

3-31-2003

A Resolution Adopting Land Use Zoning Districts Within Sedgwick County, Colorado; Adopting Maps of Said Areas and Zoning Districts Therein; Regulating the Use of Land, the Area and Width of Lots, and the Use, Height, and Location of Buildings: Providing Special Regulations for Non-conforming Buildings; Defining Certain Terms Used Herein; Prescribing Methods for Granting Variances and for Amendment, Enforcement, Interpretation, Separability, and Repeals; and Describing Violations and Penalties.

Sedgwick County

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A RESOLUTION ADOPTING LAND USE ZONING DISTRICTS WITHIN SEDGWICK COUNTY, COLORADO; ADOPTING MAPS OF SAID AREAS AND ZONING DISTRICTS THEREIN; REGULATING THE USE OF LAND, THE AREA AND WIDTH OF LOTS, AND THE USE, HEIGHT, AND LOCATION OF BUILDINGS; PROVIDING SPECIAL REGULATIONS FOR NON-CONFORMING BUILDINGS; DEFINING CERTAIN TERMS USED HEREIN; PRESCRIBING METHODS FOR GRANTING VARIANCES AND FOR AMENDMENT, ENFORCEMENT, INTERPRETATION, SEPARABILITY, AND REPEALS; AND DESCRIBING VIOLATIONS AND PENALTIES

Revised March 31, 2003

Resolution No. 2003-07

BE IT RESOLVED BY
THE BOARD OF COUNTY COMMISSIONERS
OF
SEDGWICK COUNTY, COLORADO

RESOLUTION NO. 90-35

Upon motion duly made by Commissioner _____
and seconded by Commissioner _____, and
unanimously passed,
the following Resolution was adopted:

Whereas the Sedgwick County Planning Commission has recommended certain revisions
in the official Zoning Resolution for Sedgwick County,
and

Whereas, the Sedgwick County Board of Commissioners agree with said
recommendations and deem it necessary to update Sedgwick County's Zoning Resolutions
accordingly;

Whereas, a public hearing before the Board of County Commissioners was held after
publication of the proposed amendment and been published at least 30 days in advance of said
public hearing;

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. Section XI of the official Zoning Resolution for Sedgwick County, Colorado is
hereby amended to read in its entirety as follows:

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SECTION I

APPLICATION OF REGULATIONS

Except as hereinafter provided, no building, or other structure, or land shall be used and no building or other structure shall be erected, reconstructed, or structurally altered except in conformance with the regulations herein specified for district in which such building is located, nor shall a yard or lot area reduced in dimensions to an amount less than the minimum requirements specified by this Resolution.

SECTION II

MAP DISTRICTS

2.1 ESTABLISHMENT OF DISTRICTS

In order to carry out provisions of this Resolution, Sedgwick County, Colorado is hereby and in the future may be divided into the following zoning districts:

R	-	Residential District
A1	-	Agricultural District
A2	-	Agricultural District
M	-	Mobile Home District
REC	-	Recreation District
T	-	Tourist District
C	-	Commercial District
IND	-	Industrial District
U	-	Unclassified District
CHW	-	Commercial Hazardous Waste District

2.2 BOUNDARIES

The boundaries of these districts are established as shown on maps entitled "Zoning District Maps" of Sedgwick County, Colorado dated September 30, 1970 which maps and all future amendments thereto are hereby made a part of this Resolution.

Unless otherwise defined on the Zoning District Maps, district boundary lines are lot lines; the center lines of streets, roads, highway rights-of-way, alleys, railroad rights-of-way, or such lines extended; section lines; municipal corporate lines; center lines of stream beds; or other lines drawn to scale on the Zoning District Maps.

Any land which is not shown on a Zoning District Map or has not been previously zoned in Sedgwick County shall now be zoned Unclassified. There will not be a map created to show this designation, but any portion of the county which does not carry another zoning classification shall be zoned Unclassified.

SECTION III

R – RESIDENTIAL

3.1 USES PERMITTED

- (1) One-family dwellings
- (2) Multiple-family dwellings, boarding and rooming houses, and rest homes
- (3) Schools, churches, and hospitals
- (4) Medical and dental offices and clinics
- (5) Park, playgrounds, and golf courses
- (6) Crop production, orchards, nurseries, flower production, forest land, and 4-H animal projects
- (7) Public utility and public service facilities, excluding business offices, and excluding repair and storage facilities
- (8) Accessory buildings and uses

3.2 MINIMUM AREA OF LOT

For each principal use:

- (1) on subdivided land.....two acres
- (2) on subdivided land not served by public
water and public sewerage facilities.....30,000 sq. ft.
- (3) on subdivided land served by either
public water or public sewerage facilities.....15,000 sq. ft.
- (4) on subdivided land served by both public
water and public sewerage facilities.....7,500 sq. ft.

3.3 MINIMUM LOT WIDTH

For each principal use:

- (1) on subdivided land.....200 ft.
- (2) on subdivided land not served by public
water and public sewerage facilities.....120 ft.
- (3) on subdivided land served by either
public water or public sewerage facilities.....60 ft.
- (4) on subdivided land served by both public
water and public sewerage facilities.....60 ft.

3.4 MINIMUM FRONT YARD.....30 ft.

3.5 MINIMUM SIDE YARD..... 7 ft.

3.6 MINIMUM REAR YARD.....20 ft.

3.7 MAXIMUM HEIGHT OF BUILDINGS.....

SECTION IV

A1 – AGRICULTURAL DISTRICT

4.1 USES PERMITTED

- (1) All uses, permitted in the R, Residential District
- (2) Small animal clinics
- (3) Farm and garden buildings and uses, provided such use does not include feed yards, fur farms, kennels, veterinary hospitals, and commercial riding stables
- (4) Individual mobile homes, with area as defined in 6.2

4.2 MINIMUM AREA OF LOT.....two acres

4.3 MINIMUM LOT WIDTH.....200 ft.

SECTION V

A2 – AGRICULTURAL DISTRICT

5.1 USES PERMITTED

- (1) All uses permitted in the A1, Agricultural District
- (2) Commercial feed yards, fur farms, kennels, veterinary hospitals, and commercial riding stables, provided all such uses are located at least 1500 ft. from schools, churches, and dwellings on other lots
- (3) Airports, cemeteries, radio-transmitting stations, sanitary land fill operations, grain elevators, and sewage disposal areas, subject to the provisions of Section XII of this Resolution
- (4) Oil drilling facilities, mines, quarries, and sand and gravel operations, subject to the provisions of Section XII of this Resolution

5.2 MINIMUM AREA OF LOT.....two acres

5.3 MINIMUM LOT WIDTH.....200 ft.

5.4 MINIMUM DISTANCE FEED LOTS TO OTHER STRUCTURES.....1500 ft.

SECTION VI

M – MOBILE HOME DISTRICT

6.1 USES PERMITTED

- (1) All uses permitted in the R, Residential District
- (2) Individual mobile homes
- (3) Mobile home parks, subject to the provisions of the County Sub-Division Regulations

6.2 MINIMUM AREA OF LOT

For all uses permitted in the R District and individual mobile homes:

- (1) on subdivided land.....two acres
- (2) on subdivided land not served by public
water and public sewerage facilities.....30,000 sq. ft.
- (3) on subdivided land served by either public
water or public sewerage facilities.....15,000 sq. ft.
- (4) on subdivided land served by both public
water and public sewerage facilities.....7,500 sq. ft.

6.3 MINIMUM LOT WIDTH

For all uses permitted in the R District and individual mobile homes:

- (1) on subdivided land.....200 ft.
- (2) on subdivided land not served by public
water and public sewerage facilities.....120 ft.
- (3) on subdivided land served by either public
water and public sewerage facilities.....60 ft.
- (4) on subdivided land served by both public
water and public sewerage facilities.....60 ft.

6.4 MINIMUM FRONT YARD.....30 ft.

6.5 MINIMUM SIDE YARD..... 7 ft.

6.6 MINIMUM REAR YARD.....20 ft.

6.7 MAXIMUM HEIGHT OF BUILDINGS.....30 ft.

SECTION VII

REC – RECREATION DISTRICT

7.1 USES PERMITTED

- (1) All uses permitted in the R, Residential District
- (2) Outdoor recreational areas and facilities serving these areas, such as boat docks, playgrounds, ball parks, campgrounds (not including mobile home parks) for overnight, not weekly use, and picnic areas, provided natural environmental features are not damaged, and that such uses are not noxious, offensive or objectionable because of excessive noise, odors, dust or vibration

- 7.2 MINIMUM AREA OF LOT.....one acre
- 7.3 MINIMUM LOT WIDTH.....150 ft.
- 7.4 MINIMUM FRONT YARD.....30 ft.
- 7.5 MINIMUM SIDE YARD.....10 ft.
- 7.6 MINIMUM REAR YARD.....20 ft.

SECTION VIII

T – TOURIST DISTRICT

8.1 USES PERMITTED

- (1) Restricted business uses, including by not limited to the following:

All uses permitted in the R, Residential District
Barber and beauty shops
Cleaning and dyeing outlets
Clothing stores
Florists
Gasoline stations
Grocery stores
Hardware stores
Laundries, self-service
Motels, hotels, and lodges
Places of amusement or recreation
Places serving food or beverages
Souvenir and gift shops
Sporting goods stores
Theaters, indoor

Provided all previous listed uses do not allow objectionable or obnoxious amounts of noise, odor, dust, smoke, vibration or other similar causes to be disseminated beyond individual lot lines, and that all outdoor storage areas are completely concealed by a solid fence at least 8 ft. in height.

- (2) All accessory uses are appurtenances to these uses will be allowed

- 8.2 MINIMUM AREA OF LOT.....one acre
8.3 MINIMUM LOT WIDTH.....150 ft.
8.4 MINIMUM FRONT YARD.....30 ft.
8.5 MINIMUM SIDE YARD.....10 ft.
8.6 MINIMUM REAR YARD.....20 ft.

SECTION IX

C – COMMERCIAL DISTRICT

9.1 USES PERMITTED

- (1) All uses permitted in the T, Tourist District
- (2) Mobile home parks, subject to the provisions of the County Sub-division Regulations
- (3) Single and Multiple family dwellings, including mobile and modular homes
- (4) Any general business, commercial or wholesale activity, including but not limited to the following:

Automobile sales & repair	Hardware stores
Bakeries	Laundries
Banks	Lumber yards
Barber & beauty shops	Machine shops
Blacksmith shops	Meat stores
Bottling works	Manufacturer of handicraft products
Cabinet making & carpenter shops	Personal service shops
Cleaning & dyeing establishments	Places of amusement or recreation
Clothing stores	Places serving food or beverages
Commercial fertilizer sales	Plumbing shops
Dairies	Printing & publishing establishments
Drug stores	Roofing shops
Farm implement & equipment	Small animal clinics
Sales	Sporting goods stores
Frozen food lockers	Storage warehouses
Florists	Theaters, including drive-in
Gasoline stations	Tinsmith shops
Grocery stores	Upholstery shops

Provided all previous listed uses do not allow objectionable or obnoxious amounts of noise, odor, dust, smoke, vibration or other similar causes to be disseminated outside of the C District, and that all outdoor storage areas are completely concealed by a solid fence at least 8 ft. in height.

- 9.2 MINIMUM AREA OF LOT.....one acre
- 9.3 MINIMUM FRONT YARD.....30 ft.

SECTION X

IND – INDUSTRIAL DISTRICT

10.1 USES PERMITTED

- (1) All uses permitted in the C, Commercial District; and
- (2) Industrial and manufacturing uses which are not detrimental to the public health, safety or general welfare...provided adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions or operations.

10.2 MINIMUM AREA OF LOT.....one acre

10.3 MINIMUM FRONT YARD.....30 ft.

SECTION XI

U – UNCLASSIFIED

11.1 USES PERMITTED

All uses unless otherwise prohibited by law, except that the following uses shall be subject to the provisions of section XII of this Resolution:

- Automobile wrecking yards
- Cement, lime or gypsum manufacturing
- Chemical plants
- Dehydrating alfalfa plants
- Fireworks or explosives manufacturing
- Garbage, offal or dead animal dumping or reducing operations
- Glue manufacturing or fat rendering, or distillation of bones
- Junk yards
- Refineries
- Slaughter houses and packinghouses
- Smelting of ore
- Major facilities of a public utility including major pipelines, transmission lines, cables and fiber-optic cables
- Private and/or commercial landfills
- Other manufacturing
- Creating, constructing or maintaining a reservoir, and

in general, all uses which may be obnoxious, offensive or hazardous, or detrimental to the public welfare by the emission of unusual and excessive amounts of dust, smoke, fumes, gas, noxious odors or noises and any additions to any of the foregoing uses.

11.2 MINIMUM FRONT YARD.....30 ft.

11.3 MINIMUM DISTANCE OF ANY BUSINESS OR INDUSTRIAL
USE FROM AN ADJOINING ZONING DISTRICT BOUNDARY.....200 ft.

SECTION XI (a)

CHW – COMMERCIAL HAZARDOUS WASTE DISTRICT

No commercial hazardous waste sites shall be established or operated or plans made to establish the same on any zoned or unzoned areas of Sedgwick County without the prior designation of a Commercial Hazardous Waste Zone area by the Board of County Commissioners.

The request for an area to be designated as a Commercial Hazardous Waste Zone shall be accompanied by a non-refundable \$100,000 application fee. Due to the critical nature of locating such a site, this fee shall be utilized to complete comprehensive research into the re-zoning application.

11a.1 USES PERMITTED

The only use permitted in a hazardous waste district shall be a hazardous waste disposal site. This use shall be permitted nowhere else in Sedgwick County that is not specifically zoned CHW.

11a.2 MINIMUM FRONT YARD.....2640 ft.

11a.3 MINIMUM DISTANCE OF ANY DISPOSAL SITE FROM AN ADJOINING ZONING DISTRICT BOUNDARY.....2640 ft.

11a.4 SPECIAL REVIEW OF COMMERCIAL HAZARDOUS WASTE DISPOSAL SITE

If a portion of land receives the designated zoning of CHW, the use of hazardous waste disposal site shall then receive special review by the Board of County Commissioners before it can be allowed. Special review can be done either at special public hearings or regular sessions of the Board of County Commissioners and will continue until the Board of County Commissioners are satisfied that all the pertinent information has been made available by the applicant. Once the board makes a determination that all the information needed is before them, a decision may be rendered to deny, approve, or conditionally approve the application.

The application fee accompanying the application will be in the amount of \$100,000. This fee shall be utilized by the county research the applicant's background and the validity of the information provided by the applicant. Should the application review be extended beyond one year, a second \$100,000 will be required of the applicant.

Prior to allowing the hazardous waste disposal site use, the Board of County Commissioners must find the following information:

(a) Adequate proof from the applicant that the area in question is situated such that it shall neither currently, or at a future date, adversely affect, contaminate, or pollute either surrounding air, soil, or underground water supplies.

(b) Adequate proof from the applicant that access to the site will be such that an accident spill of hazardous waste material will not endanger any family dwellings, town, or water supplies above or below the ground.

(c) Adequate proof from the applicant that the proposed method of disposal, specifically related to the preparation and sealing of containers, guarantee the containment of the hazardous waste material for a period of time determined to be adequate by the Board of County Commissioners.

(d) Adequate proof by the applicant that the individual, company, corporation, or entity be financially capable of establishing, maintaining, and administering the site for a period of time determined to be adequate by the Board of County Commissioners.

(e) Adequate proof by the applicant that the proposed methods of operation are feasible and practical on a day to day operation basis.

(f) Adequate proof by the applicant that the proposed manager and/or operators are capable of managing the facility in the manner required in the regulations.

If the Board of County Commissioners should decide to approve the special use of a commercial hazardous waste site, the following minimum requirements must be part of the conditions in place:

1) Prior to any commencement of construction at the site, the applicant shall place a minimum of \$2,000,000.00 in an escrow account set up for the purposes of dealing with the commercial hazardous waste disposal site should any leakage, spill or other accident occur, or if the applicant should, due to unforeseen circumstances, become financially incapable of carrying on the operation. The applicant is legally liable for any such occurrence. The escrow account in now way relieves actual liability. The escrow monies would only be used should the applicant prove unable to deal with the problem. The \$2,000,000.00 is a minimum figure. The Board of County Commissioners may choose to set the amount to be escrowed at a higher amount.

2) The applicant will be required to obtain an annual license to operate. Prior to any operator commencing operations at the site, he shall make applications for an operator's license. The operator's license will review the capability of the operator to run a hazardous waste disposal site. The initial license fee shall be \$100,000.00. A license shall not be issued unless the County Planning Commission and the Board of County Commissioners are satisfied that the applicant has sufficient training for such an operation.

A license can be revoked or suspended should any violations at the site be discovered. The license cannot be transferred, reassigned, or conveyed to any other entity, corporation or individual. The license shall be renewed annually on its anniversary. The annual renewal shall have a fee of \$10,000.00. The renewal applications shall be reviewed by the Board of County Commissioners and the County Planning Commission.

- a) The operator shall allow county officials to visit the site at any time for inspection.
- b) The operator shall pay the expenses for the county to train a full time Inspector qualified in hazardous waste disposal. The operator shall furnish the monies to pay the annual salary of said full time inspector. The County shall hire and supervise the Inspector. Salary shall be determined annually by the Board of County Commissioners as the operator's license is reviewed for renewal.

SECTION XII

USES PERMITTED BY SPECIAL REVIEW (SPECIAL USE PERMIT)

12.1 USES PERMITTED

Due to their unusual and unique features, which, in certain situations, could be injurious to the health, safety or welfare of inhabitants of Sedgwick County, the following uses shall be permitted in the designated zoning districts only after receiving favorable approval of the Board of County Commissioners:

- (1) Airports, cemeteries, radio-transmitting stations, grain elevators, land fill operations and sewage disposal areas in the A2 District, subject to the following additional provisions:
 - (a) Such areas shall serve an obvious public need
 - (b) Sufficient distance shall separate such uses from damaging abutting properties; and
 - (c) Satisfactory proof shall be given that such areas will be properly maintained.
- (2) Oil drilling facilities (not including refineries), mines, quarries, and sand and gravel operations in the A2 District, subject to the following additional provisions:
 - (a) truck traffic to and from such uses shall not create hazards in developed residential and tourist areas;
 - (b) truck traffic to and from such uses shall not unduly damage public roads; and
 - (c) a satisfactory general rehabilitation plan for the land shall be submitted prior to the start of operations and implemented thereafter.
- (3) All uses itemized for special review in the U District, subject to the following additional provisions:
 - (a) a site plan, elevation, perspective or general written description of the proposed use shall be presented; and
 - (b) an explanation shall be made in writing of methods to be used to minimize smoke, odors, noise, dust and similar environmental problems which might result from the operation of the proposed use.
- (4) All uses itemized for special review in the U District shall be subject to the following additional provisions:
 - (a) a site plan, elevation, perspective or general written description of the proposed use shall be presented

- (b) an explanation shall be made in writing of methods to be used to minimize smoke, odors, noise, dust and similar environmental problems which might result from the operation of the proposed use; and
- (c) documented information regarding the actual cost of materials and construction of the project in question, including such things as:
 - 1) right of way costs
 - 2) permit costs
 - 3) engineering costs
 - 4) per mile costs
 - 5) amount of revenue to be generated from the project
 - 6) length of time of construction for said project
 - 7) whether or not the project will be a replacement for an addition to any other improvement location within the County and
 - 8) any other information deemed pertinent by the Board of County Commissioners

12.2 REVIEW PROCEDURE

The Board of County Commissioners shall be guided in their review of each use requesting approval by special review by the purpose of this Resolution, by the unique conditions of the surrounding neighborhood, and by the county-wide need for such use.

SECTION XIII

USES NOT ITEMIZED

Upon application, or on its own initiative, the Board of County Commissioners may, by Resolution, add to the uses listed for a zoning district any other similar use which conforms to the conditions set for in the following special findings:

- (1) Such use is appropriate in the use group to which it is added,
- (2) Such use conforms to the basic characteristic of the use group to which it is added; and
- (3) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influence or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.

When any use has been added to any use group in accordance with this Section, such use shall be deemed to be listed in the appropriate zoning district, and shall be added thereto in the published text of this Resolution at the first convenient opportunity.

SECTION XIV

ACCESSORY BUILDINGS AND USES

14.1 DESCRIPTION OF

- (1) An “accessory building and use” is a subordinate use of a building, other structure, or tract of land or a subordinate building or other structure which:
 - (a) is clearly incidental to the use of the principal building, other structure or use of land;
 - (b) is customary in connection with the principal building, other structure or use of land, and
 - (c) is ordinarily located on the same lot with the principal building, other structure or use of land;
- (2) “Accessory building and uses” may include, but are not limited to, the following:
 - (a) home occupations
 - (b) household pets
 - (c) signs
 - (d) off-street parking areas
 - (e) fences
 - (f) incinerators incidental to residential use;
 - (g) storage of merchandise in business and open district
 - (h) storage and sale of crops, vegetable plants, and flowers produced on the premises
 - (i) mobile homes in the A1 and A2 Districts only, provided that such mobile homes are occupied by persons employed on the farm and their families, and that there are not more than two mobile homes per farm in the A1 District

14.2 HOME OCCUPATIONS

A home occupation shall be allowed as a permitted accessory use provided all the following conditions are met:

- (1) Such use shall be carried on by the inhabitants living on the premises and no others
- (2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof
- (3) There shall be no exterior advertising other than identification of the home occupation; and
- (4) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

14.3 SIGNS

Signs shall be permitted as accessory uses in accordance with the following regulations:

- (1) Signs shall be set back from the right of way a distance equal to the front yard requirement for the zoning district in which they are located;
- (2) Signs in the R District may include:
 - (a) one on-site identification sign per occupied residential lot, provided such sign does not exceed 2 sq. ft. in area;
 - (b) one on-site “for sale” or “for rent” sign per lot, provided such sign does not exceed 6 sq. ft. in area and is unlighted; and
 - (c) one identification sign per public or semi-public use, provided such sign does not exceed 35 sq. ft. in area and has only indirect illumination.
- (3) Signs in the A and M Districts may include:
 - (a) signs permitted in the R District
 - (b) one on-site identification sign per principal use, or other than a residential use, provided such sign does not exceed 80 sq. ft. in area per face;
 - (c) on-site signs advertising the sale of products produced on the premises, provided the total area of all such signs does not exceed 40 sq. ft. in area per face or faces; and
 - (d) off-site directional signs, not exceeding 20 sq. ft. in area per sign, and limited to not more than two such off-site signs per principal use.
- (4) Prohibited in all districts are signs which:
 - (a) contain statements, words, or pictures of an obscene, indecent or immoral character
 - (b) contain or are an imitation of an official traffic sign or signal or contain the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words;
 - (c) are of a size, location, movement, content, coloring, or manner of illumination, which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
 - (d) advertise and activity, business, product or service no longer conducted on the premises upon which the sign is located.
 - (e) have a major moving part or
 - (f) may swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
 - (g) have flashing illumination

- (5) Illumination of signs in all districts shall be in accordance with the following standards:
 - (a) the light from any illuminated sign be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas
 - (b) no colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices and
 - (c) neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (6) All signs erected in a public right of way by a public agency controlling or directing traffic shall be exempt from the provisions of this Resolution.
- (7) All Interstate Highway signs must be at least 400 feet apart, with exception of "On Premise" signs.

SECTION XV

SUPPLEMENATRY REGULATIONS

15.1 SUPPLEMENATRY AREA OF LOT WIDTH REGULATIONS

- (1) Where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved by the Board of County Commissioners prior to the effective date of this resolution or any amendment thereto applicable to such lot, such lot may be occupied according to the permitted uses provided for the district in which such lot is located without regard for “minimum area of lot” and “minimum lot width” requirements otherwise specified in this Resolution.
- (2) No part of a lot area or width required for a lot for the purposes of complying with the provisions of this Resolution shall be included as a lot area or width required for another lot.
- (3) The “minimum area of lot” regulations shall be increased in any district where percolation test show the soil incapable of handling the septic system required for the maximum population density of the proposed use.
- (4) The “minimum area of lot” requirements state in this Resolution may include one-half the width of all adjacent right of ways for each lot, which is one acre or more in size.

15.2 SUPPLEMENTARY YARD REGULATIONS

- (1) In any district where lots comprising 50 percent or more of the frontage on one side of a street between intersection streets are developed with building having an average front yard with a variation of not more than 10 ft., the average front yard of such buildings shall be the minimum required.
- (2) Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than 3 ft.
- (3) Fire escapes may extend into a required yard not more than 6 ft.
- (4) No part of a yard required for a building for the purpose of complying with the provisions of this Resolution shall be included as a yard for another building.
- (5) Accessory buildings may be located in rear yards required for principal buildings.
- (6) In all districts, no fence, hedge, or wall shall be higher than 60 inches above the elevation of the roadway when located within 100 feet of the centerline intersection of any two streets, roads or highways.

- (7) In all districts, the planting of trees, shrubs, hedges, bushes, or windbreaks must be set back a minimum of 100 feet of the center of any public roadway unless a variance is obtained from the Sedgwick County Board of Commissioners.

15.3 MAJOR FLOOD CHANNELS

Buildings or other structures, except a flood control dam or irrigation structure, shall not be constructed in areas subject to inundation unless and until the plans for such buildings or structure are first approved by the Board of County Commissioners subject to the following special conditions:

- (1) Any building or structure which is approved shall be located so as to offer minimum obstruction to the flow of flood water, and shall not cause lands outside of the natural flood channel to be flooded;
- (2) No dwelling shall be permitted;
- (3) No schools, churches, or other places of public assembly shall be permitted; and
- (4) No storage of materials which could be moved by floodwaters shall be permitted.

SECTION XVI

NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

16.1 DEFINITION OF A NON-CONFORMING USE AND A NON-CONFORMING BUILDING

- (1) A “non-conforming use” shall include any legally existing use, whether within a building or other structure or on a tract of land which does not conform to the “use” regulations of this Resolution for the district in which such “non-conforming use” is located, either at the effective date of this Resolution or as a result of subsequent amendments which may be incorporated into this Resolution.
- (2) A “non-conforming building” shall include any legally existing building which does not conform to the “location and bulk” regulations of this Resolution for the district in which such “non-conforming building” is located, either at the elective date of this Resolution or as a result of subsequent amendments which may be incorporated into this Resolution.

16.2 CONTINUATION OF USE

A non-conforming use may be continued and a non-conforming building may continue to be occupied, except as both of the foregoing are otherwise provided in this Section.

16.3 CHANGE OF USE

A non-conforming use may be changed to any conforming use or to any use of a more restrictive classification.

16.4 ABANDONMENT OF USE

If active and continuous operations are not carried on in a non-conforming use during a continuous period of twelve months, the building, other structure or tract of land where such non-conforming use previously existed shall thereafter be occupied and used only for a non-conforming use. Intent to resume active operations shall not affect the foregoing.

16.5 RESTORATION

A non-conforming building or a building containing a non-conforming use which has been damaged by fire or other causes may be restored to its original condition provided such work is started within six months of such calamity and completed within one year of the time the restoration is commenced.

16.6 ENLARGEMENT OF BUILDING OR LAND CONTAINING A NON-CONFORMING USE

A building containing a non-conforming use shall not be expanded by more than one-half the total floor area existing in the building at the time of adoption of this Resolution.

Land containing a non-conforming use shall not be expanded in area.

16.7 ALTERATION OF A NON-CONFORMING BUILDING

A non-conforming building may be structurally altered, repaired, or enlarged in any way permitted by these regulations, provided no alterations, repairs or enlargements shall be made in a non-conforming building which would increase the degree of non-conformity with the location and bulk regulations of the Resolution.

SECTION XVII

BOARD OF ADJUSTMENT

17.1 ORGANIZATION

- (1) A Board of Adjustment is hereby established, the members of which shall be appointed by the Board of County Commissioners. The word "Board" shall be construed of three members, not more than one of who may at any time be a member of the County Planning Commission. Until otherwise provide, the members of the Board shall serve without compensation. Each member shall serve for three years and shall be eligible for reappointment, provided, however, that of the first appointed Board, one member shall serve three years, one member two years, and one member one year. Any member of the Board of Adjustment may be removed for a cause by the Board of County Commissioners upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The Board of County Commissioners may appoint associate members of such Board, and in the event that any regular member is temporarily unable to act owing to absence from the county, illness, interest in a case before the Board or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose.
- (2) Meetings of the Board of Adjustment shall be held at the call of the chairman and such other times as the Board in its rules of procedure specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Three members shall be present to constitute a quorum. The Board shall adopt supplemental rules of procedure not inconsistent herewith.

17.2 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties, all of which shall be exercised subject to the laws of the State of Colorado and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this Resolution and in accordance with the public interest and the most appropriate development of the area.

- (1) To hear and decide appeals from, and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of the regulations established by this Resolution. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse a decision made by an administrative official.

- (2) To authorize, upon appeal in specific cases, variances to the:
 - (a) minimum area of lot
 - (b) minimum lot width
 - (c) minimum front yard
 - (d) minimum side yard
 - (e) minimum rear yardregulations where, by reason of exceptional shape, size, or topography of lot, or other condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of this Resolution.
- (3) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

17.3 PROCEDURE

- (1) Any person adversely affected by any interpretation, requirement of regulation of this Resolution may file an application for a variance with the secretary of the Board of Adjustment on a furnished form specifying the grounds of appeal.
- (2) The Board of Adjustment shall not hold a public hearing on all applications and appeals with the following special conditions required:
 - (a) a notice of said hearing shall be published once in a newspaper of general circulation within that part of the County where the property is located at least 14 days prior to the hearing date.
 - (b) a written notice of said hearing shall be mailed by registered mail at least 14 days prior to the hearing date, to the owners of property adjacent to the property in question.
 - (c) preparation of and payment for all notices shall be the responsibility of the applicant.
- (3) Before any variance is granted, the Board of Adjustment shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties, or unnecessary hardships involved.
- (4) Unless otherwise stated in the Board of Adjustment minutes, all variance permits shall be issued within six months from the time such variance is granted by the Board, after which such variance permit has not been obtained, it shall become null and void.

SECTION XVIII

AMENDMENTS

18.1 GENERAL PROCEDURE

Amendments to this Resolution shall be in accordance with the laws of the State of Colorado, which requires the following action before adoption of any such amendments:

- (1) Study and recommendation regarding each proposed amendment by the County Planning Commission.
- (2) Completion of a public hearing before the Board of County Commissioners after at least 30 days notice of the time and place of such hearing shall have been give by at least one publication in a newspaper of general circulation within that part of the County where the proposed amendment is located.

18.2 SPECIAL PROCEDURE

After receiving a report and recommendations concerning any proposed amendment to this Resolution, as required in 18.1 above, the Board of County Commissioners shall hold a public hearing on the proposed amendment with the following special conditions required:

- (1) The notice of said hearing to be published in a newspaper of general circulation within the County shall be the responsibility of the applicant.
- (2) Following the public hearing, the Board of County Commissioners shall approve or disapprove the re-zoning request stating their reasons for such action in an official Resolution.

SECTION XIX

ENFORCEMENT

19.1 INSPECTIONS

This Resolution shall be enforced by the Board of County Commissioners and their authorized representatives, who are hereby empowered to cause any building, other structure, or tract of land to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Resolution. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct or comply with such violation.

19.2 ZONING PERMIT

No principal building or other structure (not including fences and accessory buildings) shall be erected, moved, or structurally altered in a zoned area unless a Zoning Permit therefore has been issued by the Board of County Commissioners or its authorized representatives. In addition, no use set forth as a use by Special Review in the Unclassified Zone shall be erected, constructed, reconstructed, altered, or changed without first being approved by the Board of County Commissioners under the provision of Special Review in Section XII. Permits shall be issued only in conformance with the provisions of this Resolution and with the payment of the permit fee set from time to time by the Sedgwick County Board of Commissioners. The Board reserves the right to bring in an outside consultant at the expense of the applicant at the Commissioners discretion.

SECTION XX

VIOLATIONS AND PENALTIES

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any regulation in, or of any provisions of, this Resolution, or any amendment hereto. Any person, firm, or corporation violating any such regulation, provision of this article, shall be guilty of an amendment and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned not more than ten days, or both. Each day during which illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of any regulation or provision of this Resolution, or amendment thereof, the Board of County Commissioners, the District Attorney or County Attorney of Sedgwick County, or any owner of real estate within the district which such building, structure, or land is situated, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

SECTION XXI

DEFINITIONS

For the purpose of this Resolution, certain words or phrases are defined as follow:

When not inconsistent with the content, words used in the present tense include the future, words in the singular include the plural number, words in the plural number include the singular number, and the masculine includes the feminine.

- (1) “Area of Lot”
The total horizontal area within the lot lines of a lot.
- (2) “Building”
Any permanent structure permanently affixed to the ground and built for the shelter or enclosure of persons, animals, chattels, or property of any kind, the total value of which exceed the sum of \$5,000.00. Building does not include advertising signboards or fences.
- (3) “Dwelling”
Any building or portions thereof which is used as the private residence or sleeping place of one or more human beings, but not including mobile homes, hotels, motels, tourist courts, resort cabins, clubs, hospitals, or similar uses.
- (4) “Dwelling, One-Family”
A detached building designed exclusively for occupancy by one family.
- (5) “Dwellings, Multiple-Family”
A building, or portion thereof, designed for or occupied by tow or more families living independently of each other.
- (6) “Dwelling Unit”
One or more rooms in a dwelling designed for occupancy by one family for living purposes and having not more than one kitchen. All dwelling units shall contain at least 400 sq. ft. of floor area measured on the outside walls.
- (7) “Farm and Garden Buildings”
Those buildings or structures used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.
- (7.5) “Hazardous Waste”
Hazardous waste means any waste included by definition in § 25-15-101 (9) of the Colorado Revised Statutes, 1973, as amended.
- (8) “Mobile Homes”
Any vehicle of a trailer type without motive power constructed for use as temporary or permanent living quarters.
- (9) “Family”

An individual or any number of persons related by blood or marriage, or a group of not to exceed four persons living together as a single housekeeping unit in a dwelling unit.

(10) “Feed Yard, Commercial”

An enclosure for the feeding and fattening of cattle, fowl, rabbits, hogs, and other animals, where the following conditions exist: the animals or fowl are confined to a restricted area; more than 70 percent of feeding for such animals or fowl is purchased rather than being produced on the immediate farm or contiguous leased property; and, the animals or fowl are being fed primarily for commercial and retail sales purposes.

(11) “Hotel” or “Motel”

A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are six or more guestrooms.

(12) “Lot”

A parcel of real property, as shown with a separate and distinct number or letter on a plat recorded in the Sedgwick County Courthouse, or when not so platted in a recorded subdivision, a parcel of real property abutting upon at least one public street and held under separate ownership.

(13) “Lot Line, Front”

The property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line.

(14) “Lot Line, Rear”

The line opposite the front lot line.

(15) “Lot Line, Side”

Any lot lines other than front lot lines or rear lot lines.

(16) “Lot, Width”

The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest.

(16.5) “Major Facilities of a Public Utility”

This includes but is not limited to:

- a) Transmission lines, power plants, and sub-stations of electrical utilities
- b) Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives and gas compressor stations
- c) Coal slurry lines
- d) Telephone trunk lines and telephone substations
- e) Railroads and public transportation services
- f) Repeater sites, regenerator stations, microwave towers, and other communication towers and facilities

(17) “Occupied”

The word “occupied” includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

(18) “Person”

The word “person” shall also include association, firm, co-partnership, or corporation.

(19) “Public Water and Public Sewerage Facilities”

Those facilities of a municipality or sanitation district approved by the Colorado State Health Department.

(19.1) “Reservoir”

A dam, water tank or similar structure designed to hold or impound water having a capacity of more than 100 acre feet of water with a surface area in excess of 20 acres. Live stock water tanks as defined in C.R.S. § 35-49-103 shall not be considered reservoirs.

(20) “Street”

A public thoroughfare, which affords the principal means of access to abutting property.

(21) “Structures”

Anything constructed or erected, which requires location on the ground or attached to something having a location off the ground, but not including fences or walls used as fences less than six feet in height.

(21.5) “Transmission Lines”

Any line beginning in a power plant or sub-station and terminating at a sub-station within or beyond the jurisdiction at a nominal voltage of 69 KV or greater.

(22) “Use”

The purpose for which any land or building is designed, arranged, intended, occupied, or maintained.

(23) “Yard”

An open space other than a court, on a lot, unoccupied and obstructed from the ground upward, except as otherwise provided in this Resolution.

(24) “Yard, Front”

A yard extending across the full width of the lot between the front line and the nearest line or point of building.

(25) “Yard, Rear”

A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

(26) “Yard, Side”

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.

SECTION XXII

INTERPRETATION, CONFLICT WITH OTHER LAWS

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 welfare. Whenever the requirements of any other lawfully adopted rules, regulations or resolutions, the more restricted or that imposing the higher standards shall govern.

SECTION XXIII

VALIDITY

Should any section, clause, provision, sentence, or word of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part so declared to be invalid.