



TREGO COUNTY ZONING REGULATIONS

**ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS
BY RESOLUTION
DATED MARCH 25, 1963**

TREGO COUNTY ZONING REGULATIONS

PURSUANT TO CHAPTER 19-2927 TO AND INCLUDING 19-2956 OF THE GENERAL STATUTES OF KANSAS, 1961 SUPPLEMENT

For the purpose of promoting the health, safety, morals, comfort or general welfare of the people of Trego County, Kansas, to secure the most appropriate use of land, to conserve and protect property and property values, and to facilitate adequate but economical provision for public improvements and services, all in accordance with a comprehensive plan, the following regulations are hereby adopted:

SECTION I DISTRICT AND GENERAL REGULATIONS DISTRICTS

A. That portion of Trego County, Kansas, between the existing city limits of the City of WaKeeney, Kansas, and three (3) miles beyond said existing city limits of the City of WaKeeney, Kansas, is hereby divided into Districts are named as follows:

R-1 Single Family Residential Districts

R-2 Multi-Family Residential Districts

C-1 Commercial Districts

I Industrial Districts

B. The location and boundaries of the Districts shall be shown on the plan entitled "Trego County Zoning Plan" said plan and all notations, dimensions shown thereon are hereby declared to be a part of this resolution, and which plan is attached to this resolution.

C. Where there is uncertainty as to the boundary of any of the Districts shown on the aforesaid plan, the following shall apply: (a) The District boundary lines are intended to follow the existing street, road, alley, lot or property lines as they exist at the time of the passage of the resolution, unless otherwise indicated by dimensions on the zoning plan. In case of a vacation of a street, alley, water course, county road, township road or other right-of-way, the abutting zoning classifications on each side thereof shall automatically be extended to the center line of said street, alley, water course, county road, township road or other right-of-way.

D. Where the boundaries appear to approximately follow aforesaid lines and run not more than ten (10) feet distant therefore, such line shall be construed to be the boundary.

E. GENERAL REGULATIONS:

1. **(Regulations herein set forth do not apply to the use of land or the erection, construction, alteration or use of buildings for strictly agricultural purposes.) ALL RESIDENCES SHALL CONFORM TO THE PROVISIONS OF THESE REGULATIONS.**

2. Prior to the starting of any construction or the change of any use of building, buildings or real property in zoned areas, a zoning permit shall be obtained from the office of the Trego County Zoning Inspector at the Courthouse, WaKeeney, Trego County, Kansas.
3. Except as hereinafter provided it shall be unlawful to erect, reconstruct, enlarge or structurally alter any building, except in conformity with the regulations of the District in which said building is located.
4. Except as hereinafter provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the District in which said building or land is located.
5. No open space provided about any building for the purpose of complying with the provisions of this resolution shall be considered as providing open space for any other building.
6. No parcel of land held under one ownership with or without building at the time of this resolution or any amendments thereto become effective shall be reduced or shall any such parcel be subdivided in any manner below the minimum lot width and lot area required by this resolution or any amendments thereto. If such subdivision is for two or more tracts or lots of less than two and one-half (2 1/2) acres, each such subdivision shall be platted, duly approved and recorded.
7. Prior to the issuance of a zoning permit, streets and utility easements must be dedicated as required to conform with the objectives of Sections 19-2927 through 19-2936 and the 1961 Supplement to the General Statutes of Kansas, 1949, to secure safety from fire, promote health and general welfare and to facilitate adequate provisions of transportation and other public requirements, and to conserve and protect property and building values.
8. As the three-mile boundary changes, any additional territory shall automatically be in the R-1 District until changed by an amendment to this resolution as provided by law.

SECTION II

TREGO COUNTY ZONING ORDINANCES

DEFINITIONS

Accessory Building: A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

Basement: See "Cellar" herein.

Boarding House: A building other than a hotel or motel, where for compensation pursuant to previous arrangements, meals or lodging and meals, are provided for six or more persons.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. When separated by division walls from the ground up without opening, each portion of such building shall be deemed a separate building.

Building, Community: A building for social, educational, and recreational activities of a neighborhood or community, providing any such use is not operated for commercial gain.

Building, Main: A building in which is conducted the principal use of the lot on which it is situated.

Building Height: The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Camp Ground: Same as “Tourist Camp”.

Camp Trailer: Same as “Tourist Camp”.

Commission: Shall mean the Trego County Planning Commission.

Cellar: A story having more than one-half of its height below finished grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

District: A section or sections of rural area surrounding the City of WaKeeney, for which the regulations governing the use of buildings and premises, the height of building, the size of yards, and the intensity of use are uniform.

Dwelling: Any building or portion thereof which is designated and used exclusively for residential purposes, but not including hotels, motels, tourist courts, boarding and rooming houses.

Dwelling Units: One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having cooking facilities.

Dwelling, Single Family: A building having accommodations for and occupied exclusively by one family.

Dwelling, Two-Family: A building having accommodations for and occupied exclusively by two families.

Dwelling, Multiple: A building designed and having accommodations for and occupied exclusively by more than two families.

Educational Institution: A college, university, or private school giving general academic instruction equivalent to the standard prescribed by law and the Kansas State Board of Education.

Family: One or more persons occupying the premises and living as a single housekeeping unit, whether or note related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five (5) persons as distinguished from a group occupying a boarding house, lodging house or “hotel”, as herein defined.

Filling Stations: Any building or premises used for the dispensing, sale of offering for sale at retail of any motor vehicle fuels or oils. When the dispensing, sale of offering for sale is incidental to the conduct of a public garage the premises shall be classified as a public garage.

Frontage: All the property on one side of a street, county road, township road or state or federal highway between the nearest intersecting street or road or other natural barriers.

Garage, Private: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles or other motor vehicles of the occupants of the premises.

Garage, Public: Any building or premises, except those used as a private or storage garage, which is used for equipping, repairing, hiring, storing, selling motor driven vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.

Home Occupation: Any occupation or activity carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than the name plate not more than one

(1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises, no person is employed other than a member of the immediate family residing on the premises, and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of his/her profession.

Hotel: A building in which lodging or board and lodging are provided and offered to the public for compensation in which ingress and egress to and from all rooms is made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contra-distinction to a boarding house, lodging house, or an apartment house which are herein separately defined.

Institutions: A building occupied by a non-profit corporation or non-profit establishment for public use.

Institutional Home: A place for the care of babies, children, pensioners or old people, except those for correctional or mental cases.

Loading Space: An off the street space or berth on the same lot with the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

Lot: A parcel of land occupied or intended for occupancy by use permitted for occupancy by a use permitted in this resolution, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this resolution, and having its principal frontage upon a street or upon an officially approved place.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot abutting upon two (2) or more streets, township roads, county roads, state or federal highways at their intersections.

Lot, Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Trego County, or a parcel of land, the deed to which was recorded in the office of the Register of Deeds of Trego County, Kansas, prior to the adoption of this resolution.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Motel: Same as "Tourist Court".

Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of this resolution, or amendments thereto, which does not conform after the passage of this resolution, or amendments thereof, with the use regulations of the District in which it is located.

Non-Conforming Building: A building or structure or portion thereof lawfully existing at the time of this resolution, or amendments thereto, which was designed, erected, or structurally altered for a use which does not conform with the use regulations of the District in which it is located.

Parking Area, Private: An open area, other than a street or alley, used.

Parking Area, Public or Customer: An open area, other than a private parking area, street, or alley, used for the parking of motor vehicles and available for public or quasi-public use.

Parking Space, Automobile: Space within a building or a private or public parking area for the parking of one automobile

Place: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Rooming House: See “Boarding House”.

School, Elementary and High: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the Kansas School Code. High schools include Junior and Senior.

Sign: Any words, numerals, figures, devices, designs or trade marks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or commodity and which are visible from any public street

Story: That portion of a building, other than a cellar or basement, included between the surface of any floor and the surface of the next floor above it, or if there be no floors above it, then the space between such floor and ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) per cent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

Street: A public thoroughfare, thirty (30) feet or more in width. For the purposes of the resolution, the word “street” shall include the words “road”, “highway”, and “alley”.

Street Width: The horizontal distance between the side lines of a street measured at right angles to the side lines.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

Structure: Anything constructed or erected, the use of which required permanent location on the ground or attached to something having a permanent location on the ground including but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.

Structural Alterations: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such alterations as may be required for the safety of the building.

Tourist Court: A group of attached or detached dwellings containing less than three hundred (300) square feet of floor area for each sleeping or living unit with separate toilet facilities for each unit, and which are provided for transient guests; including auto courts, motels and motor lodges.

Tourist Camp: Land used or intended to be used by campers or for trailer, tents or movable dwellings; two or more trailers, whether paired or supported by foundations, shall constitute a Tourist Camp.

Tourist Home: A building in which board or rooming, or both are offered to the traveling public for compensation, and open to transient guests, in contra-distinction to a hotel, boarding or rooming house.

Trailer: Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which as been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “trailer” shall include camp car and house car. For the purposes of this resolution, a trailer is a single-family dwelling and shall conform to all regulations therefore, except when located in a District permitting trailer or tourist camps.

Trailer Camp: See “Tourist Camp”.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Yard: An open space other than a court on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line is unoccupied and unobstructed from the ground upward.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

Yard, Side: A yard between a main building and the side lot line extending from the front yard, or front lot line, where no front yard is required, to rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

SECTION III

R-1 – SINGLE FAMILY RESIDENTIAL

- A. USE REGULATIONS. A building or premises shall be used only for the following purposes:
1. Single family dwellings.
 2. Municipally owned or operated parks, playgrounds and community buildings.
 3. Churches.
 4. Public schools, elementary and high, and educational institutions having a curriculum the same as ordinarily give in public schools.
 5. Golf courses, except miniature courses and driving tees operated for commercial purposes.
 6. Home occupations when and after there is on file in the office of the Secretary of the Planning Commission a consent agreement for such home occupation signed by 75% of all the owners of all of the frontage within 400 feet of building wherein such facility is to be operated.
 7. Temporary building for uses incidental to construction work which building or buildings shall be immediately adjacent to said construction work and which said building or building shall be removed upon completion or abandonment of the construction work.

- 8. Church or public building bulletin board not exceeding ten (10) square feet in area, and temporary signs not exceeding six (6) square feet in area appertaining to the lease, hire or sale of the building or premises located upon the real property whereon said sign is situated.
- 9. Accessory buildings and accessory uses customarily incident to the above uses not involving the conduct of business including private garage, home occupations as defined, and the use of a lot or portion thereof for a normal vegetable or flower garden. Such buildings as are not a part of the main buildings shall not be located closer than 85 feet from the center line of the street upon which the lot or real estate fronts.

B. HEIGHT REGULATIONS. No building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, or be less than one (1) story above the ground, except as set out in paragraph IX and X hereof.

C. AREA REGULATIONS.

- 1. **Front Yard.** Each building shall be set back at least forty (40) feet from the property line of the street, or road, etc. upon which the lot fronts unless 40% of more of the frontage on the same side of the street or road within 1,000 feet of said proposed building is improved with buildings that have observed a greater or lesser distance of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street or road line of the residences upon either side of the proposed structure within said 1,000 foot distance, or if there be residences upon only one side, then upon straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than 130 feet in depth. Where the street or road is curved, the line shall follow the curve of the street or road rather than be a straight line. Where the lots have a double frontage, required front yard shall be required on both, streets or roads.
- 2. **Side Yard.** Each main side building shall have a side yard of not less than eight feet.
- 3. **Rear Yard.** Each main building shall have a rear yard of a depth of not less than 30 feet.
- 4. **Intensity of Use.** Every lot shall have an area of not less than the following:

Served by Sanitary Sewer System:

Single Family Dwelling . . 7500 sq. ft.

Not served by Sanitary Sewer System:

Single Family Dwelling. . .One acre unless the Trego County Health Office approves less area.

All OtherArea and system as approved by the Trego County Health Officer and the Zoning Commission.

- 5. **Parking Regulations.** Whenever a structure is erected, converted, structurally altered and/or the use changed to any one of the following uses there shall be provided garage space in the main building or in an accessory building or accessible and available automobile parking space on the lot other "off the street" facilities, in accordance with the following:

Use	Parking Space Required
Single Family Dwelling.	One space per family
Elementary Schools.	One space per teacher
High School.	Five spaces per teacher

Churches	One space per each 10 person for which seating is provided in the main auditorium
Golf Courses.	One space for each three members or maximum membership.
Educational Institutes.	One space for each teacher (having a curriculum the same as ordinarily given in the public schools).

SECTION IV

R-2 – MULTI-FAMILY RESIDENTIAL

A. USE REGULATIONS. A building or premises shall be used only for the following purposes:

1. R-1 District uses.
2. Two-family or duplex dwelling.
3. Multi-family dwelling.
4. Boarding or lodging houses.

B. HEIGHT REGULATIONS. No building or structure shall exceed three stories of forty-five (45) feet in height, or be less than one story (1) above the ground level, except as is provided in Section X thereof.

C. AREA REGULATIONS.

1. **Front Yard.** Each building shall be set back at least forty (40) feet from the property line of the street or road, etc. upon which the lot fronts unless 40% or more of the frontage on the same side of the street or road within 1000 feet of said proposed building is improved with buildings that have observed a greater or lesser distance of front yard in which instance no new buildings or portion thereof shall project beyond a strait line drawn between the point closest to the street or road line of the residences upon either side of the proposed structure within said 1000 foot distance, or if there be residences upon only one side, then upon straight line projected from the front of the two nearest residences, but his regulation shall not be interpreted to require a front yard of more than 130 feet. Where the street or road is curved, the line shall follow the curve of the street or road, rather than be a straight line. Where the lots have a double frontage, required front yard shall be required on both, streets or roads.
2. **Side Yard.** Each main side building shall have a side yard of not less than eight feet.
3. **Rear Yard.** Each main building shall have an area of not less than the following: 30 feet.

D. **INTENSITY OF USE.** Each main building shall be erected on a lot having an area of not less than the following:

Served by Sanitary Sewer System:

Single Family Dwelling	7500 sq. ft.
Two-family or Duplex Dwelling.	6500 sq. ft. per family
Multi-Family Dwelling.	6500 sq. ft. per family

Not served by Sanitary Sewer System:	
Single Family Dwelling.	One acre unless the Trego County Health Officer approves less area.
All Other.	Area and system as approved by the Trego County Health Officer.

E. **PARKING REGULATIONS.** Whenever a structure is erected, converted, structurally altered and/or the use changed to any one of the following uses, there shall be provided garage space in the main building or in an accessory building or accessible and available automobile parking space on the lot or other “off the street” facilities, in accordance with the following:

Use	Parking Space Required
Single Family Dwelling.	One space per family
Two-family of Duplex Dwelling. . .	One space per family
Multi-family Dwelling.	One space per family
Elementary Schools.	One space per teacher
High Schools.	Five spaces per teacher
Churches.	One space per each 10 persons for which seating is provided in the main auditorium.
Educational Institutes.	One space for each teacher (having a curriculum the same as ordinarily given in the public schools).

SECTION V

C-1 – COMMERCIAL DISTRICT

A. **USE REGULATIONS.** A building or premises shall be used only for the following purposes:

1. R-1 District uses and R-2 District uses
2. Bakery
3. Financial institutions
4. Barber shops or beauty parlors
5. Business or commercial school or dance or music academy
6. Drug store
7. Appliance repair shop
8. Filling Station
9. Florist shop
10. Freezer lockers
11. Grocery and/or meat shop
12. Hardware shop
13. Lodge halls
14. Messenger or telegraph station
15. Office
16. Painting and decorating shop
17. Parking lots.
18. Photographer or artist studio
19. Plumbing, heating, tinsmith, or woodworking shop
20. Restaurants
21. Theater (indoor)
22. Variety shop

- 23. Store or shop, or the construction of a retail business similar in use to the types listed herein as specifically exempting those uses provided for in less restricted areas.
- 24. Amusement places, including by not limited to Drive-In Theaters
- 25. Dyeing and cleaning shops
- 26. Laundry and/or laundryette
- 27. Public garage
- 28. Animal hospital and animal clinics
- 29. Tourist camp, trailer camp, cabin and motel
- 30. Hotel
- 31. Automobile sales room
- 32. Farm and heavy equipment sales
- 33. Used car lot sales
- 34. Lumber yards

B. HEIGHT REGULATIONS. No limitations.

C. AREA REGULATIONS.

- 1. **Front Yard.** Each building shall be set back **at least 45 feet from the front property line**, or if said building be on a corner lot, the same set back shall be required on both sides of the building fronting on said street or road.
- 2. **Side Yard.** A side yard is not required, except on the side of the lot abutting on a residential district, in which case there shall be a side yard of not less than 15 feet.
- 3. **Rear Yard.** A rear yard is not required except where a lot abuts on an R-1 or R-2 District, in which case there shall be a rear yard of not less than 15 feet in depth.
- 4. **Intensity of Use.** Each main building shall be erected on a lot having an area of not less than the following:

Served by a Sanitary System6500 sq. ft.
 Not Served by a Sanitary System.Area shall be approved by the
 Trego County Health Officer.

All sanitary systems other than connections to sanitary sewers in this area, shall be first approved in writing by the Trego County Health Officer, which approval shall be filed with the Zoning Commission before a building permit shall be issued.

- 5. **Parking Regulations.** Whenever a structure is erected, converted, structurally altered and/or the use changed to any one of the following uses, there shall be provided garage space in the main building or accessible and available automobile parking space on the lot or adjacent thereto in accordance with the following:

Use	Parking Spaces Required
R-1.	Uses same as R-1 Regulations.
R-2	Uses same as R-2 Regulations.
Uses permitted under C-1 except theater.	One space per 200 square feet of gross floor area.
Theater, Indoor	One space per each 5 feet of maximum capacity.

SECTION VI

I – INDUSTRIAL

A. USE REGULATIONS. A building or premises may be used for any purpose not in conflict with any laws of the State of Kansas regulating nuisances, provided however, **that no building or occupancy permits shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Board of County Commissioners AFTER a report by the Trego County Planning Commission.**

1. Acetylene gas manufacture or storage
2. Acid manufacture
3. Alcohol manufacture
4. Ammonia, bleaching powder or chlorine manufacture
5. Arsenal
6. Asphalt manufacture or refining
7. Auto wrecking or auto salvaging
8. Blast furnace
9. Boiler works
10. Brick, tile pottery or terra cotta manufacture, other than the manufacture of handcraft products only
11. Cement, lime gypsum or plaster of paris manufacture
12. Creosote manufacture or treatment
13. Dehydrating plants
14. Distillation of bones
15. Explosives, manufacture or storage
16. Fat rendering
17. Fertilizer manufacture
18. Gas manufacture
19. Garage, offal or dead animals, reduction or dumping
20. Glue, size or gelatin manufacture
21. Iron, steel, brass or copper foundry or fabrication plant
22. Petroleum, or its products, refining of
23. Ore reduction
24. Rock crusher
25. Rolling mill
26. Smelting of tin, copper, zinc or iron ores
27. Stock yards or slaughter of animals
28. Wholesale storage of gasoline
29. Central mixing plant for cement mortar, plaster or paving materials
30. Proxlyin manufacture, use or storage
31. Pickling works
32. Soybean processing plants

B. HEIGHT REGULATIONS. No height limitation in required, provided however, that other regulations concerning height limitations in relation to airports shall take precedence over this regulation.

C. AREA REGULATIONS.

1. **Front Yard.** No front yard is required.
2. **Side Yard.** No side yard is required.
3. **Rear Yard.** No rear yard is required.

- 4. **Intensity of Use.** The intensity of use regulations shall be governed by the type of sewage disposal systems for all uses. All sewage disposal systems must be approved by the Trego County Health officer as to area and construction, which approval shall be in writing and filed with the Trego County Planning Commission.
- 5. **Parking Regulations.** Whenever a structure is erected, converted, structurally altered and/or the use changed to any one of the following uses, there shall be provided garage space in the main building, or in an accessory building or an accessible and available automobile parking space on the lot, or adjacent thereto in accordance with the following:

Use	Parking Spaces Required
R-1	Uses same as R-1 Regulations.
R-2	Uses same as R-2 Regulations.
I	Uses same as I Regulations.
C-1	Uses same as C-1 Regulations
All other	One parking space for each four employees or fraction thereof in the largest shift in a 24-hour period.

- 6. **Loading Zone.** Adequate area for loading, unloading and servicing in connection with the operation of industrial uses shall be provided on the lot.

SECTION VII SUPPLEMENTAL REGULATIONS

- A. Accessory buildings may be build in a required rear yard but such accessory buildings shall not be nearer than three feet to nay side or rear lot line, nor nearer than four feet to any alley abutting the rear of the lot nor shall any such accessory building occupy more than thirty (30) per cent of the required rear yard.
- B. No accessory building shall be constructed upon a lot until construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
- C. Every part of a required yard shall be open to the sky, unobstructed, except for accessory building in a rear yard, and except for the ordinary projections of skylights, sills, bet courses, cornices and ornamental features.
- D. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.
- E. More than one industrial, commercial, multiple dwelling, or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such building, nor shall there be any change in the intensity of use requirements.
- F. The requirements for front, side, and rear yards shall be applied in all cases according to the frontage of the lot as shown on the recorded plat.
- G. In computing a parking space required relative to floor area of a building, "Gross floor area" shall be interpreted to mean the total square feet area of each floor including basement or basements, irrespective of the intended use of such area. In design of parking lots the lowing minimums shall apply:

Parking space 8 ½ ft. by 18 ft.

Interior Circulation:

One Way 12 ft.

Two Way 18 ft.

SECTION VIII NON-CONFORMING USES

A. A non-conforming building or use may be continued or changed to another non-conforming use of the same or more restricted classification; provided, however, that no structural alteration, enlargement or addition is made other than that required by law. Whenever a non-conforming building or use has been changed to a more restricted use or to a conforming use such use shall not thereafter be changed to a less restricted use.

B. No building which as been damaged by fire, explosion, act of God, or the public enemy, to the extent of sixty percent (60%) of its appraised value, shall be restored except in conformity with the regulations of this resolution.

C. The non-conforming use of a building or premises for the purpose of dismantling or wrecking automobiles and other vehicles of any kind, or for the purpose of storing junk, scrap iron and scrap material, including dismantled and wrecked automobiles or other vehicles, and which is located in the R-1 Residential District, shall be discontinued and the building or premises thereafter devoted to a use permitted in the district in which such building or premises is located, within two (2) years from the effective date of this resolution.

D. The non-conforming use of premises located in the R-1 Residential District, for the purpose of storing or locating trailers thereon shall be discontinued, the trailers removed and the premises thereafter devoted to a use permitted in the district in which premises are located, within two (2) years from the effective date of this resolution.

SECTION IX SPECIAL PERMITS

A. The Board of County Commissioners may, by Special Permit, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this resolution:

1. Any public building erected and used by any department of the city, county, state of federal government.
2. Hospitals
3. Cemetery
4. Community building or recreation field
5. Airport or landing field

6. Dairies and milk processing plants
7. Extraction of gravel, sand, or other raw material
8. Radio or television transmitter stations and towers
9. Veterinarian and small animal clinic.
10. Nursery

B. Before issuance of a Special Permit as provided above, the Board of County Commissioners shall refer the request for Special Permit to the Trego County Planning Commission for report. The Trego County Planning Commission shall be given thirty (30) days in which to make a report to the Board of County Commissioners regarding the effect of such proposed use on the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety and general welfare. No action shall be taken on the request until the report of the Planning Commission is received. The Special Permit may contain any conditions and/or regulations the Board of County Commissioners feel are necessary to protect the surrounding property.

SECTION X

BOARD OF ZONING APPEALS

A. A Board of Zoning Appeals consisting of five members shall be appointed by the Board of County Commissioners. The procedure of appointment shall be as follows:

1. Members shall be resident of the County area regulated by the Zoning Resolution.
2. Members first appointed shall serve respective terms of one, two, and three years divided as nearly equal as possible between the members. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term.
3. At least one member of the Board shall be a member of the Trego County Planning Commission.
4. Members shall serve without compensation.

B. GENERAL RULES.

1. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved by the decision of the Zoning Inspector. Such appeal shall be taken by filing with the Zoning Inspector a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
2. The Board shall fix a reasonable time for the hearing of the appeal, give not less than five (5) days public notice thereof by posting of not less than three printed notices of the hearing in a conspicuous place on or near the property upon which application for appeal is made, as well as due notice to the parties in the interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

C. **POWERS AND DUTIES.** The Board of Zoning Appeals shall have the following powers and it shall be its duty:

1. To hear and decide upon appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this ordinance.
2. To permit extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this resolution.
3. To permit the following exception to the district regulations set forth in this resolution by issuance of a permit maintaining conditions governing design, construction or operation of the exception so as to adequately safeguard the health, safety and welfare of the occupants of adjoining and surround property:
 - (a) The erection or use of a building or the use of a premises for public utility purposes only, which the Board finds to be reasonable and necessary for the public convenience or welfare.
 - (b) The reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or public enemy, to the extent of less than sixty percent (60%) of its appraised value, where the Board finds some compelling necessity requiring a continuance of the non-conforming use is not to continue a monopoly.
4. To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a special piece of property at the time of the effective date of this ordinance or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation that the strict application of the terms of this ordinance actually prohibit the use of his property in the manner similar to that of other property in the district and where the board is satisfied under the evidence heard before it, the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this resolution and shall not constitute a direct and obvious amendment of any district regulations or district boundaries.
5. To permit the use of land located not more than two hundred feet from the boundary of any local shopping or commercial district for off-street parking purposes in connection with any commercial development in such district, but only with standards regarding the surfacing, screening and entrance are imposed which will protect the character of the surrounding development and avoid excessive traffic congestion.

SECTION XI ADMINISTRATION

A. **CHANGES AND AMENDMENTS.** Changes or amendments to the Trego County Zoning Plan or to the regulations contained herein may be made by resolution by the Board of County Commissioners after report and public hearing by the Trego County Planning Commission. Not less than fifteen (15) days notice shall be given of the time and place of such hearing in a newspaper having general circulation within the

county. All changes or amendments shall be made in accordance with Section 19-2932 of the 1951 Supplement of the General Statutes of Kansas, 1949.

B. ENFORCEMENT. The Board of County Commissioners of Trego County, Kansas, shall appoint a Zoning Inspector, who **may** be the County Engineer or any other person selected and appointed by said Board. It shall be the duty of the Zoning Inspector to see that his resolution is enforced through the proper legal channels.

C. APPLICATION FORMS AND FEES. All application forms necessary for the administration of these regulations shall be obtained from the office of the County Clerk. All fees required by any or all of these regulations shall be paid to the office of the County Clerk.

D. PERMIT FEE (BUILDING PERMIT): The building permit fee shall be computed at the rate of one cent (1) per square foot of the building; the minimum fee being one dollar and fifty cents (\$1.50).

E. VIOLATION AND PENALTY. Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this resolution shall be deemed guilty of a misdemeanor and fined not to exceed \$200.00 for each offense and each day's violation shall constitute a separate offense. The proper county officials or any person, the value or use of whose property is or may be affected by such violation, may have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the regulations set forth herein.

F. VALIDITY. Should any section, clause or provision of this resolution be declared by the courts to be invalid, the same shall not affect the validity of the resolution as a whole or any part thereof, other than the part se declared to be invalid.

BOARD OF COUNTY COMMISSIONERS

Chairman

Commissioner

Commissioner

AMENDMENTS TO TREGO COUNTY ZONING REGULATIONS

Recorded in Commissioner Journal F, Page 333.

August 17, 1964.

RE: Zoning Change

DISPENSATION GRANTED BY BOARD OF COUNTY COMMISSIONERS TO "CHRIST THE KING" PARISH OF WAKEENEY, KANSAS TO ALLOW PLAN FOR CEMETERY ON A RECORDED TRACT IN SW/4 SECTION 10, TOWNSHIP 12, RANGE 23W.

RESOLUTION TO REZONE A PORTION OF TREGO COUNTY

BE IT RESOLVED, by The Board of County Commissioners that the County Attorney proceed to satisfy all legal requirements to rezone a ten (10) acre strip in width lying south of Old U.S. Highway 40 and east from U.S. Highway 283 for a distance of one (1) mile. Said real estate being in Section 10, Township 12, Range 23W of Trego County, Kansas.

Classification of said area is hereby determined to be Industrial and for Industrial usage as may be determined by the Board of County Commissioners upon application by each applicant and at time of application.

(Done at WaKeeney, Kansas, on May 27, 1965)

BOARD OF COUNTY COMMISSIONERS

Ward Philip
Alfred Mollenkamp
George Parsons

Attest:
Thomas W. Rhoden
Trego County Clerk

(By Order Dated May 8, 1967)

The Commercial Area of the Trego County Zoned areas is extended to include the following:

A strip of land five hundred (500) feet in width, along and extending north from the north right-of-way line of U.S. Interstate Highway 70 through sections 7, 13, 14, 15 and 24 in Township 12, Range 23W and Section 12, Township 12, Range 24W, all west of 6 P.M. in Trego County, Kansas

AND

A strip of land five hundred (500) feet in width, along and extending south from the south right-of-way of U.S. Highway Interstate 70 through Sections 7, 13, 14, 15, and 24 in Township 12, Range 23W and Section 12, Township 12, Range 24W, all west of 6 P.M. in Trego County, Kansas.

(Done at WaKeeney, Kansas, on May 8, 1967)

BOARD OF COUNTY COMMISSIONERS

Alfred Mollenkamp
Myron Glass
George Parsons

Attest:
Thomas W. Rhoden
Trego County Clerk

These regulations printed June 15, 1973.

RESOLUTION NO. 95-11

REZONING A TRACT FROM RESIDENTIAL TO INDUSTRIAL

WHEREAS, it was requested of the Trego County Planning Commission by Cargill, Inc. that certain real estate be rezoned from Multi-Family Residential to Industrial; and

WHEREAS, pursuant to K.S.A. 12-757, owners of record of lands within 1,000 feet of the area proposed to be altered for regulations were notified and further that notice of said meeting was duly published in the Western Kansas World; and

WHEREAS, a meeting was conducted on December 12, 1994 and there was no opposition to the rezoning. Further that there was an unanimous vote recommending the amendment.

BE IT RESOLVED, by the Trego County Board of Commissioners that the following described real estate, to-wit:

The acreage lying North of the Union Pacific Property in the Northeast Quarter (NE/4) of Section Fourteen (14), Township Twelve (12) South, Range Twenty-three (23) West of the 6th P.M., Trego County, Kansas

be rezoned from a Multi-Family Residential District to Industrial District.

DATED: April 17, 1995

BOARD OF TREGO COUNTY COMMISSIONERS

s/Gleyn A. Lowe, Chairman
s/Leary J. Johnson, Member
s/Arlene Eveleigh, Member

RESOLUTION NO. 19-9

REZONING A TRACT FROM RESIDENTIAL TO COMMERCIAL

WHEREAS, it was requested of the Trego County Planning Commission (Planning Commission) by Old Dominion Freight Line, that certain real estate be rezoned from Residential to Commercial; and

WHEREAS, pursuant to K.S.A. 19-2927 by way of K.S.A. 12-762, owners of record of lands within 1,000 feet of the area proposed to be altered for regulations were notified and further that notice of said meeting was duly published in the Western Kansas World on May 16, 2019; and

WHEREAS, a meeting was conducted by the Planning Commission on June 4, 2019 and there was no opposition to the rezoning. Further that there was a unanimous vote by the Planning Commission recommending the rezoning. The Planning Commission listen to residents, expressed their open-mindedness to the community concerns, weighed the positives and negatives expressed by the residents and ultimately voted to rezone. The factors they considered, among others, were noise and light pollution and increased traffic on the adjacent roadway. In addition, Planning Commission discussed the benefits for the community which would be an increased tax base and possible sponsorships to local groups by a new business.

BE IT RESOLVED, by the Trego County Board of Commissioners that the following described real estate, to-wit:

Trego County Parcel ID 0841700000003000 (new split parcel ID to be 0841700000003.050)

Approx: Acres 13.6, NE4 SECTION 17 T12S-R23W BEG 68.9'W & 150'N SE COR NE4, TH W637.2'; N951'; E629'; S951' TO POB

be rezoned from a Residential District to a Commercial District.

DATED: June 11, 2019

ATTEST:

Lori Augustine, County Clerk

Wesley Hobbs, Chairman
Calvin Pfannenstiel Jr, Member
Jared Hager, Member