ARTICLE VII

"A – 1, 2, 3" AGRICULTURAL DISTRICTS

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The purpose of the Agricultural District is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. This District is also intended for purposes of protecting watersheds and water supplies, to protect forest areas and scenic areas, to conserve fish and wildlife habitat, to promote forestry and to prevent and/or discourage untimely scattering of more dense urban development..

SECTION 2. DISTRICT REGULATIONS: In the "A – 1, 2, 3" District, no building, structure, land or premises shall be used and no building or structure shall be from now on erected, constructed, reconstructed, moved or altered, except one (1) or more of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Single-family dwelling units, including manufactured housing.

2. Foster homes.

3. Group homes.

4. Boarding houses for children.

5. Accessory uses for agricultural and single-family dwelling units.

6. Churches and similar places of worship and parish houses.

7. Greenhouses, nurseries, and garden centers.

8. Grain storage structures.

9. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.

10. Public and semi-public parks, playgrounds, campgrounds, fishing preserves, or other recreational areas and community buildings owned and operated by a public agency or non-profit organization.

11. Water sheds, wildlife habitats, wildlife production areas, and game management areas or other conservation uses.

12. Private, non-commercial recreation areas, including country clubs, swimming pools, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracks, or similar commercial recreational businesses.

13. Home occupations. (See ARTICLE XXXIV)

14. Fire and police stations.

15. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.

16. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

17. Utility lines and facilities necessary for public service, and including refuse disposal area conducted under a landfill or sanitary fill method, public and semi-public storage and repair facilities, sewage disposal, water supply and treatment facilities, dams, and power plants, subject to applicable Kansas Department of Health and Environment Regulations.

18. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body and subject to conditions as the Planning Commission and Governing Body may impose:

    a. Any public building erected or land used by any department of the City, County, or State Government which is not permitted above.

    b. Airport or heliport.

    c. Bed and breakfast establishments.

    d. Cemetery, crematory, or mausoleums.

    e. Hospitals, nursing homes, rest homes, convalescent homes, and homes for the aged on a tract of land ten (10) acres or larger.

    f. Licensed day care center.

    g. Radio, television, navigation or military control station, transmitter, or communication tower. Also see ARTICLE XXXIV, Supplementary District Regulations.

    h. Animal hospital or kennel, provided that no animal hospital shall be located closer than three hundred (300) feet from any residential zone, and that no kennel may be located closer than one thousand (1,000) feet from any residential zone.

    i. Fur-bearing animal farms.

    j. Preschools.

    k. Reservoirs, wells, towers, filter beds, or water supply plants.

    l. Riding stables, not closer than five hundred (500) feet to any residential zone.

    m. Sanitary landfill operations, subject to the requirements of State Statutes and the regulations of the Kansas Department of Health and Environment.

    n. Seasonal dwellings on 8 or more acres.

    o. Sewage disposal facilities, subject to the requirements of State statutes and the regulations of the Kansas Department of Health and Environment.

    p. Electrical substations.

    q. Animal feedlots subject to the licensure and operational requirements of the State including the minimum sanitation and odor practices in order to maintain a healthful environment in the vicinity.

    r. Temporary Housing Facilities.

    s. Raising and care of dangerous animals.

SECTION 4. INTENSITY OF USE REGULATIONS: Tracts in the "A – 1, 2, 3" District shall have the following minimum sizes and dimensions:

1. *Minimum Tract Size (Taxable Acreage)*

   "A – 1" *871,200 square feet (20 acres)*

   "A – 2" *1,742,400 square feet (40 acres)*

   "A – 3" *3,484,800 square feet (80 acres)*

2. *Minimum Tract Dimensions*

   "A – 1" *500 feet by 500 feet*

   "A – 2" *750 feet by 750 feet*

   "A – 3" *1,000 feet by 1,000 feet*

SECTION 5. HEIGHT REGULATIONS: Except as otherwise provided in the height, area, bulk, and dimensional requirements of this Resolution, no building or structure shall exceed the following height restrictions:

1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, said building or structure shall not exceed thirty-five (35) feet in height.

2. When a building or structure is more than one hundred fifty (150) feet from a dwelling district zone, said building or structure shall not exceed seventy-five (75) feet in height. Buildings and structures used for nonagricultural purposes shall not exceed thirty-five (35) feet in height.

SECTION 6. YARD REGULATIONS:

1. *Front Yard.*

   a. There shall be a front yard having a depth of not less than seventy-five (75) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations.)

   b. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.

   c. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.

2. *Side Yard.* No structure or building shall be located closer than fifty (50) feet to a side lot line.

3. *Rear Yard*. Except as hereinafter provided in the additional height, area, and use regulations of this resolution, there shall be a rear yard having a depth of not less than fifty (50) feet.

4. *Frontage Requirement:* Every lot shall have at least one hundred (100) feet of frontage on a street, except those lots fronting on the end of a cul-de-sac, which shall have at least fifty (50) feet of frontage.

SECTION 7. SIGN REGULATIONS: See ARTICLE XXIX.

SECTION 8. PARKING AND LOADING REGULATIONS: See ARTICLE XXX.

SECTION 9. AGRICULTURAL EXEMPTION – RIGHT TO FARM: This section shall apply within the unincorporated areas of the County to the use of land for agricultural purposes or to the erection or maintenance of buildings thereon, provided that such land and buildings are used for agricultural purposes. Residential uses that are accessory to agricultural uses shall be considered agricultural in nature for purposes of this exemption and farm residences shall thus be exempt from the requirements of this section. This exemption shall be of no effect within the corporate limits of any incorporated City in Sumner County. All lands used for agricultural purposes as defined within this section are located within an area where land is used for agricultural production. Owners, residents, lessees, invitees, and other users of this property or neighboring properties may be subject to inconveniences and/or discomfort arising from normal and accepted agricultural practices and/or operations, including but not limited to noise, odors, lights, traffic, dust, the operation of machinery of any kind including but not limited to aircraft, implements, vehicles, irrigation equipment, the outside storage of all types of farm machinery operable and non-operable, materials and vehicles kept for repairs of farm machinery and farm related vehicles. The storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, residents, lessees, invitees and other users of this property and/or neighboring properties should be prepared to accept such inconveniences and/or discomfort from normal agricultural operations, and are hereby put on official notice that K.S.A. 2-3201 et. seq. the right-to-farm law may bar them from obtaining a legal judgment against such normal agricultural operations.

Cg 2 Res #2006-33
Cg 8 Case #09PC-08
Cg 10 Case #24PC-08
Cg 12 Case #11PC-09
Cg 16 Case #15PC-10
Cg 19 Case #29PC-10
Cg 36 Case #01PC-12
Cg 44 Case #04PC-13