

SPECIAL
POINTS OF IN-
TEREST:

- Zoning Basics
- Are You a Good Rural Neighbor?
- Fire Work Sales Permits are being Accepted until June 25, 2009
- Call and ask about GIS and Zoning!
- Rural Living, Are you Prepared?

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Planning & Zoning

VOLUME II ISSUE I

JUNE 2009

Zoning 101— What is it and What is its Purpose?

What is Zoning?

Zoning is a form of land use regulation that specifies what types of uses can take place on any given piece of property. There are different types of zoning districts, including those for single-family residential, commercial and industrial uses. Zoning districts provide the ability to preserve agricultural land and establish set uses allowed within and around each district.

Purpose of Zoning

Zoning protects all property owners while promoting the general welfare of the community. Division of land into districts and providing property owners a mechanism to change the use of the property in conjunction notifying adjoining owners allows the Regulations to govern private land use and separate incompatible uses from the general public.

Prior to zoning, there were two principal methods to control land use and avoiding conflict between incompatible land uses such as

industrial and residential buildings. First, private individuals could put restrictive covenants in the deed as part of the sale of their property, thereby regulating its future use.



Jefferson County

Restrictive covenants are still often used in subdivisions. Second, a landowner could bring a civil suit against obnoxious

Zoning can be personal, professional and emotional.

uses of adjacent land. Zoning provides a more consistent tool to controlling the appropriate use of land.

Legislature

Zoning regulations were previously challenged as an unwanted infringement of property rights or even “takings”. The courts, however, identified two purposes as particularly appropriate reasons to uphold zoning. First, zoning prevents landowners from using their properties in ways that are injurious to the community. Second, zoning is an appropriate method of creating a balanced and efficient pattern of land development and avoiding the multiple perils of haphazard growth. *Euclid v. Ambler Realty* (1926). In addition, courts held that land use regulation and the “values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.” *Berman v. Parker* (1954)

Are You Prepared to be a Good Rural Neighbor?

Jefferson County contains eight small cities, several villages and a multitude of subdivisions. Our location is at the top of the triangle that consists of Topeka, Lawrence and Kansas City – making it a prime spot for commuting. The idea of living in the country with no “rules” is attractive. To store multiple vehicles on the property, obtain all types of animals and let it all hang out with the laundry. As much as people like to live “free”, your idea of “freedom” may not make for good

neighbor relations. Stepping out onto your porch to view the unlicensed salvage yard next door, fighting off the neighbor’s dogs to get to your car and replacing expensive livestock because a fence was down and/or the dogs injured them creates stress not meant for country living. Getting prepared to move to the country is more than packing the overalls. Zoning creates the opportunity to let your neighbors and you know what is going on with you and the neighboring property. You

want to open a small auto shop to change tires, sell saddles or crafts, you apply for a conditional use permit and, once the notice is published, the neighbors (or you) are provided the opportunity to voice their opinions on the matter and point out how the project will affect their way of life. Informing your neighbors about your project is a good way to head off objections and answer any concerns regarding the direction of a project.





Home Occupations may include the following:

- Cosmetologist
- Counselor
- Dentist
- Engineer
- Home crafts
- Insurance Agent

Home Occupation or Conditional Use?

Depending on the scope of your business project on your residentially zoned property, you will have two choices for establishing that business in the County: qualify for a Home Occupation or apply for a Conditional Use Permit.

The Home Occupation provisions of the Regulations allow for the establishment and operation of businesses within the home in such a way as to minimize any impacts of such businesses

on adjacent properties or the general neighborhood. Home occupations are generally limited to those uses which may be conducted within the owners residential dwelling or accessory structure, such as an accountant, without in any way changing the appearance or condition of the residence or the surrounding neighborhood.

The main use of the property must remain as the property owner's residence.

If a business is required to obtain a conditional use permit, it is not eligible to be a home occupation, as defined by the Jefferson County Zoning Regulations. Please review the list of businesses that require a conditional use permit in Article 23-105 of the Jefferson

C o u n t y
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t i o n s .

The main use of the property must remain as the property owner's residence.

What is the Comp Plan ???

Establishes objectives the community wants to achieve.

How does it work?

The zoning regulations are designed to achieve the objectives of the comp plan and guide the day to day actions.

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Responsible for implementation of the zoning regulations and overseeing the administration of the day to day actions.

Subdividing: How the Comprehensive Plan Relates to Your Project

The Comprehensive Plan adopted in 2001 guides the Planning Commission in determining whether the location of the property is a good candidate for a rezoning. Agricultural areas are not usually a good candidate for high density development – breaking up agricultural land not set aside for residential is not fitting with the recommendations of the

Comprehensive Plan. If the area currently has a high ratio of large residential lots it may be suitable for lots zoned Rural Residential – smaller lots out in the County can be problematic for the rural water districts, emergency services and road maintenance. In the referral areas surrounding the cities, smaller lots may be proposed in order to suit for

future annexation.

The Site Plan Review regulates the development of structures and sites in a manner, which considers the following concerns:

The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue distur-

(Continued on page 3)

Permit Fees

Change in Use (to Residential Structure)	\$400.00
Residential Structure	\$400.00
Additions to Residential Living Area	\$100.00
Other Residential Additions (Decks, Porches or additions to these)	\$50.00
Change in Use (to Accessory Structure)	\$75.00
Accessory Structure (Garages, Sheds, Barns)	\$75.00
Additions to Accessory Structures	\$50.00
Commercial Structures	\$200.00
Additions to Commercial Structures	\$100.00

When a Building Permit is Required



You are ready to bring in a temporary building for storage, maybe install it on skids – the building is picked up from the local hardware store and brought to your property or you are changing the use of your barn to a residential structure. WAIT, did you apply for a building permit?

Although a building may be

temporary, placed on skids, trucked in and intended for agricultural use (in any zoning district), a building permit is required.

If construction commences without a building permit, the fee for the building permit, if any, will be quadrupled.

You are not alone if you are confused over whether or not a permit is required for your

project. The best solution is to call the Planning & Zoning office and ask! All construction requires a permit. Please note that general maintenance on a home does not require a permit. Additions or replacement of porches, decks and balconies require a permit.

The permit fee will be quadrupled if construction commences with no permit.

How the Comprehensive Plan Relates to Your Project

(Continued from page 2)
 bances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads; the adequacy of waste disposal methods and protection from pollution of surface or groundwater; the protection of historic and natural environmental features on the site under review, and in adjacent areas; and the stability of the rural environment—particularly estab-

lished farmland— by promoting compatible development.

What do I need to Know?

First, you should know what your property is currently zoned. Note that zoning is not the same as taxable use! Second, how many lots do you want to create? Lots are the parcels occupied or intended for occupancy by a permitted use. As such, lot(s) can be created to build a house or to permit a commercial use. The following criteria may be examined by both the Planning Commission and the County

Commission before approving a rezoning request: Justification by changed or changing conditions since the time the existing zoning designation for the property was established; availability of sites in the area already zoned for the same proposed uses; and the ability of the property to meet the requirements of services: rural water, wastewater and access. In addition, the proposed lots must meet the dimensional requirements of the zoning district to which the property is being rezoned.

REASONS AN AG SPLIT SHALL NOT BE APPROVED

1. A new street or extension of an existing street, or a vacation of streets, alleys, setback lines, access controls or easements is required or proposed.
2. There is less street right-of-way than required by these regulations, unless dedication of additional right-of-way can be made by separate instrument.
3. Any easement requirements have not been satisfied.
4. Such split will result in a landlocked lot.
5. Such split will result in a lot(s) without direct access to and/or less than the required frontage on a street as specified in the Jefferson County Zoning Regulations.
6. A substandard sized lot will be created according to these regulations or the Jefferson County Zoning Regulations. This includes both the created lot and the parent lot.

Agricultural Lot Splits



For those property owners with agriculturally zoned land (>40 acres) that do not wish to create a multi-lot residential subdivision and are in need of either an additional building lot or a description around the existing house, the one-time Agricultural Lot Split provision in the Regulations provides an exemption from the rezoning and platting requirements. Landowners have many different reasons for pursuing an agri-

cultural lot split: the children are moving home or separating the home place from the farm ground for mortgage purposes. The provision generally exists for the main agricultural areas in the county. The provision is also a good tool to assist in preserving agricultural ground and providing smaller acreage around a house that would have been torn down, rather than lived in.

Why Would I Rezone My Property?

There are many reasons a rezoning could be desired on property: retirement fund, children moving home (next door preferably!) or to just create more than two residential lots to sell. Other examples include: creation of multiple residential lots and/or to allow a business in the areas designated for Commercial on the Commercial/

Industrial Area Map in the Comprehensive Plan. Generally, a rezoning may be granted under the following circumstances: When the requested rezoning is consistent with the Comprehensive Plan adopted by the governing body and when changes have occurred to conditions in the vicinity of the property which encourage change or pre-

vent the reasonable use of the property as currently zoned. Rezoning consideration is the first step—in order to build, the newly zoned property must be platted, inclusion of roads into the county maintenance system considered and assurance provided that infrastructure is available to the subdivision: water, sewage and electricity.



Jefferson County

Planning & Zoning

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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

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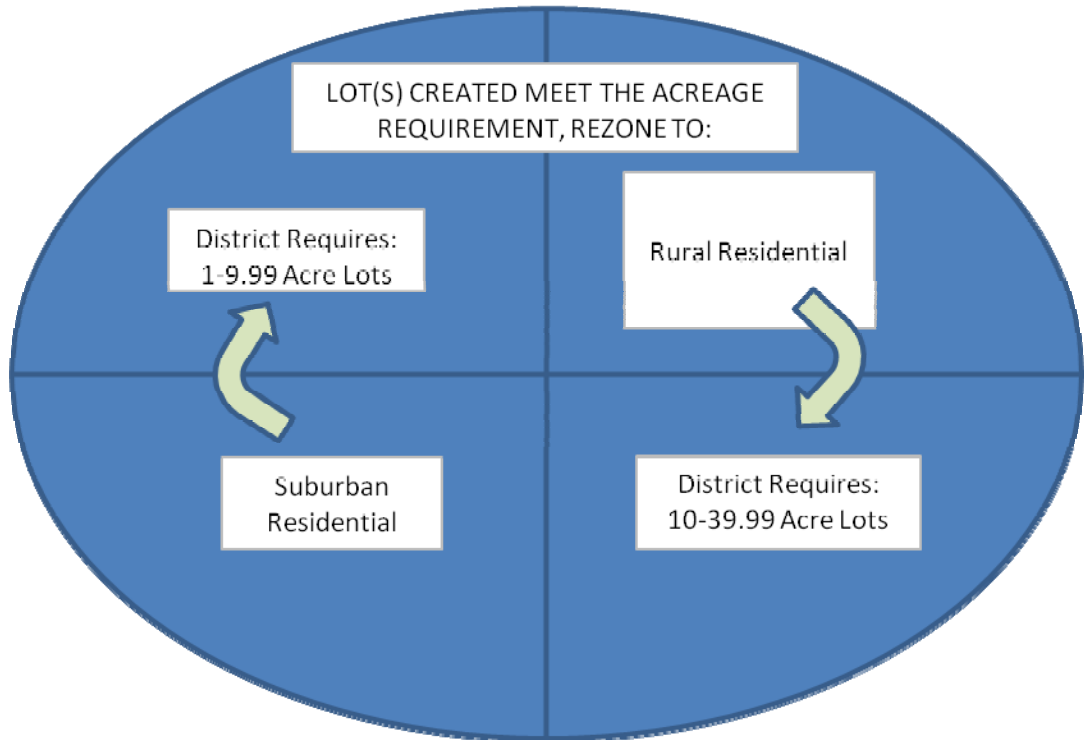
Bonnie Kramer

This Newsletter is for informational purposes only. Please contact the P&Z office for more specific information regarding your project.



BUILDING PERMIT APPLICATION PROCESS

Application for your building permit is through the Planning & Zoning Office. You will then provide a copy of your application to the Health Department in order to obtain a wastewater consultation on property with existing systems. Within ten (10) days of the application, the building permit will be issued, or you will be notified of the reasons why it was not issued.



The size of lot you want to create determines the zoning district to which you rezone the property