

Sections:**9-101 Purpose****9-102 Performance Standards - District "AG"****9-103 Performance Standards - Districts "R-1", "R-2", "R-3" and "V-1"****9-104 Performance Standards - Conditional Uses**

9-101 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 Reno 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.

9-102 Performance Standards - District "AG": The following are the performance standards for the "AG" Agricultural District.

1. 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.
2. No main or accessory building or structure shall project beyond the property line. On all designated major streets and highways within Reno 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. A communication tower, as defined by Article 1-104(189) shall comply with the following standards:
 - A. The minimum setback from all property lines, in existence at the time an application for a zoning permit is submitted, shall be equal distance to the total height of the communication tower, including the lightning rod. The height of the tower is measured from the grade at the base of the tower to the top of the lightning rod. Distances shall be verified by a survey prepared by a licensed professional surveyor.
 - B. Anchor points shall comply with the minimum setback distance of the zoning district. Distances shall be verified by a survey prepared by a licensed professional surveyor.
 - C. Exterior lighting of the communication tower shall not exceed the minimum Federal Aviation Administration (FAA) requirement. All other lighting is prohibited.
 - D. A minimum six-foot security fence shall be installed around the lease area or the base of the communication tower to aid in preventing unauthorized access. Barbed wire on the fence is a permitted security measure. A cell-on-wheels is not required to install a security fence.
 - E. The communication tower owner shall submit the signed lease agreement with the property owner, indicating the communication tower will be removed and how the ground will be

restored to the satisfaction of the property owner when the communication tower is no longer in use or is abandoned. Private lease agreement information may be omitted.

- F. An existing communication tower owner may increase the height or reconstruct a tower if the modification(s) complies with the requirements of the zoning regulations. A decrease in the height of an existing communication tower, which does not comply with the setback requirement, is not required to comply with the setback requirement if the communication tower is not completely removed. Reconstruction or relocation of the communication tower will require compliance with setback requirements.
 - G. Submittal of a zoning permit application and fee for each new communication tower and equipment building greater than 120 square feet. Adding/replacing of antennas, generators, or electrical repairs do not require a zoning permit. A cell-on-wheels is permitted on a zoning lot or parcel for six months from the date of the zoning permit issuance. One six-month renewal is permitted with the issuance of a zoning permit.
 - H. A communications tower less than 50 feet in total height is exempt from the performance standards and permitting requirements, except if the location is within a special flood hazard area.
 - I. A communication tower anchored to a grain elevator, water tower, building, or other structure shall comply with the communication tower setback requirements as the structure the communication tower is anchored to is considered part of the total tower height.
 - J. An equipment shelter building used for operating the communication tower is permitted as an accessory use with the issuance of a zoning permit provided the equipment shelter building is 300 square feet in size or less. An equipment shelter building greater than 300 square feet in size may be permitted by a conditional use permit.
4. 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.
 - 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.

9-103 Performance Standards – Districts “R-1”, “R-2”, “R-3” and “V-1”: The following are the performance standards for the “R-1” Suburban Residential District, “R-2” Single-Family Residential District, “R-3” Single-Family District, and the “V-1” Village District.

1. Agricultural uses are permitted as an accessory use to the same extent as allowed in the Agricultural District, 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.
2. Residential real estate sales offices in the “R-1” Suburban Residential District and the “R-2” Single-Family Residential 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.
 - 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.
3. A communication tower, as defined by Article 1-104(189) shall comply with the following standards:
 - A. The minimum setback from all property lines, in existence at the time an application for a zoning permit is submitted, shall be equal distance to the total height of the communication tower, including the lightening rod. The height of the tower is measured from the grade at the base of the tower to the top of the lightening rod. Distances shall be verified by a survey prepared by a licensed professional surveyor.
 - B. Anchor points shall comply with the minimum setback distance of the zoning district. Distances shall be verified by a survey prepared by a licensed professional surveyor.
 - C. Exterior lighting of the communication tower shall not exceed the minimum Federal Aviation Administration (FAA) requirement. All other lighting is prohibited.
 - D. A minimum six-foot security fence shall be installed around the lease area or the base of the communication tower to aid in preventing unauthorized access. Barbed wire on the fence is a permitted security measure. A cell-on-wheels is not required to install a security fence.
 - E. The communication tower owner shall submit the signed lease agreement with the property owner, indicating the communication tower will be removed and how the ground will be restored to the satisfaction of the property owner when the communication tower is no longer in use or is abandoned. Private lease agreement information may be omitted.

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- F. An existing communication tower owner may increase the height or reconstruct a tower if the modification(s) complies with the requirements of the zoning regulations. A decrease in the height of an existing communication tower, which does not comply with the setback requirement, is not required to comply with the setback requirement if the communication tower is not completely removed. Reconstruction or relocation of the communication tower will require compliance with setback requirements.
 - G. Submittal of a zoning permit application and fee for each new communication tower and equipment building greater than 120 square feet. Adding/replacing of antennas, generators, or electrical repairs do not require a zoning permit. A cell-on-wheels is permitted on a zoning lot or parcel for six months from the date of the zoning permit issuance. One six-month renewal is permitted with the issuance of a zoning permit.
 - H. A communications tower less than 50 feet in total height is exempt from the performance standards and permitting requirements, except if the location is within a special flood hazard area.
 - I. A communication tower anchored to a grain elevator, water tower, building, or other structure shall comply with the communication tower setback requirements as the structure the communication tower is anchored to is considered part of the total tower height.
 - J. An equipment shelter building used for operating the communication tower is permitted as an accessory use with the issuance of a zoning permit provided the equipment shelter building is 300 square feet in size or less. An equipment shelter building greater than 300 square feet in size may be permitted by a conditional use permit.
4. 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.
 - 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.
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9-104 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 10 herein, unless as approved by the Conditional Use Permit issued under the authority of Article 15. 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, unless otherwise authorized.
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.