

ARTICLE 13 PERFORMANCE STANDARDS

Sections:

13-101 Purpose

13-102 Performance Standards - Districts "A", "RR", "SR", "R-1", "ES", "LL" and "V-1"

13-103 Performance Standards - Conditional Uses

13-101 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 Marion 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.

13-102 Performance Standards - Districts "A", "RR", "SR", "R-1", "ES", "LL" and "V-1":

The following are the performance standards for the "A" Agricultural District, the "RR" Rural Residential District, the "SR" Suburban Residential District, the "R-1" Single-Family Residential District, the "ES" Marion Reservoir Eastshore Subdivision District, the "LL" Marion County Lake Lot Residential District, and the "V-1" Village District.

1. Where allowed by these Regulations (by right in the "A" 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 Marion County Sanitary Code.
2. No main or accessory building or structure shall project beyond the property line. On all major streets and highways within Marion 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, "ES" Marion Reservoir Eastshore Subdivision Residential, "LL" Marion County 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.

ARTICLE 13 PERFORMANCE STANDARDS

- 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.
 - G. All other requirements of the Marion County Manufactured Home Code shall apply.
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.
 - D. The minimum setback shall be a distance equal to the height of the structure from all property lines.

ARTICLE 13 PERFORMANCE STANDARDS

- 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 and "SR" Suburban 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 "R-1" Single-Family Residential District and the "V-1" Village District, unless approved as a Special Exception under Article 21-104 of these regulations. Said structures are prohibited in the "ES" Marion Reservoir Eastshore Subdivision Residential District and the "LL" Marion County Lake Lot Residential District. Such structures may be placed in any number in the "A" Agricultural Districts.
- 7. Non-Traditional Structures used as Residences. Where permitted, all non-traditional structures intended to be used as a residence for any reason when installed on individual lots, to be substantially compatible with the appearance of an on-site, conventionally built, single-family dwelling, the following aesthetic criteria and siting standards shall apply:
 - A. Any person intending to place a non-traditional structure on an individual lot within Marion County for the purpose of creating a residence is expected to meet the setback requirements of the Zoning Regulations to the same extent as for a site-built home.
 - B. Every property owner seeking a Conditional Use Permit to allow a non-traditional structure used as a residence shall submit a detailed floor plan of the proposed structure and its relationship to the lot property lines. The floor plan shall also include the type of roof covering and siding to be used on the proposed structure.
 - C. Each non-traditional structure shall be placed on a permanent foundation constructed in compliance with the adopted Codes of the County, with 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 non-traditional structure.
 - D. Each non-traditional structure shall be placed on a permanent foundation constructed in compliance with the adopted Codes of the County, with 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 non-traditional structure.
 - E. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the non-traditional structure shall be installed or constructed firmly to the primary structure and anchored securely to the ground.
 - F. Each non-traditional structure shall be required to obtain a wastewater system permit in compliance with the adopted Codes of the County.

G. For purposes of this standard, the following definitions apply:

- 1) A “non-traditional structure” shall mean shipping containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, grain bins, and similar prefabricated items and structures originally built for purposes other than as a residence. For the purposes of this section, all residential structures under 750 square feet in size shall be considered a non-traditional structure as well.
- 2) “Shipping containers” include standardized reusable vessels that were:
 - a) Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or,
 - b) Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of shipping containers.

13-103 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 14 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, 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.