

**ARTICLE 14  
SUPPLEMENTARY USE REGULATIONS  
CONDITIONAL USES  
ACCESSORY USES  
PROHIBITED USES**

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**14-101 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 unincorporated portion of Gray 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 or traditional single-family residential in the unincorporated portion of Gray County 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 Gray 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" along a highway 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.)

**14-102 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 7 of these Regulations. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 20 of these Regulations and shall review such Development Plan 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 7 of these Regulations.

**14-103 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 14-102 herein.

**14-104 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.

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, switchyards, electric transmission lines, wind-powered electric generation turbines & towers and other associated facilities, solar powered electrical generation facility, 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.
8. Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly-owned and operated community buildings, art gallery, museums and libraries.
9. Commercial and/or retail stores and activities not otherwise prohibited by these Regulations.

10. Commercial offices and office parks.
11. Commercial parking lots.
12. Confined feeding operations including, but not limited to, commercial stockyards and/or feedlots, including A. Cattle, beef or dairy, B. Swine, C. Sheep or goats, and D. Poultry, provided:
  - a. The development plan shall include a map of all habitable structures located within 1 mile of all properties to be used in the operation. This map shall include all land on which facilities and structures are to be constructed as well as land used for disposal of animal wastes. All facilities and structures, including waste lagoons, shall follow KDHE requirements as to separation distance from all habitable structures and places frequented by the public. All lands used for liquid effluent disposal shall be located a minimum of one half (1/2) mile from all habitable structures and places frequented by the public. The separation requirements for lands used for solid or liquid effluent storage shall be a minimum of 2,000 feet from all habitable structures and places frequented by the public. Solid and liquid effluent storage separation distances may be reduced if the occupants of any habitable structures within said area agree in writing to waive the requirement and said agreement is recorded with the Gray County Register of Deeds.
  - b. Where applicable, a maintenance agreement between the applicant and the County may be required to maintain the roads that provide the ingress/egress to the operation.
13. Convenience food stores.
14. Contractor's shop and/or yard, including construction equipment and/or material storage yards.
15. Drive-in and drive-through establishments.
16. Drive-in theaters.
17. Dwellings for resident night watchmen and caretakers employed on the premises of a business.
18. Exposition centers and/or buildings.
19. Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.
20. Fairgrounds.
21. Farm machinery sales and service, including storage yard.

22. Fire stations.
23. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.
24. Greenhouses, nurseries and/or hydroponic farms operated as a retail business.
25. Group Boarding Home, Licensed Group Day Care Home, Child Care Center, Licensed Day Care Home, Preschool, Detention Center, Family Day Care Home, or Residential Center, except as permitted by K.S.A. 12-736 as amended, provided:
  - a. The applicant shall submit, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.
  - b. A report from the Gray County Health Officer shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operations.
  - c. Off-street parking at a rate of one space per employee plus two additional spaces for guests.
  - d. When operated out of an existing or proposed residential structure, the following standards shall be met:
    - (1) That only one non-illuminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
    - (2) Outside play areas shall be fenced.
26. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.
27. Hospital or clinic for large or small animals.
28. Hotels, motels, and motor hotels.
29. Judicial centers, jails, penal or correctional institutions.
30. Junkyard.
31. Keeping of exotic birds and/or animals on any tract of land, whether in a building or not.
32. Keeping of farm animals such as horses, ponies, cows, hogs, pigs, sheep, and/or chickens on a lot or tract of less than three (3) acres.

33. Kennels, either boarding or breeding, provided:
  - a. All kennel buildings, runs and open areas shall be located at least 200 feet from property line.
  - b. All kennel runs or open areas shall be screened around such areas or at the property line. Such screening may be densely planted evergreen foliage or a solid wall or fence of masonry, wood or metal, designed so as to reduce noise and prevent the distraction or excitement of the animals.
  - c. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not allow adequate percolation.
34. Laboratories; research, experimental, and/or testing.
35. Lawn and garden supply sales and service, including storage yards.
36. Manufactured home and recreational vehicle sales and service, including display yard.
37. Manufactured home parks, subject to the standards established in Article 15 of these Regulations.
38. Manufacturing, processing, fabrication and assembling of any commodity except junk or salvage.
39. Membership clubs, including private clubs as defined by K.S.A. 41-2601 et seq, and subsequent amendments.
40. Mortuaries and attendant accessory activities and facilities.
41. Motor vehicle sales, service and repair.
42. Multi-family dwellings, including two-family dwellings, townhouses, garden apartments, condominiums; provided, consistent with single-family residential developments, the provision of adequate public water and sewer service, along with other public infrastructure, is necessary in order for development of said dwellings to be permitted.
43. Offices and office buildings.
44. Parks and playgrounds.
45. Printing, publishing, and engraving firms, including newspaper publishing; provided said operations are principally retail businesses.
46. Quarrying, mining, and removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants, provided:
  - a. All quarries and mining operations and asphalt and concrete plants shall be screened by a method approved by the Governing Body when the same are

- b. The applicant shall provide an approvable method for dust abatement on all unpaved interior roads if any part of the operation is located within 1/4 mile of any residential dwelling.
  - c. Where applicable, a maintenance agreement between the applicant and the County shall be required to maintain the roads that provide the ingress/egress to the operation.
  - d. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of 100 horizontal feet from any road right-of-way and 30 horizontal feet from all other property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface. The setback areas may be used for the erection of berms or other screening features required by the Conditional Use Permit.
  - e. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation to the proposed use of the site and a general plan of the proposed use. The reclamation plan submitted shall be binding only to the extent that said plan shows the intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Governing Body before reclamation work may begin. Said approval of a revised reclamation plan shall require a public hearing under the same procedure as the original Conditional Use Permit.
  - f. No building, equipment, quarry products or other materials shall be erected or stored within 100 feet of any property or right-of-way line.
  - g. A copy of the annual survey of mining operations, as required to be filed by State law with the State, shall also be filed with the Governing Body. Said annual survey applies only to underground mining activities, not to open pit mines or quarries.
47. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned, provided:
- a. The location of every tower must be such that it is at least an equal distance from all property lines as it is in height. A plot plan shall be submitted with the application.
48. Recreational or sports-related activity or facility, whether publicly or privately owned.
49. Recreational vehicle park or campground, provided:
- a. The tract to be used as a recreational vehicle park or campground shall not be less than two (2) acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.

- b. The minimum area for a space for parking one trailer or recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly marked by a permanent marker.
- c. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided that no individual space shall be designed for direct access to a street outside the boundaries of the recreational vehicle park or campground, and that all interior access drives shall be at least 20 feet in width.
- d. The recreational vehicle park or campground shall contain community facilities, including play space, utility rooms, parking and access roads. In addition, every recreational vehicle park or campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:
  - (1) Be located within three hundred (300) feet of the recreational vehicle park or campground;
  - (2) Be of permanent construction;
  - (3) Have one (1) flush-type toilet, one (1) lavatory, and one (1) shower or bathtub for females; and one (1) flush-type toilet; one (1) lavatory, and one (1) shower or bathtub for males for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;
  - (4) Have an accessible, adequate, safe and potable supply of cold water;
  - (5) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,
  - (6) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.
- e. The recreational vehicle park or campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.
- f. No recreational vehicle shall be parked closer than 25 feet to any part of any other trailer or service building and no part of a trailer or recreational vehicle shall extend closer than 5 feet to the boundaries of the individual space.
- g. Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in convenient location to individual spaces.

- h. In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign, with sign area limited to 25 square feet. Said sign may be illuminated.
  - i. Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, toilet and bathing facilities. All shall be indicated on a site plan of the proposed trailer park and shall be installed and/or constructed in accordance with all other state and/or local laws and regulations. A sewage dump station shall be provided within every recreational vehicle park or campground.
  - j. The proposed recreational vehicle park or campground shall comply with all provisions of this and other federal, state and/or local laws and regulations.
- 50. Restaurants.
  - 51. Riding academies, stables and/or show arenas, indoor or outdoor rodeo arenas and/or facilities.
  - 52. Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar areas not prohibited by law.
  - 53. Schools, preschools or kindergartens, either publicly or privately owned or operated.
  - 54. Truck stops and/or truck terminals.
  - 55. Warehousing, wholesaling and storage of any commodity except junk or salvage.
  - 56. Zoos, commercial aquariums, or aviaries.
  - 57. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations, or as a prohibited use.

**14-105 Continuance of a Conditional Use:** A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of its original authorization, as long as all conditions placed on it are met. However, if that particular use ceases to exist for a period of six months, it will forfeit its Conditional Use Permit and will not be allowed to exist again unless a new application is made, a public hearing held, and a new Conditional Use Permit approved in conformance with the requirements of these Regulations.

**14-106 Accessory Uses:** Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises.

**14-107 Eligibility for Accessory Use:** The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

**14-108 Accessory Uses Allowed:** Accessory uses shall be allowed; provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

- 1. In District "AG" Agricultural, the following, or similar accessory uses are allowed:



- a. Open or enclosed storage of farm materials, products or equipment; but not junk.
  - b. Any and all farm buildings, including, but not limited to, barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
  - c. The use of a manufactured home as an accessory dwelling on land used for agricultural purposes when used by persons employed thereon or as a caretaker, including their families. At no time shall a manufactured home or the land upon which it sits be intended and/or used as a rental unit in the "AG" District.
  - d. Fuel storage, tanks and dispensing equipment for fuels used solely for a farming operation. No retail sales of such fuels shall be allowed as an accessory use.
  - e. Wholesale or retail sales of agricultural products grown or raised on the premises or by the farm operator.
  - f. A hobby activity operated by the occupant of the premises purely for personal enjoyment, amusement or recreation.
  - g. Home occupations.
  - h. Accessory buildings and uses commonly associated with residential activity including, but not limited to, the following:
    - Private garages
    - Guest houses
    - Home barbecue grills
    - Small storage sheds
    - Satellite dish antennas
    - Accessory off-street parking and loading spaces
2. In District "RR" Rural Residential, "R-1" Single-Family Residential, and "V-1" Village District only the following accessory uses are allowed:
- a. Accessory buildings and uses commonly associated with residential activity, including, but not limited to, the following:
    - Accessory off-street parking and loading spaces
    - Fences or walls
    - Flag poles
    - Gates or guard houses for subdivisions
    - Guest houses
    - Home barbecue grills
    - Parabolic and satellite dish-type antennas
    - Play equipment
    - Private garages and carports
    - Servants quarters
    - Small storage sheds
    - Solar collectors

Swimming pools

Television and radio receiving antennas less than 50 feet in height

No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted.) In the "R-1" Single-Family Residential District and the "V-1" Village District, the total floor area of all accessory buildings shall not exceed 900 square feet.

- b. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.
- c. In the "RR" Rural Residential District on lots three (3) acres or larger, agricultural activities may be conducted as accessory activities, such as growing of crops, pasturage of animals, growing of hay, or other similar activities. However, at no time shall such activity be classified or permitted as the primary usage of the land; said usage being as a residential home site in either of the zoning districts.
- d. Home occupations such as, but not limited to, the following:

Accountant

Architect

Artist

Attorney

Author or writer

Chiropractor

Clergyman

Cosmetologist

Counselor

Engineer

Home crafts

Insurance Agent

Osteopath

Photographer

Planner

Real Estate Agent

Seamstress/Dressmaker

Secretary/Typist

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day.

The following conditions and restrictions shall apply to such customary home occupations:

- (1) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.

- (2) That no person other than members of the household living on the premises and two (2) outside persons shall be employed.
- (3) That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
- (4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.
- (5) That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
- (6) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

**14-109 Specialty Accessory Uses:** The following uses, activities, or items shall be the accessory uses or restrictions allowable:

**1. Construction Sites:**

- a. Construction and hauling trailers may be used as a temporary construction office on the site of a construction project, provided such construction or hauling trailer is removed upon completion of the project.

**2. Recreational Vehicles and Trailers:**

- a. Recreational vehicles may be parked in a recreational vehicle park or campground. Recreational vehicles or equipment may also be stored within any "RR", "R-1", or "V-1" District, provided; said recreational vehicle or recreational equipment, as defined in these Regulations, is stored within an enclosed structure (which structure otherwise conforms to the requirements of these Regulations), or may be permanently parked upon the private property of the premise if said recreational vehicle or recreational equipment is not parked within the front yard; within the required yard along any public street; or within 10 feet of side or rear lot line.
- b. At no time shall a parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes other than on a temporary basis or in a recreational vehicle park.
- c. The provisions of these Regulations regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is properly located.

**14-110 Accessory Building or Structure Use:** Except in the "AG" Agricultural, no accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced, and no accessory building or structure shall be used unless the main building or structure on the lot is also being used, unless permitted by Special Exception as provided herein.

**14-111 Prohibited Uses:** After the effective date of these Regulations:

1. No mobile home, as defined in these Regulations, shall be moved, relocated, or otherwise placed on any property in the unincorporated portion of Gray County, including within any Manufactured Home Park or Manufactured Home Subdivision.
2. No manufactured home or mobile home shall be used for any purpose other than as a residential dwelling as permitted within these Regulations. At no time shall a manufactured home or mobile home be permitted to be converted to a storage unit, office or any other such use, except when used as a permitted accessory use in this Article or by a Conditional Use Permit.
3. No mobile home or manufactured home originally built to be a single-wide unit shall be attached or connected to any other mobile home or manufactured home, or to any other structure or building. This shall not prohibit reasonable, aesthetically designed stoops, porches, decks, carports or the like from being built onto or adjacent to an approved manufactured home. Other additions may be made by Special Exception as provided by these Regulations.
4. No property shall be used as junkyard, sanitary landfill, construction/demolition landfill, industrial landfill, hazardous or toxic waste storage facility, or other similar use or activity, including as an accessory use to another principal use, unless such use or activity has been approved by the issuance of a Conditional Use Permit as provided within these Regulations.
5. No application for a Conditional Use Permit shall be considered and no Conditional Use Permit shall be issued for any person on any property which proposes as the only use the placement of an advertising sign or billboard. Further, an advertising sign or billboard permitted as an accessory structure in an approved Conditional Use Permit shall not be built, used or remain in use unless the principal use and/or structure on the property is first built and/or currently used. Upon the cessation of the principal use and/or structure on the property, the advertising sign or billboard shall lose its standing as an accessory structure and must be removed. At no time shall an advertising sign or billboard first established under these regulations gain standing as a non-conforming use since the placement and continued use of such advertising sign or billboard is accessory to another principal structure or use.