'dead end' road; however, a means for turnaround of emergency and road maintenance vehicles must be provided at the end of dead end roads, e.g. enough public road right-of-way and a wide entrance to permit 3-point turns, or a bulb cul-de-sac.



12-303-5.04 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-5.05 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-6 RT (RURAL TOURISM BUSINESS) DISTRICT

The RT District is intended to provide a suitable zoning district for uses associated with Rural Tourism, such as recreation and conference uses. The District is intended to accommodate Rural Tourism uses that occupy significant land areas or that may be more intense or larger in scale than uses than could be permitted as Agritourism or with a Conditional Use Permit. The regulations are designed to offer maximum flexibility for the use while insuring compatibility with nearby land uses and the rural character of the area.

12-303-6.01 Permitted Uses

A building or land shall be used only for the principal uses listed in the Permitted Use Table in Section 12-304-3.

- a. The only uses permitted in the RT District are uses that the Zoning and Codes Director has determined constitute Rural Tourism Uses, as defined in this Section, and their accessory uses.
- b. Accessory uses that are associated with the Rural Tourism use but do not constitute a rural-tourism use themselves, are permitted as accessory uses and may be located (operate) on the site only when the Rural Tourism use is present and active.
- c. Rural Tourism uses may exist alone or may be several uses combined, and may include accessory uses. For instance, a corporate retreat (social assembly) may have meeting rooms, recreational facilities, and a restaurant.
- d. Principal Rural Tourism Uses are the uses that make up the Rural Tourism component of the use. These uses include, but are not limited to, uses such as outdoor recreation, parks, areas for picnicking, riding stables, bike paths, hiking trails and other similar uses; open air theater (excluding drive-ins); places of social assembly; lodging such as lodges, cabins, bed and breakfasts, or campgrounds; libraries, museums, art galleries and other similar uses.
- e. Accessory Rural Tourism uses are uses that do not constitute a Rural Tourism use on their own, but may enhance the rural tourism use.
 - 1) These uses shall be incidental to the rural tourism use and must occur in conjunction with a principal rural tourism use.
 - 2) Accessory uses that would enhance rural tourism uses could include, but are not limited to, personal service uses such as beauty salons/spas, photographic or artist studios, restaurants, retail stores (limited), indoor sports or recreation, including billiard parlors, physical fitness centers, swimming pools; residential dwellings when associated with the tourism use as caretaker or manager residence, or as part of a living museum; religious institutions, and community buildings.
- f. A concept plan must be submitted with any rezoning request to the RT District.
 - 1) The site plans submitted for the project, including the concept plan, must clearly identify the principal Rural Tourism uses and the accessory uses as defined in this Section.

- 2) Principal uses in the RT District shall be limited to those, and only those, approved with the rezoning by resolution. Any change in the principal uses shall require rezoning of the property.
- 3) Rural Tourism zoning is intended to accommodate larger scale commercial tourism projects that are compatible with, and benefit from, the rural character of the area.

12-303-6.02 Site Design Criteria

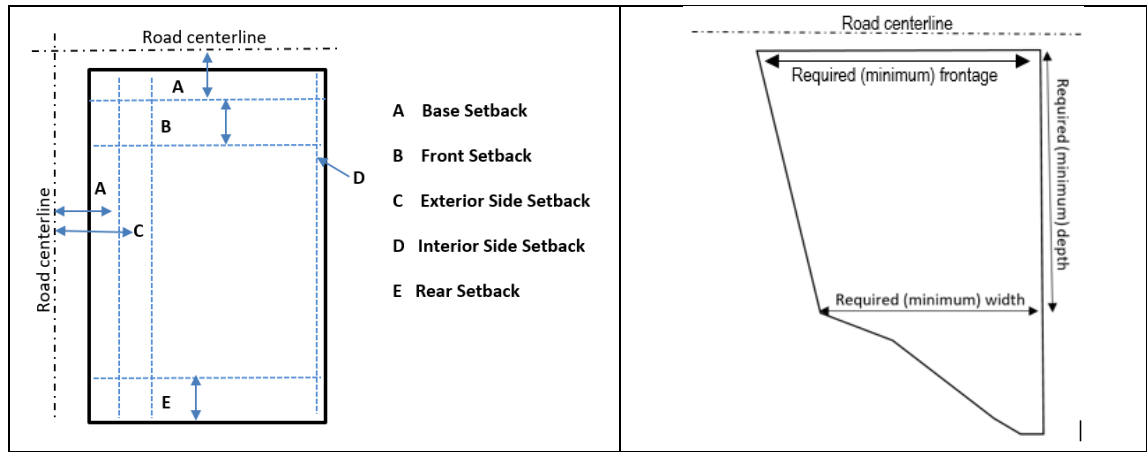
- a. Uses in the Rural Tourism District shall integrate with and maintain or enhance the rural character of the area;
- b. Facilities shall be designed to preserve natural resources and integrate with the rural environment through appropriate land use, site design, buffering, or other methods;
- c. A site-specific site plan shall be submitted with rezoning applications to demonstrate that the site design criteria noted above have been met. The following items are required on all site plans for uses in the Rural Tourism District:
 - 1) A minimum 200 ft buffer area provided around the perimeter of the site; and
 - 2) Uses permitted within this buffer area shall be limited to agriculture or other low-impact uses. These uses shall be noted on the site plan along with the party or entity responsible for maintenance of the buffer area.

12-303-6.03 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart apply to development in the RT District. Additional dimensional standards are contained in Section 12-305.

RT	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75'/60' [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	40'	40'	40'	40'	40'
Interior Side	20'	20'	20'	20'	20'
Rear	30'	30'	30'	30'	30'
Minimum Area	10 acres	5 acres	5 acres	3 acres	3 acres
Min. Frontage	1320' [2]	500' [2]	500' / 660' [2] [3]	330' [2]	250' [2][4]
Max. Height	35'	35'	35'	35'	35'

- [1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median
- [2] Minimum frontage requirement applies along the road which the property fronts on and takes access to.
- [3] 1st number is frontage required when the posted or design speed, as determined by the County Engineer, is greater than, or equal to, 55 mph/ 2nd number is frontage required when the posted or design speed, as determined by the County Engineer, is less than 55 mph.
- [4] Minimum frontage of 50 feet is required for properties that take access from a cul-de-sac. There is no minimum frontage or width requirement for properties that connect to, and take access from, the terminus of a 'dead end' road; however, a means for turnaround of emergency and road maintenance vehicles must be provided at the end of dead end roads, e.g. enough public road right-of-way and a wide entrance to permit 3-point turns, or a bulb cul-de-sac.



12-303-6.06 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-6.07 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-7 GB (GENERAL BUSINESS) DISTRICT

The purpose of the GB District is to provide commercial space in appropriate locations for a variety of business, commercial, and service uses along principal arterials and other major thoroughfares where a general mixture of commercial and service uses now exists, or where the businesses could serve the motoring public or residents in the area. General Business uses are not characterized by extensive warehousing; frequent heavy trucking activity; open storage of material, equipment or merchandise; or the nuisance factors of dust, odor, and noise associated with manufacturing.

12-303-7.01 Access

The district is intended for application along higher classification roads such as principal arterials or at the intersections of principal arterials with major collector or minor arterial roads, as designated in the Douglas County Access Management Map.

12-303-7.02 Permitted Uses

A building or land shall be used only for the purposes listed in the Permitted Use Table in Section 12-304-3.

12-303-7.03 Accessory Uses

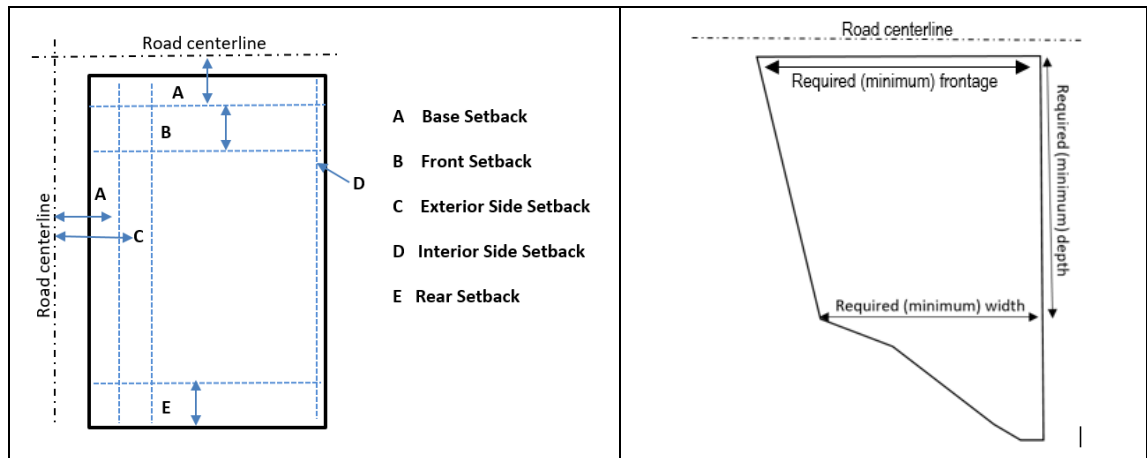
Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same regulations as the principal use and structure.

12-303-7.04 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart apply to development in the GB District. Additional dimensional standards are contained in Section 12-305.

GB	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75'/60' [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	80'	40'	40'	40'	40'
Interior Side	10'/20' [2]	10'/20' [2]	10'/20' [2]	10'/20' [2]	10'/20' [2]
Rear Setback	30'	30'	30'	30'	30'
Minimum Area	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]
Minimum frontage	75' [4]	75' [4]	75' [4]	75' [4]	75' [4]
Min. Depth	75'	75'	75'	75'	75'
Max. Height	45'	45'	45'	45'	45'

- [1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median
- [2] First number is setback when adjacent to a non-residentially zoned or developed property. Second number is setback when adjacent to a residential use or residentially zoned property.
- [3] Additional area may be required per the Douglas County Sanitary Code for on-site sewage management system for properties platted after the effective date of these regulations.
- [4] Minimum frontage requirements apply along the road which the property fronts on and takes access to.



12-303-7.05 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled ‘Use Standards’.

12-303-7.06 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-8 LI (LIGHT INDUSTRIAL) DISTRICT

The purpose of the Light Industrial District is to provide space in appropriate areas and locations for industrial and manufacturing uses that are relatively free from offense and are compatible with less-intense commercial and residential uses. This district is intended primarily for light manufacturing, fabricating, service industries, warehousing, and wholesale trade and distributing in areas with access by major thoroughfares or railroads.

12-303-8.01 Access

The district is intended for properties with access on arterial roads and highways and/or railroads.

12-303-8.02 Permitted Uses

A building or land shall be used only for the purposes shown in the Permitted Use Table in Section 12-304-3.

12-303-8.03 Accessory Uses

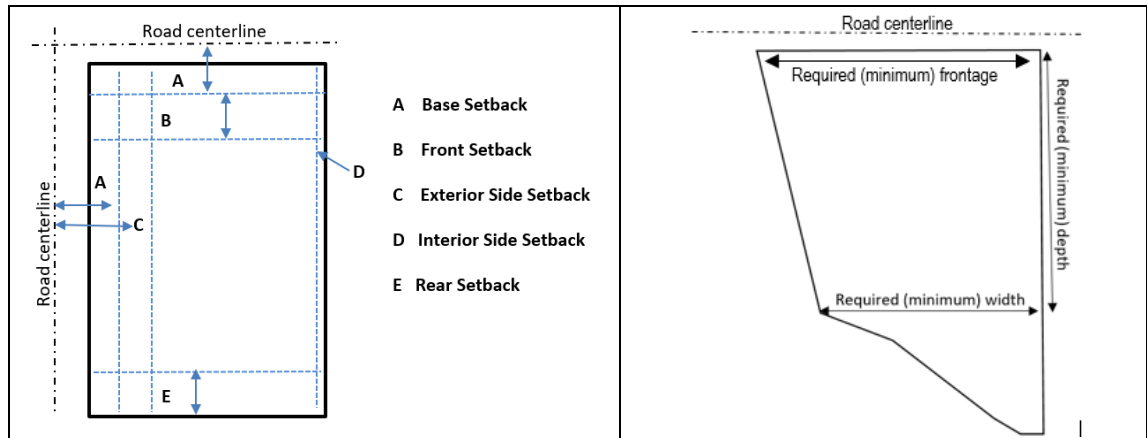
Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same regulations as the principal use and structure.

12-303-8.04 Dimensional Standards

Unless expressly stated, the dimensional standards provided in the chart apply to development in the LI District. Additional dimensional standards are contained in Section 12-305.

LI	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75'/60' [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	80'	50'	50'	50'	50'
Interior Side Setback	20'	20'	20'	20'	20'
Rear Setback	30'	30'	30'	30'	30'
Minimum Area	20,000 sq ft [2]	20,000 sq ft [2]	20,000 sq ft [2]	20,000 sq ft [2]	20,000 sq ft [2]
Minimum frontage	75' [3]	75' [3]	75' [3]	75' [3]	75' [3]
Minimum Depth	200'	200'	200'	200'	200'
Maximum Height	55'	55'	55'	55'	55'

- [1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median
- [2] Additional area may be required per the Douglas County Sanitary Code for on-site sewage management system for properties platted after the effective date of these regulations.
- [3] Minimum frontage requirements apply along the road which the property fronts on and takes access to.



12-303-8.05 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-8.06 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-9 GI (GENERAL INDUSTRIAL) DISTRICT

The purpose of the General Industrial District is to accommodate moderate- and high-impact industrial uses for which space is not available or the use is not appropriate for location within the urbanized areas of the county, including large-scale or specialized industrial operations requiring good transportation access, and ready access to public facilities and services

12-303-9.01 Access

This district is intended for application along principal arterial roads and freeways, as designated in the Douglas County Access Management Map.

12-303-9.02 Permitted Uses

A building or land shall be used only for the purposes shown in the Permitted Use Table in Section 12-304-3.

12-303-9.03 Accessory Uses

Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same regulations as the principal use and structure.

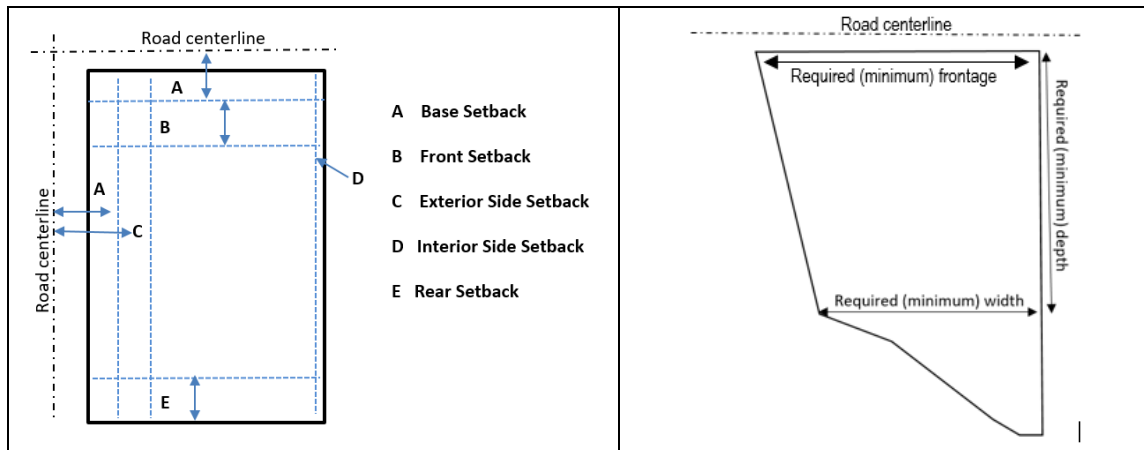
12-303-9.04 Dimensional Standards

Unless expressly stated, the Dimensional standards provided in the chart apply to development in the GI District. Additional dimensional standards are contained in Section 12-305.

GI	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75'/60' [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	150'	100'	100'	75'	50'
Interior Side	15'/25/ [2]	15'/25/ [2]	15'/25/ [2]	15'/25/ [2]	15'/25/ [2]
Rear Setback	20'/30' [2]	20'/30' [2]	20'/30' [2]	20'/30' [2]	20'/30' [2]
Minimum Area	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]	15,000 sq ft [3]
Minimum frontage	100' [4]	100' [4]	100' [4]	100' [4]	100' [4]
Minimum Depth	150'	150'	150'	150'	150'
Maximum Height	75'	75'	75'	75'	75'

[1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median

- [2] First number is setback when adjacent to a non-residentially zoned or developed property. Second number is setback when adjacent to a residential use or residentially zoned property.
- [3] Additional area may be required per the Douglas County Sanitary Code for on-site sewage management system for properties platted after the effective date of these regulations.
- [4] Minimum frontage requirements apply along the road which the property fronts on and takes access to.



12-303-9.05 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-9.06 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-10 V (VILLAGE) DISTRICT

The purpose of the V (Village) District is to encourage the continued existence of small unincorporated towns by establishing a unique set of dimensional and density standards and allowing a variety of uses without the requirement to rezone. Any non-residential development proposed in the Village District shall be evaluated for compatibility with the historic character of the unincorporated town.

- a. The development of new villages is not contemplated under these provisions.
- b. The boundaries of the village zoning district shall be as established with these zoning regulations. Expansion of villages is not encouraged but may occur when the expansion is squaring off the Village District boundary or allows for the expansion of an existing use onto an undeveloped adjacent parcel.

12-303-10.01 Permitted Uses

A building or land shall be used only for the purposes shown in the Permitted Use Table in Section 12-304-3.

12-303-10.03 Accessory Uses And Structures

Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same regulations as the principal use and structure.

12-303-10.04 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart apply to development in the V District. Additional dimensional standards are contained in Section 12-305.

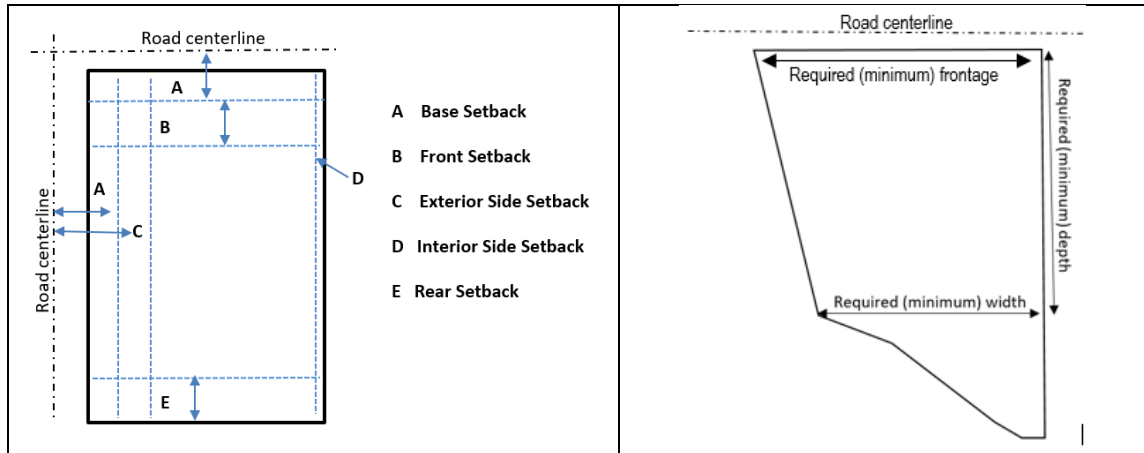
V	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75/60 [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	25'	25'	25'	25'	25'
Interior Side Setback	10'	10'	10'	10'	10'
Rear Setback	30'	30'	30'	30'	30'
Min. Area	10,000 sq ft [2]	10,000 sq ft [2]	10,000 sq ft [2]	10,000 sq ft [2]	10,000 sq ft [2]
Min. frontage	75' [3]	75' [3]	75' [3]	75' [3]	75' [3][4]
Min. depth	120	120	120	120	120
Max. Height	35'	35'	35'	35'	35'

[1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median.

[2] Additional area may be required per the Douglas County Sanitary Code for on-site sewage management system

for properties platted after the effective date of these regulations.

- [3] Minimum frontage requirements apply along the road which the property fronts on and takes access to.
- [4] Minimum frontage of 50 feet is required for properties that take access from a cul-de-sac. There is no minimum frontage or width requirement for properties that connect to, and take access from, the terminus of a 'dead end' road; however, a means for turnaround of emergency and road maintenance vehicles must be provided at the end of dead end roads, e.g. enough public road right-of-way and a wide entrance to permit 3-point turns, or a bulb cul-de-sac.



12-303-10.05 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-10.06 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-11 BSC (BIG SPRINGS COMMUNITY) DISTRICT)

The purpose of the BSC (Big Springs Community) District is to encourage the continued existence and growth of Big Springs, a mixed use community, by establishing a unique set of dimensional and density standards and allowing a variety of uses without the requirement to rezone.

- a. The boundaries of the Big Springs Community zoning district shall be as established with these zoning regulations. Expansion of the district is not encouraged but may occur when the expansion is squaring off the district boundary or allows for the expansion of an existing use onto an undeveloped adjacent parcel.

12-303-11.01 Permitted Uses

A building or land shall be used only for the purposes shown in the Permitted Use Table in Section 12-304-3.

12-303-11.02 Accessory Uses and Structures

Accessory uses and structures are permitted in connection with any lawfully established principal use, except as otherwise expressly provided in these Zoning Regulations. Accessory uses and structures are subject to the same regulations as the principal use and structure.

12-303-11.03 Dimensional Standards

Unless otherwise expressly stated, the dimensional standards provided in the chart apply to development in the BSC District. Additional dimensional standards are contained in Section 12-305.

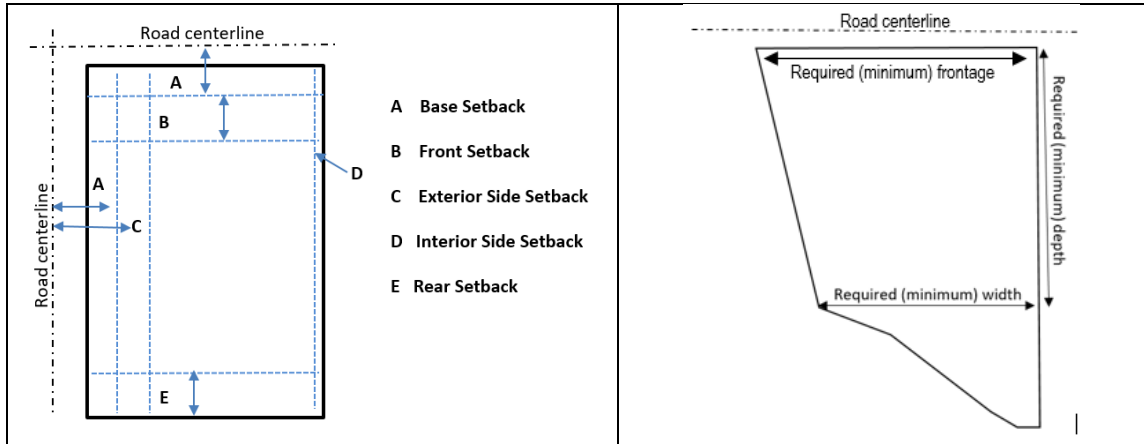
BSC	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Base Setback (from road centerline)	75/60 [1]	50'	40'	35'	35'
Front and Exterior Side Setback (from Base Setback)	25'	25'	25'	25'	25'
Interior Side Setback	10'	10'	10'	10'	10'
Rear Setback	30'	30'	30'	30'	30'
Min. Area*	10,000 sq ft [2]	10,000 sq ft [2]	10,000 sq ft [2]	10,000 sq ft [2]	10,000 sq ft [2]
Min. frontage	75' [3]	75' [3]	75' [3]	75' [3]	75' [3][4]
Min. depth	120	120	120	120	120
Max. Height	35'	35'	35'	35'	35'

[1] 1st number is base setback for principal arterial with median/ 2nd number is base setback for principal arterial without median.

[2] Additional area may be required per the Douglas County Sanitary Code for on-site sewage management system for properties platted after the effective date of these regulations.

[3] Minimum frontage requirements apply along the road which the property fronts on and takes access to.

- [4] Minimum frontage of 50 feet is required for properties that take access from a cul-de-sac. There is no minimum frontage or width requirement for properties that connect to, and take access from, the terminus of a 'dead end' road; however, a means for turnaround of emergency and road maintenance vehicles must be provided at the end of dead end roads, e.g. enough public road right-of-way and a wide entrance to permit 3-point turns, or a bulb cul-de-sac.



12-303-11.05 Use Specific Regulations

Use Specific Regulations are noted in the Permitted Use Table in Section 12-304-3 with an asterisk and the pertinent section of the Zoning Regulations is referenced in the column to the right labeled 'Use Standards'.

12-303-11.06 Other Regulations

There are a number of other regulations that may apply to development in this district including but not limited to the following:

- a. General Development Standards – Section 12-314
- b. Landscaping/Screening – Section 12-305
- c. Off-Street Parking and Loading – Section 12-311
- d. Sign Regulations – Section 12-314
- e. Lighting Standards – Section 12-314
- f. Additional Dimensional Standards-Section 12-305

12-303-12 OVERLAY ZONING DISTRICTS

The purpose of Overlay Zoning Districts is to provide a tool for addressing special development situations or accomplishing special zoning goals. Overlay districts are a layer of additional performance standards or requirements that are added to, or ‘overlaid’ on top of the requirements in the underlying Zoning District.

12-303-12.01 Floodway and Floodway Fringe Overlay Districts (FW) (FF)

The Floodplain Management Regulations are implemented as an overlay district. The provisions for the FW (Floodway) and FF (Floodway Fringe) Overlay Districts are contained in Section 12-312, Floodplain Management Regulations. The standards of the overlay district apply in addition to the base district. Where there is a conflict the provisions of the overlay district govern.

12-303-12.02 Eudora Source Water Protection Overlay District (EWP)

- a. A Source Water Protection Overlay District has been identified to implement the City of Eudora’s Source Water Protection Plan. The standards and regulations established by the Overlay District shall apply in addition to the underlying zoning district restrictions. Where there is a conflict, the Overlay District standards and regulations shall govern.
- b. This Overlay District encompasses the City of Eudora’s designated public water sources and a two-mile radius around each water source. Only the unincorporated areas within a two-mile radius of the water sources will be subject to the protection measures outlined below. The official Eudora Source Water Protection Overlay District (EWP) map is located in the City of Eudora Source Water Protection Plan, which is available at the Lawrence-Douglas County Planning Office and Eudora City Hall.
- c. For development applications within the City of Eudora’s Source Water Protection Overlay District which include the following uses, the associated water quality protection measures shall be utilized and noted on site plans, certificates of survey, and plats:

Use	Water Quality Protection Measure
Auto Truck Repair Service	Discharge to Publicly Owned Treatment Works (POTW). Manage oil products and used oil so that it is not in contact with water.
Construction and Mining Machinery	Discharge to POTW.
Golf Course	Proper application of fertilizers and pesticides. Proper cleaning of equipment and disposal of chemicals.
Highway and Street Construction	Erosion and sediment control.
Meat Packing Plant Manufacturing	Wastewater pre-treatment and/or discharge to POTW.
Single-family Housing Construction	Proper cleaning and disposal of household hazardous waste. Proper storage, application, and clean up of pesticides and fertilizers.
Veterinary Services, Specialties	Discharge to POTW.
Deciduous Tree Fruit Orchard	Minimize the use of chemicals and pesticides. Maintain good erosion control practices.
Farm Product Warehousing and Storage	Keep the area clean of grain. Use grease traps.
General Farm, Primarily Crop	Maintain good erosion control practices and minimize the use of chemicals.

Use	Water Quality Protection Measure
Repair Services, Not Elsewhere Classified	Discharge to POTW.

12-303-12.04 Airspace Overlay District (ASO)

The airspace protection standards and regulations established by this overlay zone shall apply in addition to the underlying zoning district restrictions. Where there is a conflict, the overlay district standards and regulations shall apply.

- a. Purpose
 The ASO, Airspace Overlay District, is intended to prevent the creation and establishment of hazards to life and property in the vicinity of any public airport within Douglas County, to protect users of the airport, and prevent any unreasonable limitation or impairment on the use and expansion of the airport.

- b. Authority
 The regulations of this District are adopted under the authority granted by K.S.A. Sections 3-701 through 3-713.

- c. Applicability
 The Airspace Overlay District regulations apply to all land or water area lying within the established Airport Control Instrument Approach Zones, Non-Instrument Approach Zones, Transition Zones, Horizontal Zones, and Conical Zones as shown on the Airspace Overlay District Map.

- d. Sub-zones Established
 In order to carry out the provisions of this Overlay District, the following Airspace Zones are established. The Airspace Zones shall be included in the Airspace Overlay District and shown on the Official Zoning District Map.
 - 1) Instrument Approach Zone. The Instrument Approach Zone is established at each end of all runways used for instrument landings and takeoffs. The Instrument Approach Zones have a width of 1,000 feet at a distance of 200 feet beyond the end of each instrument runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway. The Approach Zone extends outward and upward at a slope of 50 ft (horizontal) to 1 ft (vertical) for a horizontal distance of 10,000 ft and at a slope of 40 ft (horizontal) to 1 ft (vertical) to a point 50,200 ft from the end of the runway.

 - 2) Non-Instrument Approach Zone. The Non-Instrument Approach Zone is established at each end of all runways used for non-instrument landings and takeoffs. This zone has a width of 500 feet at a distance of 200 feet beyond the end of each non-instrument runway, widening thereafter uniformly to a width of 2,500 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway. The surface slope is 20 ft (horizontal) to 1 ft (vertical).

 - 3) Transition Zone. The Transition Zone is established adjacent to each instrument and non-instrument runway and approach zone as indicated on the Official Zoning District Map. Transition Zones symmetrically located on either side of runways have variable widths as shown on the Official Zoning District Map. Transition Zones extend outward

from a line of 250 feet on either side of the centerline of a non-instrument runway for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of an instrument runway for the length of such runway plus 200 feet on each end; and are parallel and level with such runway centerlines. The Transition Zones along such runways slope upward and outward 1 foot vertically for each 7 feet horizontally to the point where they intersect the surface of the Horizontal Zone. Further, Transition Zones are established adjacent to both Instrument and Non-Instrument Approach Zones for the entire length of these Approach Zones. These Transition Zones have variable widths, as shown on the Official Zoning District Map. Such transition zones flare symmetrically with either side of the runway Approach Zones from the base of such zones and slope upward and outward at the rate of 1 foot vertically for each 7 feet horizontally to the points where they intersect the surfaces of the Horizontal and Conical Zones. 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 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.

4) Horizontal Zone

A Horizontal Zone is that area within a circle with its center at the Airport Reference Point and having a radius of 7,000 feet. The Horizontal Zone does not include the Instrument and Non-Instrument Approach Zones or the Transition Zones.

5) Conical Zone

A Conical Zone is the area that commences at the periphery of the Horizontal Zone and extends outward a distance of 5,000 feet. The Conical Zone does not include the Instrument Approach Zone and Transition Zones.

e. Height Limitations

No structure may be erected, altered, or maintained in any Airspace Zone to a height in excess of the height limit established for such Zone, except as otherwise provided in this section. The following height limitations are hereby established for each of the Airspace Zones:

1) Instrument Approach Zone

One foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence 1 foot in height for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway.

2) Non-Instrument Approach Zone

1 foot in height for each 20 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point 10,200 feet from the end of the runway.

3) Transition Zone

One foot in height for each 7 feet in horizontal distance beginning at any point 125 feet normal to (perpendicular) and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to (perpendicular) and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a height of 150 feet above

Airport elevation. In addition to the foregoing, there are established height limits of 1 foot vertical height for each 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 Zone, a height limit of 1 foot for each 7 feet of horizontal distance shall be maintained beginning at the edge of the Instrument Approach Zone and extending a distance of 5,000 ft from the edge of the Instrument Approach Zone measured to normal to (perpendicular to) the centerline of the runway extended.

- 4) Horizontal Zone
Height may not exceed 150 feet above the Airport elevation.
- 5) Conical Zone
One foot in height for each 20 feet in horizontal distance beginning at the periphery of the Horizontal Zone, extending to a Height of 400 feet above the Airport elevation.

f. Performance Standards

Notwithstanding any other provision of this section, no use or development activity may occur on land within any Airspace Overlay District that:

- 1) creates electrical interference with radio communications between the airport and aircraft, including radio and television transmitting towers or studios and large radiation or X-ray equipment;
- 2) includes aboveground storage of petroleum or any other explosive material;
- 3) emits smoke or odor;
- 4) contains lights or signals that may be confused with airport navigational lights;
- 5) results in glare to pilots approaching, leaving or circling the airport or that impairs visibility in the District;
- 6) provides private airfields or runways for the use of aircraft other than those used in the principal airport in the district; or
- 7) otherwise endangers the landing, taking-off, or maneuvering of aircraft.

g. Nonconformities

- 1) The regulations set forth in this section do not require the removal, lowering, or other change of any structure not conforming to these regulations or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 12-303-12.04(k), exceptions, and 12-303-12.04(m), hazard marking and lighting.
- 2) The County may require, upon 30-days written notice, any person, firm, association, or corporation 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 nonconforming pole or pole line. Prior to the removal, lowering, or changing of the pole or pole line, the owner or owner of the airport, shall pay said person, firm, association or corporation the reasonable and necessary expense of removing,

lowering or changing said pole or pole lines; or in lieu thereof shall execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering or changing such pole or pole lines. The reasonable and necessary expense of removing, lowering or changing said pole or pole lines may include, among other items of expense, the actual cost of:

- a) constructing underground conduits and the construction of such wires and equipment in such conduits; and
- b) rerouting wires together with the poles, cross arms, and other equipment connected thereto, together with the cost, if any, of new right-of-way made necessary by such rerouting.

h. Airspace Overlay Permits

- 1) Except as specifically provided by the exceptions stated in 12-303-11.04(k), no material change may be made in the use of land and no structure may be erected, altered, or otherwise established in any Airspace Overlay District unless an Airspace Overlay District permit (ASO permit) has been applied for and granted.
- 2) Each application for an ASO permit shall indicate the purpose for which the permit is desired, with sufficient information to allow a determination as to whether the resulting use or structure would conform to the regulations set forth in this section. If such determination is in the affirmative, the permit shall be granted.
- 3) No ASO permit may be granted that would allow the establishment or creation of an Airport Hazard or permit a nonconforming use, or structure to be made or become higher, or become a greater hazard to air navigation than it was on the effective date, or the effective date of any amendments hereto, or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

i. Nonconforming Structures

Before any nonconforming structure may be replaced, substantially altered or repaired, rebuilt, or increased in height, an ASO permit shall be obtained authorizing such replacement, alteration, change or repair.

j. Exceptions

- 1) In the area lying within the limits of the Horizontal Zone and the Conical Zone, no ASO permit will be required for any structure less than 75 feet in vertical height above the ground, except where, because of terrain, land contour or topographic features, such structure would extend above the height limits prescribed for such zones.
- 2) In the areas lying within the limits of the Instrument and Non-Instrument Approach Zones but at a horizontal distance of not less than 4,200 feet from each end of the runways no ASO permit will be required for any structure less than 75 feet in vertical height above the ground, except where, because of terrain, land contour or topographic features, such structure would extend above the height limits prescribed for the Instrument or Non-Instrument Approach Zone.
- 3) In the areas lying within the limits of the Transition Zones beyond the perimeter of the Horizontal Zone, no ASO permit will be required for any structure less than 75 feet in

vertical height above the ground except where such structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such Transition Zones.

- 4) Nothing contained in any of the foregoing exceptions will be construed as permitting or intending to permit any construction, or alteration of any structure in excess of any of the height limits established by this section.

k. Variances

Any person desiring to erect any structure or increase the height of any structure, or otherwise use his property in violation of the Airspace Overlay District regulations, may apply to the Board of County Commissioners of Douglas County for a variance from the zoning regulations in question. Such variances will be allowed where 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 do substantial justice and be in accordance with the spirit of this section: Provided, that any variance may be allowed subject to any reasonable conditions that the Board of County Commissioners may deem necessary to effectuate the purposes of this section.

l. Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to achieve the purposes of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to permit the City of Lawrence, 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.

m. Administration and Enforcement

For the purposes of this section and pursuant to K.S.A. 3-707, the Lawrence/Douglas County Metropolitan Planning Commission shall be the Airport Zoning Commission and will have responsibility for administering and enforcing the regulations set forth in this section.

- 1) In particular, the Airport Zoning Commission shall review all ASO permit applications and determine if such should be granted. If an application is found to conform to all the Airspace Overlay District regulations, the Airport Zoning Commission shall grant the permit.
- 2) Applications for permits and variances shall be made to the Planning Director upon forms furnished by the Planning Director.
 - a) Applications for permits shall be submitted at least 35 days prior to a regular meeting of the Planning Commission.
 - b) Applications for variances shall be submitted at least 35 days prior to a regular meeting of the Board of County Commissioners.

n. Conflicting Regulations

In the event of conflict between the Airspace Overlay District regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures, use of land, or any other matter, and whether such other regulations were adopted by Douglas County or any other unit of local government, the more stringent limitation or requirements as to Airport Hazards will govern and prevail.