

SPECIAL
POINTS OF
INTEREST:

- Commercial Zoning Districts Adopted
- Fire Work Sales Permits will be Accepted in June
- Fraud & Abuse in Land Sales
- Planning Commission
- Board of Zoning Appeals Members Appointed

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Planning & Zoning

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2009 Zoning and Subdivision Regulations Adopted!

After what seems like forever, or four years if you prefer, the new Zoning and Subdivision Regulations have been adopted. The new County Commissioners, after thoughtful deliberation, adopted the Zoning Regulations adding several new zoning districts to compliment the newly adopted map of Commercial and Industrial areas in the Comprehensive Plan. Any person owning a parcel in the Commercial and Industrial area may apply for a rezoning to the new districts. All property owners may still apply for a Conditional Use Permit if the Commercial

Districts will not meet his/her needs and/or if they are not in those commercial designated areas. The new Com-



Informational Meeting on the New Regulations held in Perry, Kansas on May 15,

missioners have also decided to separate the Planning Commission and the Board of Zoning Appeals

due to public confusion of their separate, individual roles. The new Board of Zoning Appeals will be staffed by five individuals (See New Board!). The new Zoning Regulations will allow the construction of non-residential buildings on non-developed parcels. A dwelling on the lot is no longer required in order to construct a storage shed or barn. The ability to live in temporary housing while building your house is no longer prohibited and administrative permits for emergency housing has been extended from six months to one year.

What Commercial Zoning Means for You

For the landowner in the commercial and industrial area, the ability to apply for a rezoning to the commercial district allows for a list of commercial uses to be used in areas determined as appropriate by the Planning Commission and the Board of County Commissioners. What

uses? It depends on the district requested – CP-1 contains a list of small “general” retail stores; CP-2 is for larger retail stores such as Tire sales, but not for the manufacture of tires; and the list for CP-3 allows Hotels and storage yards for Boats. Additionally, I-1 allows for office

buildings and restaurants and I-2 allows machine shops and metal fabrication. If a higher district is allowed, such as CP-3, all uses in CP-1 and CP-2 are also allowed. Therefore, the allowed uses can be many. The hearing process

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Commercial Zoning...



Newly Adopted Commercial and Industrial Area Map

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remains the same as for any rezoning: an application with the relevant development plan, publication in the County newspaper, notification of adjoining property owners and a public hearing with the Planning Commission. The final determination is made by the County Commission. The property located in the commercial and industrial areas that has a current conditional use permit may, upon deter-

mination, be brought into the appropriate commercial district. Contact the Zoning office for more information regarding the "grandfathering" of parcels into the commercial districts. There is no process of notification of the grandfathering of parcels into the commercial and industrial districts. Major changes in use in the commercial areas and non-commercial areas may require a review of the existing Development Plan on the

parcel. Zoning is not arbitrarily given, and the uses listed are specific. Any uses outside of the commercial district may require the additional process of a conditional use permit.

NEW COMDISTRICTS:

- CP-1: Light Commercial
- CP-2: General Commercial
- CP-3: Highway Service Comm.
- I-1: Light Industrial
- I-2: Medium Industrial

If a Parcel is less than 40 acres, we strongly encourage all prospective buyers to check on the Parcels' compliance with the Regulations.

My Parcel is Non-Compliant?!

You arrive in the Planning & Zoning office to apply for a building permit and you hear the dreaded words, "I'm sorry, we are unable to issue a building permit on your parcel due to non-compliance." How could this have happened, we filed a deed! Although a deed was filed, it was the actual split of property that caused the problem. From the advertise-

ment of sale to the property survey and on to the title company for closing, the new property owner is responsible for researching the prospective parcel to ensure that the parcel will suit his needs. Whether to build in the future or start a business, it is important to ensure that the parcel is split in compliance with the current Zoning Regulations. The Zon-

ing Regulations allow for the creation of lots with a minimum of 40 acres and 660 feet of road frontage; however, a split of property performed outside of the Zoning Regulations that creates lots with less than 40 acres is non-compliant, i.e., you have 60 acres and you sold 40 acres, you are in possession of a 20 acre non-

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NEW PERFORMANCE STANDARDS

Article 21 District Height, Area and Bulk Regulations

DISTRICT	Maximum Height of Building		Minimum Yard Requirements in Feet				Minimum Lot Dimensions in Feet		Minimum Lot Area in Square Feet
	Feet	Stories	Front Yard (A)	Side Yard (B)	Rear Yard	Width	Depth		
*AG Agriculture (E)	-	-	75	50	50	660	660	440,000	
*R1 Rural Residential (E)	30	2 1/2	75	50	50	330	330	110,000	
*SR Suburban Residential (E)	35	2 1/2	50	30	50	165	250	41,550	
*R1P Single Family Residential (E)	35	2 1/2	30	15	200	100	150	20,250	
*L1 Single Family Large Lot Residential (E)	35	2 1/2	30	10	300	50	100	5,000	
*V1 Village District (E)	35	2 1/2	30	10	200	-	-	-	
*C1-1 Planned Light Commercial (E)	30	2	50	20	20	165	200	43,500	
*C1-2 Planned General Commercial (E)	30	3	50	20	20	165	200	43,500	
*C1-3 Planned Highway Service Commercial (E)	35	2 1/2	30	20	200	250	300	87,150	
*I1 Planned Light Industrial (E)	30	2	40	15	20	250	300	87,150	
*I2 Planned Medium Industrial (E)	30	2	40	15	25	250	300	87,150	

The 2009 Zoning Regulations maintain that agricultural uses continue to be by right in the Agricultural District as an accessory use in the RR, SR, R-1, LL and V -I districts (other than the pasturing of

animals on less than three acres). New to the Regulations are Small wind energy conversion systems (WECS) with a maximum capacity of 25 kW which are allowed as an accessory use with a minimum setback equal to the height of the structure. A building permit for the system is required. Before the

purchase of a WECS, contact your electrical authority for grid attachment specifications. Residential-design manufactured homes, as defined in the 2009 Zoning Regulations, continue to be permitted as dwellings in the unincorporated areas of the county. Questions? Please Call!

Parcel Compliance. . .



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compliant parcel. In addition to that, the 40 acres you sold is also non-compliant—that new property owner would be refused a building permit for ANY structure. Does this mean I must own 40 acres in

order to apply for a building permit? Of course not! You must own a compliant parcel in order to apply for a building permit. In addition, no permit would be issued to replace any existing structure on the property, if damaged more than 51 percent of its value. The Zoning Regulations allow the split of property in the following ways: 1) Agricultural lot splits (on a minimum of 40 acres); 2) Apply for a rezoning and filing a plat; and 3) Apply for a Plat review (on less than 40 acres and acreage in the same zoning district).

When buying property, contacting the Planning & Zoning Office is always a good idea. Also, ask questions! If there are any covenants on the property, it is the buyer's responsibility to find this out, rather than waiting for the closing date. If you have any questions regarding the compliance of property and the process for splitting property, whether it be an administrative process or the hearing process through the Planning and County Commission, please contact the Planning & Zoning Office.

Complaints may be filed against a developer through HUD, Attorney General's office and the Better Business Bureau.

Land Sales and Protection from Fraud & Abuse

(from the HUD office)

The Interstate Land Sales Full Disclosure Act protects consumers from fraud and abuse when buying or leasing land from developers. If you believe your rights have been violated, you can file a complaint by writing to HUD at the Office of RESPA and Interstate Land Sales, Room 9146, Department of Housing and Urban Development 451 7th Street SW, Washington, DC 20410. Include a description of your prob-

lem; name and address of the developer; name of the salesperson; date of purchase; name of the subdivision; lot number; copies of your sales documents and whether you received a property report.

THINGS TO DO BEFORE BUYING PROPERTY:

1. Inspect the property: call the Planning & Zoning office for compliance—do not buy the property

unseen; 2. Be well informed about the land and the developer—Do not rely on verbal promises; 3. Know your contractual rights— Do not sign anything until you have read AND understand them; 4. Ask questions—do not sign a receipt for a Property Report unless you have received and read it.; 5. Get any verbal promises in writing— Do not succumb to high pressure tactics; 6. Notify the developer in writing if you wish to cancel.; 7. Find out if complaints have been filed. See back page for contact info.

The New Board of Zoning Appeals

On the 23rd of March the Board of County Commission created a new Board of Zoning Appeals. The former Board was disbanded by the repeal of the 1995 Zoning Regulations and adoption of the 2009 Zoning Regulations on March 12, 2009. The Resolution signed by the County Commission on March 23 was amended on April 6 to

replace appointed member Charles Brunkow and add a fifth member. The new Board will have its first meeting on April 16 and will consist of five (5) members. Appointed members include Greg Hazen and Robin Leach from Sarcoxie Township; Jerry White from Ozawkie Township; Dale Heston from Oskaloosa Township; and

Stephen Phillips from Rural Township. The first meeting will consist of election of officers, determining a monthly meeting day, discussing Bylaws and the adoption of Ethical Principles. The Board of Zoning Appeals will hear variance and special exception requests and appeals of specific administrative decisions. Contact the Zoning Office for more info.



Jefferson County

Planning & Zoning

Office of the Floodplain Administrator

Eloise Tichenor, CFM - Zoning Administrator

Jennifer Marquette - Planner I

Donna Shimmin - Building Compliance

300 Jefferson, Suite B3

Oskaloosa, Kansas

Phone: 785-863-2241

Fax: 785-863-3325

E-mail: jcpz@jfcountryks.com

CONTACTS FOR PROPERTY PURCHASE COMPLAINTS

HUD

Kansas City Regional Office

Region VII

400 State Avenue

Room 507

Kansas City, KS 66101-2406

GENE LIPSCOMB

Deputy Regional Director

(913) 551-5462

(913) 551-5469 Fax

Office of RESPA and Interstate Land Sales

Room 9146

Department of Housing and Urban Development

451 7th Street SW

Washington, DC 20410

Better Business Bureau www.topeka.bbb.org

PLANNING COMMISSION MEMBERS

Tim Bailey, Chair

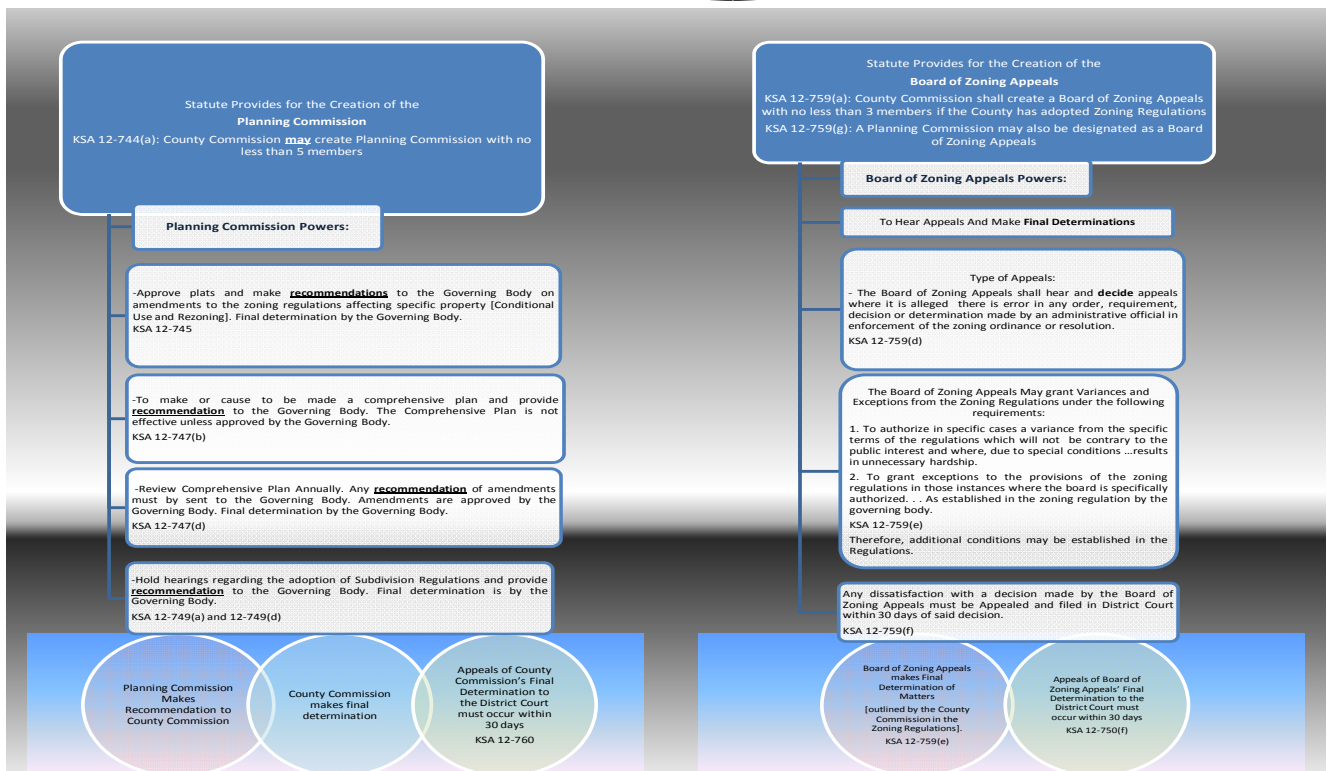
Darrell Hammond, Vice-Chair

Paul Johnson, Secretary

Bret Frakes

Roger Wood

Bonnie Kramer



Description of the State Statute in regards to the creation of the Planning Commission and the Board of Zoning Appeals