

RESOLUTION NO. HR-21-1-6

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING CHAPTER 8, ARTICLE 2 OF THE CODE OF DOUGLAS COUNTY, KANSAS; PROVIDING CONSTRUCTION REGULATIONS APPLICABLE WITHIN LONE STAR LAKE PARK

WHEREAS, K.S.A. 19-101 et seq. authorizes the Board of County Commissioners of each County to transact all county business and perform all powers of local legislation and administration as it deems appropriate; and

WHEREAS, Chapter 8, Article 2 of the Douglas County Code deals with regulations within Lone Star Park;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that the following resolution is enacted:

1. Authority. This resolution is enacted under the authority vested in the Board of County Commissioners by K.S.A. 19-101 *et seq.* and K.S.A. 8-2002.
2. Chapter 8, Article 2. Chapter 8, Article 2 of the Code is hereby amended to read as follows:

8-203 CONSTRUCTION OF PRIVATE PROPERTY IMPROVEMENTS ON COUNTY PROPERTY WITHIN LONE STAR PARK.

(a) **PURPOSE.** Subject to the County Engineer's approval, the owner of a residential parcel located within the boundaries of Lone Star Park may extend certain private property improvements onto County property. These requirements are intended to facilitate landowner access and enjoyment of the lake, and to protect the interests and safety of the public.

(b) **IMPROVEMENTS ALLOWED.**

- 1) concrete or masonry sidewalks not exceeding six feet in width;
- 2) concrete or wood stairways not exceeding six feet in width;
- 3) concrete, masonry or wood retaining walls not exceeding four feet in height;
- 4) one concrete or masonry patio not exceeding 200 square feet in area;
- 5) one wood deck not exceeding 200 square feet in area; and
- 6) one or two dock structures constructed of wood or steel, with a combined area on the water not exceeding 800 square feet.

(c) **ROOFS.** Roofs may be allowed on dock structures on the lake, provided that the total structure height does not exceed 17 feet above the water surface. Roofs, canopies or similar coverings will not be allowed on patios or decks. Multiple story structures will not be allowed.

(d) **ACCESS TO THE SHORELINE AND LAKE.** The property owner may construct and maintain the improvements listed in 8-203(b) in the area between their property and the

lake. The building setback lines on the parcel will be used to further define where improvements may be constructed. All improvements must be contained within an area determined by extending the side setback lines to the shoreline, continuing an additional 50 feet into the lake. Dock structures must be contained within a distance of 50 feet from the shoreline. Improvements must not obstruct a roadway, driveway or walkway used by other landowners or the public.

(e) ACCESS TO ROADS, DRIVES AND PARKING. The property owner may construct sidewalks or stairways as listed in 8-203(b) to gain access to adjacent driveways or parking areas. Improvements must not obstruct a roadway, driveway or walkway used by other landowners or the public. These improvements will not be allowed if they have the potential to impact park operations or maintenance.

(f) ADDITIONAL LIMITATIONS. The improvements listed in 8-203(b) must be planned and constructed to avoid adverse impacts to the lake, shoreline or hillsides. Excavations will not be allowed if they have the potential to destabilize the shoreline or hillsides. Excavation, footings or ground anchors will not be allowed below the water surface of the lake. Soil, rock or other fill material will not be allowed in the lake.

(g) PERMITTING AND APPROVAL.

1) Prior to construction or modification of any of the improvements listed in 8-203(b), the property owner must obtain a letter of approval from the County Engineer. The property owner must provide a plan drawing of the proposed improvement with enough information to determine compliance with this code.

2) Prior to construction or modification of any dock structure, the property owner must also obtain a building permit from the Douglas County Zoning and Codes Department. The structure must comply with the design standards provided by the County. Structures not covered by prescriptive requirements of the building code must be designed by an engineer licensed in Kansas. The work will be subject to the inspection and approval requirements outlined for building permits in Chapter 13 of this code.

(h) MAINTENANCE. The improvements allowed in 8-203(b) shall be maintained by the private property owner. Structures shall be maintained and repaired as necessary to prevent unsafe conditions or hazards to the public.

(i) EXISTING NONCONFORMING IMPROVEMENTS. An existing improvement that is not in compliance with this code may be allowed to remain if it existed prior to January 1, 2021 and it does not create an unsafe condition or hazard to the public. Any alteration or replacement of the existing nonconforming improvement must meet the requirements of this code.

(j) VIOLATIONS. The County Engineer, or the Building Official, or their representatives may at any time inspect improvements made on County property. If an improvement is found to violate this code, the County will notify the property owner of the violation and necessary corrections to be made within 90 days. If the property owner fails or refuses to correct the violation within 90 days, the County may remove the improvement at the property owner's expense.

(k) UNSAFE CONDITIONS. If an improvement is found to be unsafe, or to present a possible hazard to the public or the user, the County will notify the property owner of the unsafe condition and necessary corrections to be made within 14 days. If the property owner fails or refuses to correct the violation within 14 days, the County may remove the improvement at the property owner's expense.

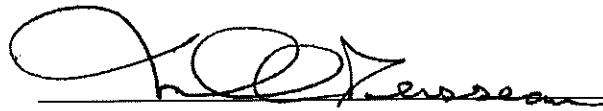
3. Effective Date. This Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners and publication once in the official County newspaper.

IN WITNESS WHEREOF, the foregoing Resolution was adopted this 6th day of January, 2021.

**BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS:**



Patrick Kelly, Chair




Michelle Derusseau, Vice Chair



Nancy Thellman, Member

ATTEST:



Jamie Shew, County Clerk