



# Planning & Zoning Department

Jefferson County Courthouse  
P.O. Box 628  
Oskaloosa, Kansas 66066

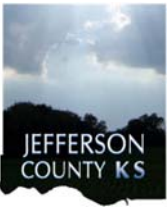
[www.jfcountyks.com/planningandzoning](http://www.jfcountyks.com/planningandzoning)

Phone: (785) 403-0000  
Toll Free: (844) 679-0748  
Fax: (785) 403-0783

## Process for Rezoning Request, Conditional Use Permit, and/ or Development Plan Amendment

1. **Pre-submittal meeting:** All applicants requesting a change in zoning classification, a Conditional Use Permit, and/or a Development Plan Amendment should consult with the Planning & Zoning staff at least seven (7) working days prior to submitting a formal application.
2. **Application submission:** Staff requires two (2) hard copies of the application for initial review. Staff may also require an electronic copy of the initial application materials. Staff will determine the completeness, accuracy, and sufficiency of the application within five (5) working days of submission. This period does not include the review of the final submitted application. Application forms are available in the Planning & Zoning office and online.
3. **Applicant, Owner, and/or Agent:** Complete applications must be signed by the owner(s) of record or a signed contractor's affidavit shall be required. At the time of the submission, a sign will be provided for posting on the property. The Application is submitted with the appropriate application fee as established by the County. Any fees incurred by the County for any specialist/professional review shall be paid by the applicant/property owner prior to publication of final determination.
4. **Application Packet: a complete application will include the following materials:**
  - Completed and signed application form.
  - Letter from Rural Water District serving property in question.
  - Letter from Jefferson County Health Department addressing wastewater.
  - Reviews of road access from appropriate agency – KDOT and/or Jefferson County Road & Bridge Department.
  - Copy of Real Estate Deed (Register of Deeds Office).
  - Copy of Paid Tax Receipts for all real estate & personal property owned by the Applicant and/or Property Owner (Treasurer's Office).
  - Development Plan: shall meet the standards outlined in Article 16, Section 103. **Required for CUPs/ Commercial/Industrial Rezoning.**
  - Any required Affidavits (e.g. Affidavit for Authorization of Agent(s))
  - Legal description of parcel that is to be rezoned and/or designated area for Conditional Use Permit.
  - Professional Review Fee Disclosure form.
  - Articles of Incorporation and documentation of authorized agent (if applicable).
  - Copy of current State or Federal permits/licenses (if applicable).
  - Any other supplementary documents requested by staff (varies on a case-by-case basis).
5. A legal notice will be placed in the official County newspaper, at least 20 days prior to the public hearing. The applicant will be sent a copy of the publication and a receipt for the application fee.
6. The Planning Office will notify adjoining property owners within a 1,000 feet radius of the subject property. If a city is affected, the proposal will be reviewed by that city and provide its recommendation to the Planning Commission within a 30 day period.
7. The Planning Commission will hold a public hearing to hear all persons who wish a voice in the proposed request. The applicant or representative is required to appear to present the case. Following the public hearing, the Planning Commission will make a recommendation to approve or deny the request.
8. The final determination will be made by the Board of County Commissioners no sooner than the 14 days after the public hearing in accordance with State Statute. The applicant will be notified in writing of the date and time of their hearing with the Board of County Commissioners.
9. Board of County Commission approval is official upon publication in the County newspaper and for Conditional Use Permits or Development Plan Amendments, an Affidavit shall be filed with the Register of Deeds.

**\*\*INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT\*\***



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## APPLICATION FOR A REZONING REQUEST, CONDITIONAL USE PERMIT, AND/OR DEVELOPMENT PLAN AMENDMENT

This form must be completed and filed at the Office of the Zoning Administrator in accordance with directions on the accompanying instruction sheet. **AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED**

### 1. Name of ALL Applicant(s)/ Owner(s) and/or Agent(s). (Use separate sheet if necessary)

Applicant/ Owner: _____			Agent: _____		
Address: _____			Address: _____		
City	State	Zip	City	State	Zip
Phone: (     ) _____			Phone: (     ) _____		

### 2. The Applicant hereby requests:

A change of zoning from: \_\_\_\_\_ to \_\_\_\_\_

A Conditional Use for the following: \_\_\_\_\_

A Development Plan Amendment for the following existing CUP: \_\_\_\_\_

### 3. This property address is: \_\_\_\_\_

The property is legally described as (Lot and Block OR Metes and Bounds): \_\_\_\_\_

#### The general location is (use appropriate section):

A. At the (NW) (NE) (SW) (SE) corner of \_\_\_\_\_ and \_\_\_\_\_, or  
(Street/Road) (Street/Road)

B. On the (N) (S) (E) (W) side of \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_  
(Street/Road) (Street/Road) (Street/Road)

### 4. Please attach a statement of intent. (Conditional Use or Development Plan Applicants, including Amendments)

**I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in, submitted with all relevant and/or requested documentation and accompanied by the appropriate fee.**

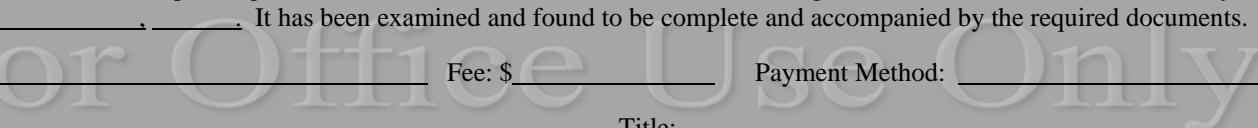
Owner: \_\_\_\_\_ OR Authorized Agent: \_\_\_\_\_

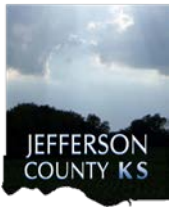
Owner: \_\_\_\_\_ OR Authorized Agent: \_\_\_\_\_

This application and all corresponding documents were received at the office of the Zoning Administrator on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. It has been examined and found to be complete and accompanied by the required documents.

Permit Type: \_\_\_\_\_ Fee: \$ \_\_\_\_\_ Payment Method: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_





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## Zoning District Outline

### Zoning Districts

- “AG”      Agricultural = 40 acres or more
- “RR”      Rural Residential = 10 to 39.99 acres
- “SR”      Suburban Residential = 1 to 9.99 acres
- “R-1”     Single-Family Residential = 20,000 sq. ft. to 1 acre
- “CP-1”    Planned Light Business
- “CP-2”    Planned General Commercial
- “CP-3”    Planned Highway Service Commercial
- “IP-1”    Planned Light Industrial
- “IP-2”    Planned Medium Industrial

*Any subdividing (creation of two or more lots less than 40 acres) of ground requires rezoning and/or platting.*

The minimum road frontage requirement for **Agricultural (40 acres or more)** is 660 feet. The building setbacks for Agricultural zoning are 50 feet from the front property line, 30 feet from the side property lines and 30 feet from the back property line. The lot width to depth ratio shall not exceed 4:1.

The minimum road frontage requirement for **Rural Residential (10 to 39.99 acres)** is 330 feet. The building setbacks for Rural Residential zoning are 50 feet from the front property line, 20 feet from the side property lines and 30 feet from the back property line. When rezoning property to Rural Residential (10 to 39.99 acres) the lot width to depth ratio shall not exceed 4:1.

The minimum road frontage requirement for **Suburban Residential (1 to 9.99 acres)** is 165 feet. The building setbacks for Suburban Residential zoning are 25 feet from the front property line, 10 feet from the side property lines, and 20 feet from the back property line. When rezoning property to Suburban Residential (1 to 9.99 acres) the lot width to depth ratio shall not exceed 3:1. The lot must meet a minimum of 250 feet in depth.

The minimum road frontage requirement for **Single-Family Residential (20,000 sq. ft to 1 acre)** is 100 feet. The building setbacks for Single-Family Residential zoning are 25 feet from the front property line, 10 feet from the side property lines, and 20 feet from the back property line. The lot must meet a minimum of 150 feet in depth and requires public water and sewer.

The minimum road frontage requirement for **Planned Light Business “CP-1”** (43,560 sq. ft) is 165 feet. The building setbacks for CP-1 zoning are 20 feet from the front property line, 20 feet from the side property lines, and 20 feet from the back property line. The lot must meet a minimum of 200 feet in depth.

The minimum road frontage requirement for **Planned General Commercial “CP-2”** (43,560 sq. ft) is 165 feet. The building setbacks for CP-2 zoning are 20 feet from the front property line, 20 feet from the side property lines, and 20 feet from the back property line. The lot must meet a minimum of 200 feet in depth.

The minimum road frontage requirement for **Planned Highway Service Commercial “CP-3”** (87,120 sq. ft) is 250 feet. The building setbacks for CP-3 zoning are 20 feet from the front property line, 20 feet from the side property lines, and 20 feet from the back property line. The lot must meet a minimum of 300 feet in depth.

The minimum road frontage requirement for **Planned Light Industrial “IP-1”** (87,120 sq. ft) is 250 feet. The building setbacks for I-1 zoning are 20 feet from the front property line, 15 feet from the side property lines, and 20 feet from the back property line. The lot must meet a minimum of 300 feet in depth.

The minimum road frontage requirement for **Planned Medium Industrial “IP-2”** (87,120 sq. ft) is 250 feet. The building setbacks for I-2 zoning are 20 feet from the front property line, 15 feet from the side property lines, and 20 feet from the back property line. The lot must meet a minimum of 300 feet in depth.

**Sections:****1-101 Title****1-102 Purpose****1-103 Jurisdiction****1-104 Definitions****1-105 Districts****1-106 General Regulations Governing All Zoning Districts****1-107 Vesting of Development Rights**

**1-101 Title:** These regulations, including the Zoning District maps and overlays made a part thereof, shall be known and may be cited as the "Zoning Regulations of Jefferson County, Kansas", and shall hereinafter be referred to as "these Regulations."

**1-102 Purpose:** These Regulations are intended to serve the following purposes:

1. To promote the health, safety, morals, comfort and general welfare of the citizens of Jefferson County, Kansas.
2. To create a variety of zoning districts sensitive to the peculiarities of the various permitted uses and designed to protect and enhance the values inherent in each zone; while encouraging the redevelopment and revitalization of the cities within the County.
3. To conserve good agricultural land and protect it from the intrusion of incompatible uses, but not to regulate or restrict the primary use of land for agricultural uses.
4. To regulate and restrict the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; size of yards, courts, and other open spaces.
5. To provide for adequate light and air, and acceptable noise levels.
6. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
7. To provide adequate notice on subsequent changes to these regulations and an opportunity for interested parties to be heard.
8. To provide information regarding possible flood hazards.
9. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Comprehensive Plan for Jefferson County, Kansas.
10. To promote the achievement of the Future Land Use Plan for Jefferson County, Kansas.
11. To inform the public regarding future development in Jefferson County, Kansas, thereby providing a basis for wise decisions with respect to such development.

**Sections:**

- 23-101 Conditional Uses - Purpose and Intent**
- 23-102 Application of Conditional Uses**
- 23-103 Qualification of Existing Conditional Uses**
- 23-104 Additions and Changes to Conditional Uses**
- 23-105 Conditional Uses Enumerated**
- 23-106 Continuance of a Conditional Use**
- 23-107 Accessory Uses**
- 23-108 Eligibility for Accessory Use**
- 23-109 Accessory Uses Allowed**
- 23-110 Specialty Accessory Uses**
- 23-111 Prohibited Uses**
- 23-112 Sexually Oriented Businesses**

**23-101 Conditional Uses - Purpose and Intent:** The establishment of virtually all land uses except agricultural and traditional single-family residential, in most cases, are not appropriate in the bulk of unincorporated portion of Jefferson County; especially those land uses that are of an extremely sensitive nature due to the intensity or environmental impacts associated with the normal operation of the business or activity. However, it is recognized that it may be acceptable, on a case-by-case, site-by-site basis, to permit the development of such land uses where conditions warrant and adequate safeguards are taken to mitigate any of the potential problems associated with said development. Therefore, in order to develop any land use other than agricultural, traditional single-family residential or commercial and/or industrial in the unincorporated portion of Jefferson County outside the designated areas near the incorporated cities, a Conditional Use Permit issued in accordance with these Regulations shall be required.

It is the intent of this Article to require a Conditional Use Permit for all proposed land uses, except those specifically prohibited herein or allowed as a permitted use in one of the established zoning districts. As such, it is acknowledged that any property owner may seek a Conditional Use Permit for any of the types of land uses indicated herein for any property within the unincorporated portion of Jefferson County. The subsequent approval of such request by the Governing Body is a purely discretionary act that will be decided based upon the facts and circumstances discovered in the review of each application. There is no implied "right" for any person or landowner to obtain a Conditional Use Permit for any use on any property.

It is also the intent of this Article to allow the issuance of Conditional Use Permits that provides for more than one use on any property; provided the range or type of uses is clearly delineated within the Conditional Use Permit, the other relevant facts have been evaluated, and the approval is consistent with the spirit and intent of this Article and these Regulations. (For example: a Conditional Use Permit could be approved for a "strip shopping center" in a location where transportation and adequate water and sewage disposal services are available. The Conditional Use Permit could indicate a range of "retail and/or service businesses" as being appropriate for this location and included in the Permit.)

**23-102 Application of Conditional Uses:** Before the location or establishment of any land use requiring a Conditional Use Permit, or before any change or use of the premises existing at the time of the effective date of these Regulations or permitted as herein provided is made, a Development Plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in Article 16 of these Regulations. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 30 of these Regulations and shall review such Development Plan

## ARTICLE 23 SUPPLEMENTARY USE REGULATIONS; CONDITIONAL USES; ACCESSORY USES; PROHIBITED USES

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and statements and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property, submit a recommendation to the Governing Body.

Following receipt of the Planning Commission's recommendation, the Governing Body may, within the specifications herein provided, permit such buildings, structures, or uses; provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, that the transportation and utility services are appropriate for the level and intensity of the proposed development, and that necessary safeguards will be provided for the protection of surrounding property, persons, and of neighborhood values. In this regard, the Governing Body may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to, those items identified in Article 16 of these Regulations.

**23-103 Qualification of Existing Conditional Uses:** Properties with land uses operating under an existing Conditional Use approved prior to the adoption of these Regulations, or that were zoned and used as commercial or industrial under the previous Zoning Regulations, shall be permitted to continue, but with an unapproved Conditional Use Permit. Changes in the building(s), operation(s) or use(s) of said properties shall be treated as requiring an amendment to said unapproved Conditional Use Permit and considered as provided Section 23-102 herein. This shall also be the case of those uses established with a Conditional Use Permit which will now be included in an area zoned commercial or industrial.

**23-104 Additions and Changes to Conditional Uses:** All subsequent requests for additions and structural alterations to Conditional Uses approved by the Governing Body shall be considered in the same procedure as outlined in Section 23-102 herein.

**23-105 Conditional Uses Enumerated:** The following Conditional Uses are some of the uses that may be approved by the Governing Body as provided in this Article. Other land uses may also be permitted by Conditional Use Permit except those specifically listed as permitted uses in the zoning districts or as prohibited uses in these Regulations. Those uses listed below will not require a Conditional Use Permit if located in an area designated in a commercial or industrial zone as established by these Regulations.

1. Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.
2. Bed and breakfast facility.
3. Boat sales and service, including storage yard.
4. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs, and utility maintenance shops and yards.
5. Bus barns or lots.
6. Cemeteries, mausoleums or crematories for the disposal of the dead.
7. Ceramic, pottery or concrete ornament product processing, sales and/or yard.

**Sections:****16-101 Purpose****16-102 Application, Review, Approval Procedure****16-103 Development Plan****16-104 Development Plan - Planning Commission Review****16-105 Development Plan - Phasing, Time Restrictions****16-106 Remedies for Noncompliance**

**16-101 Purpose:** The procedures and requirements set forth in this Article, or the requirements set forth elsewhere in this Code when referred to in this Article, are for the development plans required for rezonings in the “Planned” zoning districts or Conditional Use Permits designated elsewhere in this Code. These requirements are specifically intended to accommodate:

1. The planned, coordinated, and orderly development of properties classified in one of the zoning districts established herein and designated as a “Planned” district.
2. The fully planned, coordinated, and orderly development of relatively large tracts of land.
3. The conversion of relatively small parcels of land to one of the specified uses requiring a Conditional Use Permit.

The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family residential unit shall not be subject to the provisions of this Article.

The requirements and regulations herein prescribed pertaining to height, open space, setbacks, parking, loading, and signs may be adjusted or modified so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and the interests of the community, but in keeping with the general intent and spirit of these Regulations. Such adjustments or modifications may be made in the Development Plan as a part of the Conditional Use process, or may be allowed upon request of the applicant after approval by the Planning Commission and Governing Body as an amendment to a previously approved Development Plan or as a first approval of a Development Plan on properties that have never had an approved Development Plan.

**16-102 Application, Review, Approval Procedure:** In order to assure that proposed rezonings to a “Planned” district or uses requiring Conditional Use Permits meet the requirements of these Regulations and will be compatible with surrounding properties and uses, it is hereby required that all applications for a rezoning to a “Planned” district or a Conditional Use Permit, except those uses exempted in Section 16-101 above, include a Development Plan which must be approved as specified within this Article prior to any construction on the property.

The procedure for approval of a Development Plan shall consist of the following:

1. Application for a “Planned” district rezoning or a Conditional Use Permit, and;
2. A Development Plan.



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The Development Plan shall be submitted at the time the application is submitted and no application shall be deemed complete nor set for public hearing until said Development Plan is submitted.

**16-103 Development Plan:** Application for a “Planned” district rezoning or a Conditional Use and Development Plan approval shall be made in accordance with the procedures outlined in Article 23 of these Regulations. The application shall include a Development Plan which describes the applicant's intentions for the use and development of the property. The Development Plan shall include and/or display the following information:

1. When deemed necessary, a topographic survey indicating the legal description, property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property.
2. A Development Plan, drawn to the same scale as the topographic survey, indicating:
  - a. existing contours (shown as dashed lines);
  - b. proposed contours (shown as solid lines);
  - c. location and orientation of all existing and proposed buildings;
  - d. areas to be used for parking, including the number and arrangement of stalls;
  - e. areas to be developed for screening, including the location of plant materials, and screening structures and features;
  - f. pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way;
  - g. points of ingress and egress;
  - h. location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines);
  - i. drainage controls (retention or detention ponds);
  - j. location, size and characteristics of identification and business signs;
  - k. lighting layout, appurtenances, and intensity of illumination;
  - l. proposed finished floor elevations of all buildings and structures.
3. A statement of intent shall accompany the Development Plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.

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**16-104 Development Plan – Planning Commission Review:** The Planning Commission shall review the application for a “Planned” district rezoning or a Conditional Use Permit, along with the Development Plan, and shall recommend approval or denial of the “Planned” district rezoning or Conditional Use Permit along with the Development Plan to the Governing Body, or may request modifications to the Development Plan as deemed necessary to carry out the spirit and intent of these Regulations. Approval by the Governing Body shall constitute approval and permanency of the Development Plan, thereby establishing the criteria for construction of the proposed development.

In the process of reviewing any Development Plan, the Planning Commission and/or Governing Body may provide approval of the Development Plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest and surrounding properties, including, if any, the following:

1. Limitations on the type, illumination and appearance of any signs or advertising structures.
2. Direction and location of outdoor lighting.
3. Arrangement and location of off-street parking and off-street loading spaces.
4. The type of paving, landscaping, fencing, screening and other such features.
5. Limitations on structural alterations to existing buildings.
6. Prohibition of use or construction of any structure to be used for a single-family dwelling, including a manufactured home.
7. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
8. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
9. Such other conditions and/or limitations that are deemed necessary.

**16-105 Development Plan - Phasing, Time Restrictions:** The applicant may proceed with construction based on the entire Development Plan, or may elect to develop the property in phases. The applicant may submit the Development Plan separately for the first and each successive phase of construction, or for all of the project with a depiction of the phasing sequence; however, all Conditional Uses approved with a Development Plan shall have construction begun within one (1) year of said approval by the Governing Body. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Governing Body stating the reasons construction has not begun and at what time construction is expected to begin. If the Governing Body agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Governing Body shall review the Development Plan and shall act on said plan in a reasonable time period. Upon approval by the Governing Body, the Development Plan shall be filed for record in the office of the Zoning Administrator. In addition, an affidavit shall be recorded with the

Jefferson County Register of Deeds indicating a Development Plan has been approved and is on record with the Zoning Administrator and that revisions or alterations to the property must be made in accordance with the Development Plan.

After the Development Plan has been approved, and when in the course of carrying out the Development Plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved Development Plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such adjustments may be made by the Zoning Administrator. If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established by the approved Development Plan, the revised Development Plan must be submitted to and approved by the Planning Commission and Governing Body before any further work can proceed. At no time shall the Conditional Use previously approved be subject to disapproval. The only issue in said review shall be the requested revisions to the previously approved Development Plan.

**16-106 Remedies for Noncompliance:** If the applicant fails to comply with any of the restrictions or limitations established with an approved Development Plan, including the time requirements herein established, the approved Development Plan shall be declared null and void and no permit for construction shall be issued until a new Development Plan has been approved following the procedures previously cited. The Conditional Use Permit shall remain in effect but shall do so without an approved Development Plan. If the approved Development Plan is voided, the Planning Commission or the Governing Body may initiate an action to have the Conditional Use permit revoked.

**Sections:****17-101 Purpose****17-102 Performance Standards - Districts "AG", "RR", "SR", "R-1", "LL" and "V-1"****17-103 Performance Standards - District "CP-1", "CP-2", and "CP-3"****17-104 Performance Standards - District "IP-1" and "IP-2"****17-105 Performance Standards - District "AO"****17-106 Performance Standards - Conditional Uses**

**17-101 Purpose:** The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the performance standards for uses permitted within these Regulations. The standards established herein are intended to provide guidance in the development or redevelopment of property in Jefferson County for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found elsewhere in the community. The standards stated within this Article are the minimum required or maximum permitted, whichever the case may be, for the uses permitted in these Regulations.

**17-102 Performance Standards - Districts "AG", "RR", "SR", "R-1", "LL" and "V-1":** The following are the performance standards for the "AG" Agricultural District, "RR" Rural Residential District, the "SR" Suburban Residential District, the "R-1" Single-Family Residential District, the "LL" Single-Family Lake Lot Residential District and the "V-1" Village District.

1. Where allowed by these Regulations (by right in the "AG" Agricultural District and by accessory use in other districts), agricultural uses are permitted with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions to the sale or marketing of products raised on the premises; provided, however, there shall be no disposal of garbage, rubbish or offal, other than regular removal, except in compliance with the Jefferson County Sanitary Code.
2. No main or accessory building or structure shall project beyond the property line. On all major streets and highways within Jefferson County, no main or accessory building or structure shall project beyond the setback lines established within these Regulations. Nothing shall be allowed to be placed in any public right-of-way without the express permission of the County.
3. Residential real estate sales offices in the "RR" Rural Residential, "SR" Suburban Residential District, "R-1" Single-Family Residential, "LL" Single-Family Lake Lot Residential District, and the "V-1" Village Districts are subject to the following standards:
  - a. There shall be only one residential sales office in any one subdivision.
  - b. All sales shall be limited to the sale of new properties located within that subdivision.
  - c. Any sales office within a subdivision shall be located within a permanent residential structure. Manufactured homes, mobile homes, and construction trailers shall not be permitted to be used as a residential real estate sales office.

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- d. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.
  - e. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
4. In order for residential-design manufactured homes, when installed, to have substantially the appearance of an on-site, conventionally built, single-family dwelling in this County, the following criteria and standards shall apply:
- a. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 inches for each 12 inches of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction in the County.
  - b. All roof structures shall provide an eave projection of no less than one (1) foot, which may include a gutter.
  - c. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction in the County.
  - d. The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1); and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, is installed under the perimeter of the manufactured home.
  - e. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed firmly to the primary structure and anchored securely to the ground.
  - f. The moving hitch, wheels and axles, and transporting lights shall be removed.
5. Where permitted as an accessory use, small wind energy conversion systems shall conform to the following standards:
- a. The maximum capacity of the system shall be 25 kW. There shall be no more than one (1) system on an individual property.
  - b. The lowest point of the rotor blades shall be at least 20 feet above ground level at the base of the tower.
  - c. The maximum height of the structure shall be 199 feet as measured to the top of the blade at its highest point.
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- d. The minimum setback shall be a distance equal to the height of the structure from all property lines.
  - e. Any standards proposed to exceed those stated herein shall be permitted only by the issuance of a Conditional Use Permit after proper notice and hearing as provided by these Regulations.
6. In the "RR" Rural Residential District where a structure constructed or intended for use as a shipping container, whether originally as a transportation vehicle or as a separate structure, only one (1) such structure shall be used as an accessory building. Said structures are prohibited in the "SR" Suburban Residential District, "R-1" Single-Family Residential District and the "V-1" Village District; and may be placed in any number in the "AG" Agricultural District.

**17-103 Performance Standards - Districts "CP-1", "CP-2", and "CP-3":** The following are the performance standards for the "CP-1" Planned Light Commercial District, "CP-2" Planned General Commercial District and the "CP-3" Planned Highway Service Commercial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
3. Merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that specified in Article 18 herein. In addition, the outdoor storage or display area shall not occupy an area greater than thirty percent (30%) of the ground floor area of the building. Automobiles and trucks for sale may be stored or displayed outside a building, but must maintain a setback of at least ten (10) feet from a street right-of-way, or six (6) feet from a side or rear lot line.
4. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.

**17-104 Performance Standards - Districts "IP-1" and "IP-2":** The following are the performance standards in the "IP-1" Planned Light Industrial District and the "IP-2" Medium Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.
3. No activity shall be permitted that creates any off-site electrical disturbance.

4. Areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square feet.

**17-105 Performance Standards - District "AO":** The following are the performance standards in the "AO" Airport Overlay District.

1. Light sources shall be controlled or hooded so that light is directed away from the flight patterns around the airport and from any adjoining residentially zoned property or public streets.
2. No activity shall be permitted that creates any off-site electrical disturbance, (especially radio transmissions to or from any aircraft).
3. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.

**17-106 Performance Standards - Conditional Uses:** The following are the performance standards for Conditional Uses authorized by these Regulations.

1. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
2. For retail commercial uses, merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that specified in Article 18 herein. In addition, the outdoor storage or display area shall occupy an area no greater than twenty percent (20%) of the ground floor area of the building. Automobiles and trucks for sale may be stored or displayed outside a building, but must maintain a setback of at least 15 feet from a street right-of-way, or 6 feet from a side or rear lot line.
3. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.
4. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.
5. No activity shall be permitted that creates any off-site electrical disturbance.
6. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.

7. For industrial uses, areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square feet.



# 11 Factors Check Off Sheet for Conditional Use Requests

**Name:**

**Case Number:**

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as Conditional Uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a Conditional Use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the Planning Commission or the approval of the Governing Body. The requirements may be made more stringent if there is a potentially injurious effect which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

The Planning Commission may recommend approval of a Conditional Use, and the Governing body may approve such Conditional Use, using the following factors as guidelines.

1. \_\_\_\_\_ Whether approval of the Conditional Use would be consistent with the intent and purpose of these Regulations;
2. \_\_\_\_\_ Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
3. \_\_\_\_\_ Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided;
4. \_\_\_\_\_ Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
5. \_\_\_\_\_ The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped;
6. \_\_\_\_\_ Whether the applicant's property is suitable for the proposed use;
7. \_\_\_\_\_ The recommendations of permanent or professional staff;
8. \_\_\_\_\_ Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan;
9. \_\_\_\_\_ Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use;
10. \_\_\_\_\_ Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 17 of these Regulations), will not adversely affect the property in the area affected; and,
11. \_\_\_\_\_ Such other factors as may be relevant from the facts and evidence presented in the application.

# 13 Factors Check Off Sheet for Rezoning Cases

Name:

Case Number:

1. \_\_\_\_\_ Whether the change in classification would be consistent with the intent and purpose of these Regulations;
2. \_\_\_\_\_ The character and condition of the surrounding neighborhood and its effect on the proposed change;
3. \_\_\_\_\_ Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
4. \_\_\_\_\_ The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
5. \_\_\_\_\_ Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
6. \_\_\_\_\_ The suitability of the applicant's property for the uses to which it has been restricted;
7. \_\_\_\_\_ The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.
8. \_\_\_\_\_ Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property it were reclassified;
9. \_\_\_\_\_ The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
10. \_\_\_\_\_ The recommendations of permanent or professional, staff;
11. \_\_\_\_\_ Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan;
12. \_\_\_\_\_ Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification and,
13. \_\_\_\_\_ Such other factors as may be relevant from the facts and evidence presented in the application.

AFFIDAVIT  
 Authorization of Contractors or Individuals to Act as Agents of a Landowner  
 COUNTY OF JEFFERSON  
 STATE OF KANSAS

I/We \_\_\_\_\_ and \_\_\_\_\_ being  
 duly sworn, depose and say that we are the owners of said property located at:

And that we authorize the following people or firms to act in our interest with the Jefferson  
 County Planning & Zoning Department for a period of one calendar year from the date of this  
 document. Additionally, all statements herein contained in the information herewith submitted  
 are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents:

Name	Address	Phone

Signed and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name (Printed): \_\_\_\_\_ Name (Printed): \_\_\_\_\_

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

---

STATE OF KANSAS )  
 ) ss:  
 COUNTY OF \_\_\_\_\_)

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me,  
 the undersigned, a Notary Public for the County and State aforesaid, personally appeared to me  
 personally known to be the same person(s) who, having been duly sworn and upon their oath,  
 executed the above and foregoing Affidavit and duly acknowledged the execution of same.

NOTARY PUBLIC: \_\_\_\_\_

My Appt Expires: \_\_\_\_\_

Case Number: \_\_\_\_\_

BP #: \_\_\_\_\_

Professional Review Fee Disclosure  
COUNTY OF JEFFERSON  
STATE OF KANSAS

PROFESSIONAL REVIEW FEES: Resolution No. 2011-016, dated July 11, 2011, provides that the County may require that the applicant pay for “the actual costs of reasonable and necessary technical assistance” for review of an application and that the planning process may result in the assessment of the actual costs of engineering or other professional review, and the applicant agrees to pay same.

Applicant and/or Authorized Agents:

Name	Address	Phone

Signed and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name (Printed): \_\_\_\_\_

Name (Printed): \_\_\_\_\_

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

**FEE SCHEDULE**  
**Effective July 11, 2011**

**BUILDING PERMIT APPLICATION FEES**

<b>Residential .....</b>	<b>\$400.00</b>
Includes: 1) Administrative permits	
2) Any Structure to be used for the purpose of providing living area	
<b>Additions to Residential Living Area.....</b>	<b>\$100.00</b>
<b>Other Residential Additions .....</b>	<b>\$50.00</b>
Decks, Porches or additions to these	
<b>Accessory Residential Structures .....</b>	<b>\$75.00</b>
Garages, Sheds, Carports, Gazebos, Storage Buildings, Barns & Swimming Pools (above and in ground pools). Accessory Residential Structures 120 square feet or less (10' by 12') have no permit fees - <u>application requirements apply.</u>	
<b>Accessory Residential Structure Additions .....</b>	<b>\$50.00</b>
<b>Commercial Structures .....</b>	<b>\$200.00</b>
<b>Commercial Additions.....</b>	<b>\$100.00</b>
<b>Change in Use</b>	
<b>Residential Use to Accessory Structure: .....</b>	<b>\$75.00</b>
<b>Accessory Structure to Residential Use: .....</b>	<b>\$400.00</b>

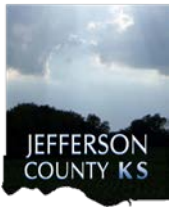
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**REZONING, CONDITIONAL USE, BOARD OF ZONING APPEALS,  
DEVELOPMENT PLANS, SIGN PERMIT AND SPECIAL EVENT PERMIT FEES**

<b>Rezoning.....</b>	<b>\$200.00</b>
<b>Conditional Use .....</b>	<b>\$200.00</b>
<b>Development Plan .....</b>	<b>\$200.00</b>
<b>Board of Zoning Appeals .....</b>	<b>\$200.00</b>
<b>Sign Permit .....</b>	<b>\$15.00</b>
<b>Special Event Permit.....</b>	<b>\$100.00</b>
Applicants registered with the State of Kansas as a Nonprofit Organization shall provide documentation of its status.	

**NO REFUNDS OF FEES FOR ANY REASON**

**NO FEES REQUIRED FOR REQUESTS ON PROPERTY OWNED BY ANY  
TOWNSHIP, CITY, THE COUNTY, THE STATE, OR THE FEDERAL  
GOVERNMENT.**



# Planning & Zoning Department

Jefferson County Courthouse  
P.O. Box 628  
Oskaloosa, Kansas 66066

[www.jfcountyks.com/planningandzoning](http://www.jfcountyks.com/planningandzoning)

Phone: (785) 403-0000  
Toll Free: (844) 679-0748  
Fax: (785) 403-0783

## Jefferson County Planning Commission Schedule for Application Deadlines 2019

*PLEASE CONTACT THE PLANNING & ZONING OFFICE TO DISCUSS INITIAL REVIEW MEETINGS*

All meetings are scheduled for the fourth Monday of each month and the application deadline will be on the Thursday six weeks prior to the scheduled Planning Commission meeting unless otherwise noted. All Planning Commission meetings take place in the Jefferson County Courthouse at 7pm, unless otherwise published.

Application Deadline	Planning Commission Meeting Date
December 20, 2018	January 28, 2019
January 17, 2019	February 25, 2019
February 14, 2019	March 25, 2019
March 14, 2019	April 22, 2019
April 18, 2019	<b>*May 28, 2019</b>
May 16, 2019	June 24, 2019
June 13, 2019	July 22, 2019
July 18, 2019	August 26, 2019
August 15, 2019	September 23, 2019
September 19, 2019	October 28, 2019
October 17, 2019	November 25, 2019
November 14, 2019	<b>*December 30, 2019</b>
December 12, 2019	January 27, 2020

**\*Dates of meetings changed because they fell on Memorial Day and the day before Christmas Eve.**