5. Agricultural Districts

5.1. A1 – Agricultural District

5.1.1. The A1 – Agricultural District is intended to conserve rural character and promote the preservation of productive agricultural land, contribute to the safe, convenient, and efficient conduct of farming, support the social and economic convenience of the farm family, lessen the conflict between urban development and agriculture, and allow certain uses convenient to and appropriate for the agricultural community.

5.1.2. This zone is an exclusive use district that does not impose regulations, except for FEMA Flood Plain regulations, building setback requirements, and sanitary regulations on any building, structure or use that has an agricultural purpose as defined in the General Statutes of Kansas.

5.1.3. Exclusive, Non-Regulated Uses

a. Agricultural uses including farming, animal husbandry, poultry, and other livestock
b. breeding and keeping of farm stock animals
c. Silviculture
d. Viticulture
e. Fish, shellfish, or amphibian breeding facilities
f. Commercial gardening, orchards, beekeeping, and the sale of seed or food products grown in agricultural districts
g. Greenhouses and botanical gardens
h. Dwelling unit(s) for the main farm family and for employees and other members of the farming unit
i. Private hunting and fishing preserves and controlled shooting areas
j. Leased recreation lands for hunting and fishing with a lodge and/or cabin for temporary stays
k. Related accessory uses

5.1.4. Permitted, non-agricultural uses

a. Non-farm dwelling units, including residential designed manufactured housing and tiny homes. Manufactured housing that is not classified as residential design is permitted if the unit is no more than five (5) years old at the time of application and the land is not planned for residential use
b. Accessory buildings
c. Riding academies, private and commercial stables
d. Archery facilities
e. Veterinary and veterinary supplies
f. Private or public parks, cemeteries, libraries, municipal or township sponsored buildings or meeting halls
g. Exploration/ extraction of oil and natural gas

h. Micro-enterprise

i. Daycare homes and group daycare homes

m. Group homes for the disabled

n. Offices and accessory uses for Public Water Service District/ sewer districts, Soil Conservation Service offices, Pottawatomie County office, the State of Kansas Offices, and Federal government offices

o. Roadside stands for the sale of produce and farmers markets

p. Places of worship and their accessory dwellings

q. Museums, historical society facilities including accessory storage

r. Dwelling units for caretakers and the care of the elderly or disabled subject to the following conditions:
   1. A non-residential manufactured home may be used if the area is not planned for residential use and the home is less than five (5) years old at the time of application
   2. The home is not used for generally renter-occupied use unless it conforms to the Accessory Dwelling Unit requirements
   3. The initial tract size must be five (5) acres with individual well or three (3) acres with public water (unless the sanitarian approves small tract size)

s. Facilities for fraternal and charitable organizations, including offices, clubs, foundations, or residential facilities

t. Sale of farm and ranch related equipment restricted to 4,500 square feet of outdoor sales area unless a variance is granted by the Board of Zoning Appeals. This does not include vehicle sales or repair. If adjacent to a off-site dwelling, side- and rear-yard screening is required. A site plan is required.

u. Facilities for livestock and farm organizations

v. Farm welding shop

w. Antenna(e) mounted on existing communications towers, water towers, or existing buildings

x. Agri-tourism

5.1.5. Area/Lot Requirements

a. Agricultural uses/main farm dwellings on operating farms are exempt from area/lot requirements except for setbacks, sanitarian, and floodplain requirements

b. On operating farms accessory dwellings for care of elderly, handicapped, employees, family or caretakers are exempt from area/lot requirements except from setbacks, floodplain, and sanitarian requirements

c. Two, non-farm dwellings are permitted for each quarter/quarter of a section in A1 district. For the purposes of this regulation, a quarter/quarter section shall be limited to the northeast, northwest, southeast, and southwest quarter/quarters of a
section. The minimum lot size shall be three (3) acres

d. Generally, lot size and area requirements are given on a sliding scale basis. Minimum lot size requirements are three (3) acres if a tract is served by a Public Water Service District or five (5) acres if the tract is served by an individual well. The final determination of lot size is based on water availability and sanitary disposal needs as determined by the County Sanitarian.

e. The front yard setback shall be 40 feet from the property line. The Zoning Administrator may approve, in writing, a setback of less than 40 feet in instances where floodplain or topography make the setback impractical.

f. All other setbacks shall be 14 feet from the property line.

5.1.6. Previously legally conforming uses

a. These regulations establish new building, yard, setback, and lot size requirements that are not compatible with previous regulations. The Zoning Administrator, with due care for density and sanitation requirements, may issue building permits to new uses on lots of record within the A1 district by using area requirements contained in the 1980 Zoning Ordinance. Building permits for additions or accessories to existing uses (if in compliance with all regulations at the time of the adoption of these regulations) may be issued by the Zoning Administrator with due regard for health and sanitation requirements.

5.2. A2 – Rural Center District

5.2.1. The purpose of the A2 - Rural Center district is to allow the small far cluster communities and the unincorporated centers to continue as places for residences, commercial sales, and community convenience. The use of the A2 - Rural Center district is limited to the unincorporated areas of Duluth, Fostoria, Blaine, LaClede, and St. Clere.

5.2.2. Permitted Uses

a. Single-family residential units including single-wide mobile homes that are five (5) years old or newer at the time of the permit application

b. Two- and three-family units

c. Multi-family units if public sewer is available

d. Licensed home and group home daycare

e. Microenterprise

5.2.3. Area and Setback requirements

a. Lot sizes in the historic unincorporated communities are often small and pose numerous practical difficulties. The Zoning Administrator may issue a building permit to a lot of record if the minimum sanitary regulations can be satisfied

b. No permit shall be issued the would create a side yard less three (3) feet or a front yard less than eight (8) feet

5.3. AB – Ag-Business

5.3.1. The purpose of the AB – Ag-Business district is to allow a variety of agricultural, general commercial, service business, and facilities on scattered tracts to serve the farm community and rural
5.3.2. Permitted uses

a. Retail and wholesale of farm related products including fuels, seed, grain, fertilizer, and chemicals and similar facilities

b. Agri-processing and/or sales and/or storage, including, but not limited to chemical and fertilizer processing and storage, seed processing and sales

c. Commercial dehydrators, grain elevators, livestock sale facilities located 1,500 feet or more from the nearest off-site residence not owned by the operator. A site plan is required

d. Offices and related activities for service of the farm community

e. Farm implement, trucks, ATV, motorcycle sales, service, and repair, but this does not include auto-body repair

f. Agricultural research and experiment facilities

g. Commodity and bulk warehousing

h. Veterinary clinics and animal boarding relating to such

i. Accessory dwelling units

j. Machinery and equipment rentals

k. Self-storage facilities limited to no more than three (3) buildings and no more than 60 storage bays

l. Construction offices and equipment storage

m. Sale and/or storage of bulk fuels with an accessory office

n. Convenience centers and stores

o. Limited mixed use options of permitted uses in this section limited to no more than three (3) buildings per tract

p. Repair and service of electrical equipment

q. Nurseries, florists

r. Food service and/or restaurants in conjunction with permitted uses only

s. Artisan manufacturing

t. Reasonable accessory uses

5.3.3. Appearance and Property Conditions

a. Scrap materials, non-operative motor vehicles or machinery, disassembled machinery, debris, construction materials or equipment, and use machinery parts must be stored within a defined area behind a screening fence. At a minimum, the screen must be a solid wood or slat-filled metal fence, and may also consist of shrubbery and tress, berms, or any combination

b. All parking, drives, and entrances shall be surfaced with asphalt, concrete, or crushed gravel, except that parking lots located in the rear yard of the principal structure used exclusively for the storage of vehicles, or for remote, reserve parking may used recycled asphalt or compacted earth
c. All parking and/or paved spaces must be separated from the paved/graveled portion of the right-of-way by a seeded or planted landscape area no less than eight (8) feet in width approved by Planning Commission.

d. All entrances to the public right-of-way shall maintain a clear vision triangle calculated 45 degrees either direction measured 20 feet from the point of intersection to the delineated stop line.

e. All outdoor lighting must be shielded and focused to direct light onto the premises and away from adjoining residential properties.

f. Multiple commercial structures are allowed on a single lot. Setbacks must be maintained to anticipate future lot splits.

g. Multiple permitted uses may be located in a single structure.

h. Unless approved by Planning Commission uses abutting a residence other than that owned by the operator, shall erect a solid, wood perimeter fence no less than eight (8) feet in height in the side or rear yard if the residence is 150 feet or closer to the property line.

i. All uses shall comply with all applicable standards related to access and accommodation for the disabled. All facilities, except for those having no employees and are not open to the public shall provide at least one unisex handicapped restroom facility unless a “no public restroom available” sign is posted.

5.3.4. Area and Setbacks

a. Lot sizes for lots outside of a sewer district in the AB district shall be established according to the determination of the County Sanitarian. Generally, lot size and area requirements are given on a sliding scale basis. The final determination of lot size is based on water availability, sanitary disposal needs, parking, and use separation standards. Therefore, all requirements shown are minimum standards and do reflect specific differences between individual lots.

5.4. Planned Unit Rural Districts

5.4.1. The purpose of the PURD is to allow flexible control over rural areas where traditional zoning does not offer suitable safeguards for protecting natural and agricultural resources, and for reducing conflict between community development and the agricultural industry.

5.4.2. The PURD is a mixed-use zone. The following districts may be used in the design of this district:

a. A1 – Agriculture

b. AB – Ag-Business

c. AR – Ag-Residential

d. CN – Commercial Neighborhood

e. Conditional uses permitted in each district

5.4.3. The PURD is a floating zone technique that is potentially compatible within all agricultural lands, but is only designated upon request by an applicant and/or recommendation by the Planning Commission. The PURD combines zoning and land development into one procedure.
5.4.4. Prior to a formal application, applicant shall schedule a pre-development conference with the Planning Staff and shall present a concept plan as defined in Section 4.3 of these regulations.

5.4.5. The application for a PURD shall contain the following information:
   a. The name and address of applicant
   b. A legal description of the property
   c. A preliminary plat that complies with Section 4.3 of these regulations
   d. A preliminary plan that identifies proposed uses, density, open space, water and sewer services, schedule of development, and covenants, if required

5.4.6. Upon determination by Staff that the application is sufficient, a hearing shall be scheduled with the Planning Commission at the next available meeting. The hearing shall follow the same procedures and policies as determined in Sections 3.1.6 and 3.1.7 of these regulations.

5.4.7. If the proposal is approved by the Board of County Commissioners, Applicant may proceed with the regular Final Plat process provided that:
   a. The final plat does not vary from the preliminary plat by more than five (5) percent of the total density of the project
   b. The final plat does not alter the proposed land uses
   c. The final plat conforms substantially to the lot and street layout
   d. The final plat conforms with all requirements in Section 4.3 of these regulations

5.4.8. Standards and Design Requirements of a PURD
   a. The PURD shall not substantially affect the use, value, or enjoyment of nearby property
   b. Conditions shall be used to lessen the impact of the use of nearby property where a potential conflict exists and to limit the use to which the property may be developed
   c. The location of the PURD shall be dependent upon local conditions, sanitation capabilities, and adequate transportation facilities.
   d. The Planning Commission may specify that the applicant is responsible for screening, easement, open space, and other considerations
   e. Unless otherwise indicated in the development plan, non-residential uses shall be located at least 200 from the nearest single-family residential structure
   f. The entire PURD shall be held in a single ownership or in a corporation at the time of application
   g. The Planning Commission may designate certain geographic units or phases within the PURD that may be developed in stages over reasonable periods of time as specified in a developer’s agreement.
   h. Lot sizes shall be determined by the County Sanitarian unless water service is provided by a well in which case the minimum
lot size shall be five (5) acres

i. General subdivision design and layout requirements spelled out in Section 4.6 of these regulations shall be followed for all PURDs

5.4.9. Variation of Standards

a. The plans and specifications governing streets, widths, lots, areas, sanitary systems, and other facilities may be set at a greater or lesser standard than is provided for in the baseline requirements of these regulations by the Planning Commission when it is in the general interest and advances public welfare

5.5. AR – Ag-Residential

5.5.1. The purpose of the AR District is to provide low density residential opportunities in areas of marginal agricultural productivity. These districts also offer opportunities for limited livestock, agricultural-style accessory buildings, home occupations, and limited commercial opportunities.

5.5.2. Permitted Uses

a. Single-family detached residences and residential design manufactured homes not less than 22 feet wide.

b. Accessory structures such as utility sheds, barns, or stables

c. A small wind turbine provided that the lot size is greater than two (2) acres and the turbine is setback at least 50 feet from any lot line

d. Places of Worship

e. Licensed and residential daycare

f. Parks, playgrounds, and recreation facilities

g. Nurseries and greenhouses, but this does not include commercial greenhouses

h. Limited livestock

i. Microenterprise

5.5.3. Special District Regulations

a. Small quantities of livestock and fowl are permitted in the AR district for show, pleasure, and care, but not breeding purposes beyond the occasional normal offspring.

b. Large animals (horses, cattle, goats, sheep, etc) must be harbored on lots of five (5) acres or more. Table 5.1 may be used as a guide to determine the number of animals permitted on a given lot.

c. Vehicles use for a commercial purpose in excess of one and one-half (1 ½) ton shall be parked/stored in an enclosed building or behind an attractive opaque screening fence constructed from good quality wood, masonry, or manufactured fencing materials, and entirely screened from the view of neighboring residences. Overnight parking for tractor/trailer transports is prohibited

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<th>Animal</th>
<th>Required Acreage</th>
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<td>Horse</td>
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