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ARTICLE 5 AGRICULTURAL ZONING DISTRICTS

Sections:

- 100 "A1" Agricultural District
- 101 "A2" Rural Center District
- 102 "AB" Agri-Business District
- 103 "PURD" Planned Rural District
- 104 "AR" Agricultural Residential
- 105 "AR1" Agricultural Residential
- 106 "AR2" Agricultural Residential

100. A-1, Agricultural District

- A. This 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; to support the social and economic convenience of the farm family; to lessen the conflict between urban development and agriculture, and to allow certain uses convenient to and appropriate for the agricultural community.

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

B. Exclusive, Non-Regulated Uses

1. Agricultural uses including farming, animal husbandry, poultry and other livestock; breeding and keeping of farm stock animals; silviculture, viniculture, fish, shellfish or amphibian breeding facilities; commercial gardening, orchards, bee keeping and the sale of seed or food products grown in agricultural districts; greenhouses; botanical gardens, but this does not include dogs kennels.

2. Dwelling unit(s) for the main farm family; one accessory dwelling units for farm family and farm employees, handicapped and other members of the farming unit.

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3. Non-farm, single-family dwelling units on $\frac{1}{4}$ of a $\frac{1}{4}$ section (40 ac more or less) and, if the unit is a manufactured home, it must be a residential design style unless the location is not planned for residential use and the manufactured unit is less than 5 years old.
4. Private hunting and fishing preserves and controlled shooting areas; leased recreation lands for hunting and fishing with a lodges and/or cabins for temporary stays.
5. Accessory uses.

C. Permitted Uses – Non-Agricultural Uses

1. Dwelling units, including residential design manufactured housing. Manufactured housing that is not classified as residential design is permitted if (1) the unit is no more than five years old at the time of application, and (2) the land is not planned for residential use as indicated by the Pottawatomie County Highway 24 Corridor Plan, or the General Land Use Plan Update.
2. Accessory buildings and residential facilities for caretakers, including non-residential design manufactured homes: except that, residential design homes must be used when the operation abuts an area zoned for residential design uses.
3. 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.
4. Riding academies, private and commercial stables; archery.
5. Veterinary and veterinary supplies.
6. Private or public parks, cemeteries, libraries, municipal or township sponsored buildings and accessory uses, township or township sponsored community buildings or meeting halls; residences used for caretakers in conjunction with public buildings.
7. Exploration/ extraction of oil and natural gas; river sand and gravel extraction [may require floodplain development permit].
8. Shops no larger than 770 square feet used in conjunction with permitted dwelling units for the production and sales of crafts,

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antiques, upholstery, wood or metal working or cabinetwork. Operation is limited to micro-enterprise facilities employing the owner and one employee. An initial tract size of 5 acres is required. An information sign listing the name of the enterprise may be placed as a monument sign to the front of the building or as a building sign limited to 48 square feet.

9. Home occupations within the existing principal dwelling or in an accessory building that shall be no greater than 22' x 26', or 572 square feet. A home occupation shall not be used in conjunction with a micro-enterprise listed above. One monument sign is permitted, no larger than sixteen (16) square feet. Businesses shall be conducted by no more than one operator and one assistant.

a. Home occupations are limited to normal and customary personal services, the sale of crafts or highly customized products [see Article 12, 106 B]. Home occupations may not be established for kennels, repair of motor vehicles or motorized machinery, construction, storage of vehicles, refuse collection, salvage or parts. Up to 25% of the principal dwelling may be set aside for the home occupation, and the owner must live on the premises. An impervious surface for off-street parking is required for two vehicles if the facility is open to the public, and more may be required after review by the Zoning Administrator.

b. Reserved.

10. Day care: all classifications; group homes for the disabled.

11. Offices and accessory uses for rural water/sewer districts, school district offices, Soil Conservation Service, Pottawatomie County, the State of Kansas or U.S. Government.

12. Commercial sale of garden produce; farmers markets

13. Churches with accessory dwellings limited to residential design; museums, historical society facilities including accessory storage.

14. Remodeled structures, site built homes, or residential design manufactured homes [or E.C.H.O units] for the care of family elderly or disabled in non-farm locations. A non-residential design manufactured home may be used if the area is not planned for residential use.

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This use may be issued for special purposes limited to family or guardian (care giver) care only and shall not subsequently convert to a renter occupied unit and must be used for a conforming, permitted use. The initial tract size must be 5 acres with individual water well, or 3 acres with public water (unless the sanitarian approves smaller tract size). Non-residential design manufactured homes must be five (5) years old or less at the time the permit is issued.

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

16. Sale of farm and ranch related equipment restricted to a 4,500 square feet outside sales area unless a variance is granted - requires screened side and or rear yards if adjoining off-site residence(s). Screening materials must be approved by site plan.

17. Facilities for livestock and farm organizations.

18. Reserved

19. Saw/lumber mills or lumber storage; farm welding shop.

20. Parks.

21. Antenna(ae) mounted [co-located] on existing communications towers, water towers, or existing buildings.

D. Conditional Uses (Requires public hearing before Planning Commission)

1. Kennels (dog); animal pound/rescue facility

- a. Located at least 1,000 feet from nearest off-site residence.
- b. State license.
- c. Mobile or manufactured homes, cartons, crates, or truck bodies are prohibited for use kennels.

2. Special recreation facilities such as: golf courses; golf recreational facilities; sports recreation; public shooting/firing ranges – indoor and outdoor.

3. Refuse collection service

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4. Consignment auction; bait and tackle shops; tack shops.
5. Campgrounds;
6. Public/private schools; stone quarry.
7. The bulk storage and sale of agricultural or home fuels/chemicals; Storage facilities for bulk fuels.
8. Limited - used farm vehicle and machinery sales/repair; and welding shop or supplies; metal cutting/stamping and fabrication - farm related. (no more than three employees).
9. Flea markets or used household goods sales - requires restrictions on time limits for operation unless a permanent facility is constructed or adapted and requires screening if located adjacent to retail-commercial, institutional, or residential uses.
10. Landfills (multi-purpose, sanitary), landfills for construction demolition or salvage items, but not hazardous materials. Requires State License, review of operation by the Planning Commission, and approval by the BOCC. Operation the facility requires periodic review by the Planning Commission for compliance with conditions of record and evidence of best practices operation.
11. Shooting ranges, indoor and outdoor
12. Publicly and privately owned communications towers and customary accessory uses, but this shall not include a communications tower/antenna system that has an agriculture purpose. Required data and findings include:
 - a. Data
 - i. General development plan which identifies the site location, boundary, tower(s), wires, anchors, existing and proposed structures, parking and access, with the names of owners and the use of parcels within 2,500 ft of the tower. {See Appendix 6 & 7 for Site Plan details}
 - ii. Written authorization from the property owner(s) acknowledging the application.
 - iii. Identification of the owners of all antennae and equipment to be located on the site.
 - iv. Documentation that a valid application for an FCC

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license has been filed.

v. The applicant must demonstrate that the tower is designed to accommodate additional antennae that will accommodate the applicant's current and future need, and also accommodate at least one co-located antennae if requested by Pottawatomie County and one co-located antennae requested by a public/private service provider.

vi. Line of sight analysis showing the potential visual and aesthetic impacts on residential property within 1,500 feet of the tower's base.

vii. Copy of the proposed lease agreement with the property owner.

b. Findings

i. Setback - The tower must be located a distance of 25 feet plus (+) its vertical height, or 300 feet - whichever is greater - from any habitable structure [except broadcast studio], public road, park, historic structure or monument, cemetery or from the property line of another owner.

ii. The result(s) of the line of sight analysis must indicate that the tower and its lighting will not unreasonably intrude on nearby residences [within 1,500 feet], lessen residential property values, or create safety concerns.

iii. That the proposed location of the tower is not within the Visual Protection Areas designated by the County in the Carnahan Creek Road Visual Corridor, The Vermillion Valley Visual Corridor, or the Rock Creek Valley Visual Corridor.

iv. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use together with a sufficient performance bond, letter or credit, or other financial assurance - if required by the County Commission.

v. Applicant must show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need, and will accommodate co-located antennae requested by public and private concerns.

vi. The applicant must demonstrate that a tower proposed to be located in a residential area, or an area planned for residences, cannot reasonably be located in a non-residential area [for valid technical reasons].

vii. The applicant must demonstrate that the proposed communications device(s) cannot be co-located on an

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existing tower, existing building, water tower, or other structure [for valid technical reasons].

13. Used vehicle dealer (Kansas License)

- a. A valid application for a Kansas Auto Dealers License.
- b. The tract must be 10 acres or greater in area.
- c. The dealership may not be located in an area designated for future residential growth in the land use plan.
- d. No more than 4 motor vehicles offered outdoors for sale at any one time on the premises and no more than 10 vehicles stored indoors.
- e. Vehicles offered for sale outdoors must be stored on a prepared surface in the side or rear yard of the principal or accessory structure.
- f. No additional lighting beyond normal residential and agricultural illumination permitted; no banners, strings of lights, or other display/attraction devices may be used.
- g. One monument, ground, or pole sign, no greater than 6 feet in height and 16 square feet in area, or one building sign (30% of signable area, shall be permitted.
- h. The dealership must be located on the same tract as the personal residence of the applicant
- i. Any additional condition that the Planning Commission feels to be reasonably necessary to insure a harmonious use within the neighborhood (within 1000 feet of the boundaries of the conditional use rezoning tract.)

14. Mini or self-storage units.

- a. Located on an impervious surface road with adequate sight distance for ingress and egress.
- b. Limited to no more than three buildings and/or 60 storage bays.
- c. A security fence is required.
- d. All structures must be setback a minimum of 75' from a public road.
- e. All outdoor storage must be screened from view.
- f. Security lighting shall be required.

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g. Any additional condition that the Planning Commission finds reasonably necessary to insure a harmonious use within the area or neighborhood.

15. Pet Grooming - Boarding but this shall not be interpreted to permit kennels.

- a. The use may not be located in a residence or on land zoned/planned for residential use and located at least 500 from the nearest offsite residence.
- b. Exercise areas must be screened from view.
- c. Operator must be licensed from the State of Kansas

16. Wind Energy Generation – Wind Farms

- a. **Definitions:** The following definitions shall be used in conjunction with the administration of this conditional use permit:
 - i. **Wind farm:** "Wind farm" means a single wind turbine exceeding one hundred and twenty (120) feet in height above grade or more than one wind turbine of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels.
 - ii. **Wind Turbine:** "Wind turbine" means any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power.
- a. The proposal is not detrimental or injurious to the public health, peace, or safety.
- b. The turbines would not be detrimental to the character of the surrounding neighborhood.
- c. The turbines would not be located on promontories or at elevations that would dominate scenic views in the Vermillion Valley, The Rock Creek Valley, or the Carnahan Creek Scenic Byway.
- d. The turbines would be located at least 2,500 feet from the nearest residence, other than the residence owned by the leaser, from any public park or public recreation area.

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5. The proposed use will not be unreasonably detrimental to the economic welfare of the county and it will not create excessive public cost for facilities and services.

17. A guest residence either attached or detached from the principal residence:

- a. The unit must be clearly subordinate in size to the principal residence, but no larger than 770 square feet.
- b. The unit may contain cooking facilities.
- c. The unit must be used gratis (without rent) by a member of the family or guests of the family of the principal residence.
- d. The owner of the guest unit and the principal unit must be the same person.
- e. The guest and principal units must share the same drive.

18. Camping and Recreational Vehicle Park

- a. Permitted: Recreational vehicles, camping trailers, camping cabins and similar facilities but, this does not include manufactured homes.
- b. Accessory uses: Guardian or owner residence, picnic shelters, recreational facilities, mini storage facilities, bathroom and shower facilities, storm shelters, accessory buildings for storage of vehicles, concessions and similar facilities and building to serve the park residents.
- c. Each campsite must be a minimum of 25' width and 70' in length constructed at a 60 degree angle, or parallel to the service road, and may be a mixture of "pull-through" and "back-in" sites with 5" of base rock on compacted earth.
- d. Each site must be provided with electric pedestals delivering 20/30/50 amps with a 200 amp breaker for each 10 sites, and with water/sewer risers and connection points.
- e. Each park must provide the following:

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- i. A well lighted entrance-way with a wide throat and approach to allow easy entrance/exit of the units.
 - ii. A service road, 12' feet wide for one-way traffic, or 20' for two-way traffic, with a minimum 5" of road stone and 2" of AB3 gravel with adequate lighting to facilitate night entrance and road safety.
 - iii. Adequate park lighting sufficient to park and level a vehicle at night.
 - vi. A sewage dump station.
 - vii. The park must be connected to a municipal or rural water system and a municipal sewer or wastewater treatment system approved by the Pottawatomie County Sanitarian and/or KDHE.
 - viii. A site plan showing all buildings, campsites, roads, lagoons and other facilities.
- f. The Planning Commission may waive any of the conditions and requirements for an RV Park/Campsite based on size, location or special needs.
- g. All recreational vehicle parks and campsites must pay a yearly license fee following an annual inspection. Failure to follow the conditions established in these resolutions, or those established by the Planning Commission, shall constitute grounds for suspension or revocation of the license.

E. Area/Lot Requirements

1. Agricultural uses/main farm dwelling on operating farms are exempt from area/lot requirements - except front setback, sanitation and floodplain requirements.
2. On operating farms: Accessory dwellings for care of elderly, handicapped, bona fide employees, family or caretakers are exempt from area/lot requirements except setbacks if used in conjunction with the main farm dwelling.
3. Reserved for future amendments.

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4. Reserved for future amendments

5. Two dwelling units are permitted for each quarter/quarter ($\frac{1}{4}$ – $\frac{1}{4}$) of a section in the “A-1” district. For the purposes of this regulation, a quarter/quarter section shall be limited to the NE, the NW, the SE and the SW quarters/quarters of a section. The minimum lot size shall be three (3) acres.

6. Area and lot requirements are shown in Table A-1. Generally, lot size and area requirements are given on a **sliding scale basis**. The final determination of lot size is based on water availability and sanitary disposal needs determined by sanitarian. Therefore, the requirements shown in Table A-1 minimum lot size, are guidelines that reflect specific differences between individual lots.

7. Reserved for future amendments.

TABLE A-1: “A” AREA STANDARDS			
BASELINE LOT SIZES			
TYPE	Lot Size	Comments	
Agricultural Purpose Building	NA	Meets sanitary needs/setback regulations	
Accessory Farm Dwellings	NA	Meets sanitary needs/setback regulations	
General Dwelling	3a	Unless a smaller tract existed before the adoption of these regulations, the minimum lot size is 3a.	
All Other Uses - Unless noted	2-5+ a	2a/minimum depending on sanitation and/or site plan. Larger lots required depending on site plan review. Key elements include traffic, parking, sanitation requirements and separation of uses.	
YARD REQUIREMENTS (Building Setback)			
Principal Building	Rear	Side	Comments
Agricultural Use	NA	NA	
Non-Farm	Appen. C	Appen. C	
Accessory Building	Rear	Side	Comments
Agricultural Use	NA	NA	

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Non-Farm Accessory Use	Appen. C	Appen. C	
NOTE: Corner lots must maintain a 30' side yard setback from the r.o.w. Variations from required yards are permitted by site plan review, variance, or subdivision variance. Yard sizes for conditional uses are reviewed on site plans and adjusted from the minimum - if necessary.			
FRONT SETBACKS			Comments
U.S./State Highway	Append C	See also Appendix C	distance from r.o.w.
County Road	Append C	See also Appendix C	distance from r.o.w.
Frontage/Internal Road	Append C	See also Appendix C	distance from r.o.w.
See Appendix C for front setbacks.			

F. Previously Legally Conforming Uses.

1. Legally Established Use Area Requirements: These resolutions 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 all "A" districts by using area requirements contained in the 1980 Zoning Ordinance (January 30). Building permits for additions or accessories to existing uses (if in compliance with all regulations at the time of the adoption of these resolutions) may be issued by the Zoning Administrator with due regard for health and sanitation requirements.

G. Screening Requirements (Non Farm - see definition of screening)

1. When a non-residential use is established adjacent to property used for residential purposes, a side yard and/or rear yard screening barrier shall be erected.

H. Appearance Requirements for Uses without an Agriculture Purpose

The following requirements pertain to any use that does not have an agricultural purpose according to Kansas Planning and Zoning Statutes

1. Scrap materials, non-operative motor vehicles or machinery, dis-

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assembled machinery, debris, construction materials or equipment, and used machinery parts stored in open view from any position external to a lot is prohibited. At a minimum, the screen must be a solid wooden or slat filled metal fence, and may also consist of shrubbery and trees, or earth-berms, or a combination of these methods (see Definitions Section for specifications on screening).

2. All parking, drives, and entrances for non-residential uses shall be surfaced with asphalt, concrete, except that parking lots located in the rear yard of the principal building used exclusively for the storage of vehicles, or for remote, reserve parking may use recycled asphalt or crushed rock on compacted earth.

3. 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 of no less than 8' in width unless modified by an agreement or site plan amendment.

4. All entrances to public right-of-way shall maintain a clear vision triangle calculated 45E either direction measured 20' from the point of intersection to the delineated stop line [see definitions].

5. Reserved.

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

7. Reserved for future amendments.

8 . Reserved for future amendments.

9. Reserved for future amendments.

10. Reserved

11. All non-agricultural uses open to and accommodating the public shall comply with all applicable standards related to access and accommodation for the disabled. All facilities, except for those having no workforce [such as mini-storage] shall provide at least one unisex, handicapped toilet facility unless posted and no public restroom available.

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101. A-2 RURAL CENTER DISTRICT

The purpose of the A-2 zoning district is to allow the small farm cluster communities and the unincorporated centers to continue as places for residences, commercial sales and community convenience.

THE USE OF THE A-2 RURAL CENTER ZONING DISTRICT IS LIMITED TO THE UNINCORPORATED AREAS OF DULUTH, FOSTORIA, BLAINE, LACLEDE, AND ST. CLERE.

A. Permitted Uses

1. Single family residential units; residential design and regular manufactured homes (single-wide manufactured units shall be no more than 5 years in age at the time of the issuance of the permit); two and three family units and multi-family residential units if public sewage treatment is available.

B. Conditional Uses

1. Agricultural commercial; the sale of farm machinery and the repair of equipment - including motor vehicles.
2. Retail commercial sales; offices; taverns/bars - but this shall not include adult entertainment or sex oriented businesses.
3. Public or private schools; licensed day care.
4. Community meeting or group meeting facilities; offices, medical facilities, personal services, home occupations (see 100. B 9 this ARTICLE)
5. Service Commercial permitted in Article 7 – “CN” districts.
6. Churches, chapels, places of worship with accessory residences.
7. Reasonable accessory uses: see Appendix A.
8. Group Day Care; Registered Day Care; Child Care Centers; Preschool Facilities.
9. A guest/accessory residence see Article 5, 100 D. 17 Conditional Uses.

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C. Area and Setback Requirements

1. Lot sizes in the historic unincorporated communities are often exceptionally small and pose numerous practical difficulties. The zoning administrator may issue a building permit for a main or accessory building to a lot of record if minimum sanitary regulations can be satisfied. However, the zoning administrator shall not issue a building permit if it would result in a side yard less than three (3) feet, or a front yard less than 8 feet; see also Appendix C.

102. "AB" AGRI-BUSINESS DISTRICT

The purpose of the ABS zoning district is to allow a variety of agricultural, general commercial, service business, and facilities on scattered tracts to serve the farm community and rural neighborhoods.

A. Permitted Uses [Site plans are required for all ABS Uses]

1. Retail and wholesale of farm related products including fuels, seed, grain, fertilizer and chemicals and similar facilities; agri-processing and/or sales and/or storage, including but not limited to grain elevators; dehydrators; chemical and fertilizer processing and storage; seed processing and sales [offices to serve each].
2. Offices and related activities for service of the farm community.
3. Farm implement, trucks, and equipment, ATV, motorcycle sales, service, and repair - but, does not include auto body repair.
4. Agricultural research and experiment facilities.
5. Commodity and bulk warehousing
6. Veterinary clinics; animal boarding in conjunction with veterinary clinics.
7. Accessory residences for property guardians.
8. Machinery and equipment rentals; self storage facilities limited to no more than three (3) buildings and no more than 60 storage

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bays; construction offices and construction equipment storage

9. Sale and/or storage of bulk fuels with accessory office; includes unattended fuel sales.

10. Convenience Centers and Stores.

11. Limited mixed use options of permitted uses in this section. Uses may be mixed in the same building or in no more than three (3) buildings per tract exclusive of permitted accessory uses.

12. Repair and service of electrical equipment.

13. Saw mills and wood fabrication.

14. Nurseries; florist; crafts.

15. Food service and/or restaurants in conjunction with permitted use only.

16. Reasonable accessory uses.

B. Conditional Uses [requires site plans]

1. Vehicle salvage yards and auto storage.

a. Located minimum of 1,000 feet from nearest off-site residence, or the nearest platted subdivision at the time the conditional use permit is issued.

b. Perimeter screening/security fence - either solid wood or slats in chain link.

c. Reserved

d. Determination of extent, if any, the use would reduce nearby property values, convenience, safety, and habitability of residential property.

2. Communication towers and devices (see Article 5 – 100 D. 12)

3. Cement storage, concrete mixing, asphalt storage and mixing, construction yards, gravel and rock storage [offices to serve each].

4. Construction landfills. [state approved].

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5. Livestock sales and/or livestock auction facilities.
6. Quarries, rock crushing and storage, natural resources extraction not listed in A-1; lumber and saw mills. [offices to serve each].
7. Large scale veterinary or animal services which require isolation from other facilities.
8. Large scale animal and agri-research facilities with mixed uses.
9. Reasonable accessory uses

C. Appearance and Property Conditions.

1. Scrap materials, non-operative motor vehicles or machinery, disassembled machinery, debris, construction materials or equipment, and used machinery parts must be stored within a defined area behind a screening fence. At a minimum, the screen must be a solid wooden or slat filled metal fence, and may also consist of, shrubbery and trees, or earth-berms, or a combination of these methods (see Definitions Section for specifications on screening).
2. 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 building used exclusively for the storage of vehicles, or for remote, reserve parking may use recycled asphalt on compacted earth.
3. 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 of no less than 8' in width unless modified by a variance or site plan amendment.
4. All entrances to public right-of-way shall maintain a clear vision triangle calculated 45 degrees either direction measured 20' from the point of intersection to the delineated stop line [see definitions].
5. Reserved for future revisions.
6. All outdoor lighting must be shielded and focused to direct light onto the premises and away from adjoining residential properties.
7. In "ABS" districts, multiple commercial structures are allowed on a single zoning lot. Setbacks, yards, and parking spaces must be

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maintained to anticipate future lot splits.

8 . In "ABS" districts multiple businesses in one structure are permitted provided that adequate parking and circulation are maintained.

9. In all cases, except by specific site plan approval, all "ABS" uses abutting a residence [other than owned by the operator] shall erect a solid, wood perimeter fence no less than 8' in height in the side or rear yard if the residence is 150' or closer to the property line.

10. All "ABS" uses shall provide/ maintain storm water retention or detention facilities - when necessary -to retain storm water runoff in excess of the historic flow from the undeveloped site. The storm water facilities shall be designed for a 100 year storm unless modified by the Director of Public Works.

11. All "ABS" uses shall comply with all applicable standards related to access and accommodation for the disabled. All facilities, except for those having no workforce [such as mini-storage] shall provide at least one unisex, handicapped toilet facility unless posted and no public restroom available.

D. Area and Setbacks

1. Lot sizes for Agri-Business uses shall be established according to Table A-2 and modified as necessary during site plan review or by the 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 in Table A-2 are minimum standards [baseline] and do not reflect specific differences between individual lots.

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TABLE A-2: "ABS" AREA STANDARDS			
BASELINE LOT SIZES			
TYPE	Lot Size	Comments	
Retail Commercial	3 a	With public water and sanitarian approval.	
Service Commercial (no food service)	2 a	With public water and sanitarian approval.	
Service Commercial (food service)	3-5 a	3a/public water; 4-5a depending on sanitation.	
Office	2-3 a+	2a/minimum depending on sanitation and/or site plan. Larger lots required depending on site plan review. Key elements include traffic; parking ;sanitation requirements and separation of uses, or accessory residence.	
All Other Uses - Unless noted	2-3 a+		
YARD REQUIREMENTS (Building Setback)			
Principal Building	Rear	Side	Comments
All	Appen. C	Appen. C	
Accessory Building	Rear	Side	Comments
All	Appen. C	Appen. C	
NOTE: Variations from required yards are permitted by site plan review, variance, or subdivision variance. Yard sizes for conditional uses are reviewed on site plans and adjusted from the minimum - if necessary.			
FRONT SETBACKS All Buildings		Comments	
U.S./State Highway	Append C	See also Appendix C	Additional required for frontage road
County Road	Append C	See also Appendix C	Additional required for frontage road
Frontage/Internal Road	Append C	See also Appendix C	Entrance restrictions may apply
NOTE: Setbacks may be varied during platting or site plan review by the Director of Planning. In addition to the front setback, all structures must maintain a 45' setback for additional ROWs (ie, corner lot).			

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103. PLANNED UNIT RURAL DISTRICTS

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 agri-farming/agri-industry. The PURD is a mixed use zone. The following districts may be used in the design of this PLANNED DISTRICT:

Allowed District Uses

- a. Any "A-1" or "ABS" Zoning District
- b. Any "CN" Zoning District
- c. Accessory Residences, Conditional Uses, or Designated Exceptions

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 is a Unified Development technique and employs plan review, zoning and land subdivision in one combined procedure.

A. General Provisions

1. The Governing Body may by resolution approve a planned unit rural development district, after recommendation by the Planning Commission, on any tract of land that has a baseline lot size of five (5) acres, and a minimum size of three (3) acres {with central water and an approved sanitation permit} provided that it is of sufficient and reasonable size to accommodate the proposed facilities.

B. Standards and Consistency Requirements

1. The PURD shall not substantially affect the use, value or enjoyment of nearby property.
2. 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.

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3. Each PURD shall specify all present and proposed uses of the property; no stage may remain open or reserved for future development unless the applicant specifies the range, type, character and intensity of the uses.

4. The location of the PURD shall be dependent upon local conditions, sanitation capabilities, and adequate transportation facilities. The Planning Commission may specify that the applicant is responsible for screening, easement, open space and other consideration.

5. The entire PURD shall be held in a single ownership or in a corporate name at the time of application.

6. Development plans for the PURD shall contain all proposed covenants, restrictions and other provisions relating to the future control of the property. In addition, the plans shall contain all data and maps relating to the proposal development.

7. 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. The BOCC after recommendation by the Planning Commission or upon its own resolution, may give development permission for any one or all of the units to be developed and may require performance in a single unit before giving permission to develop other units or phases.

C. Development Stages and Processes.

1. The following stages of the development process are parts of the Unified Development procedure. The first stage, which includes pre-development activities, may be granted by the Director of Planning following the initial submission of an acceptable and sufficient site plan or preliminary development plan. The two remaining stages, which are the installation of facilities, and then the actual construction of buildings, are granted by the governing body upon recommendation of the planning commission.

a. Pre-Development Stages

Permitted Activities

- i. earth moving

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ii. landscaping and placement of temporary facilities for construction

iii. preparation of road plans for county approval and the placement of construction signs

b. First Development Stage

Permitted Activities

i. the construction/installation of roads and other facilities or utilities following the submission of required financial assurances and approval of road and facilities plan by the Director of Public Works.

ii. construction of any accessory uses approved by the Planning Commission and the BOCC

c. Second Development Stage

Permitted Activities

i. Developer agreement letter from the Director of Planning, countersigned by the Zoning Administrator stating that the developer has substantially complied with the conditions and rules set forth in the development plan

ii. the sale of lots

iii. the issuance of building permits for all or any portion of the PURD approved by the Planning Commission and the Governing Body

d. Final Development Stage

i. the construction of buildings

ii. occupancy

D. Mixed Use and Required Separations.

1. Unless otherwise indicated in the development plans, commercial, manufacturing and agri-industry facilities and

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structures shall be located at least two hundred feet from the nearest single family residential structure. Commercial {retail or personal services and offices} may be integrated within the same structure as a multi-family dwelling unit.

E. Variation of Standards.

1. 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 requirement of these Regulations by the Planning Commission and the Director of Public Works when it is in the general interest and advances the public welfare.

F. Preliminary Development Plan

1. An applicant for PURD shall prepare and submit, at least two weeks in advance of any hearing, the following plans and information.

a. A general plan of the PURD - this shall include:

i. topography using USGS data with contour lines set at five (5) foot intervals; the location of existing buildings and roads, easements, and prominent physical features; adjacent owners and tracts; outline of adjoining subdivisions; and, vicinity of location map.

ii. Proposed schedule for development, including any phases or stages of development; proposed uses; open space; pedestrian access.

iii. When necessary, the Planning Commission may require studies and reports necessary to analyze site factors and environmental impacts.

iv. A copy of any proposed covenants that are to be recorded with the development plan; copy of any developer agreements.

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G. Action on the Preliminary Plan

1. The Planning Commission shall hold a public hearing on the preliminary development plan and may continue the hearing from time to time as necessary to fully investigate all aspects of the development.
2. Within thirty days after the final public hearing, unless additional time is requested by the applicant, the Planning Commission shall send to the BOCC a recommendation to approve, disapprove, or modify the general development plan.
3. The BOCC shall, within 60 days after the Planning Commission's recommendation, approve, disapprove or modify the preliminary development plan and return all documents to the Planning Commission for proper action. If disapproved or modified, the comments of both commissions must be sent to the developer stating the reasons for disapproval.
4. The development plan, if modified, shall be returned to the applicant for further action. The applicant shall have a maximum time of six months to comply with modifications.
5. If the development plan is approved by the BOCC, the applicant shall file a final development plan within a maximum time period of one year.
6. If the development plan is disapproved, at least one year from the date of disapproval must transpire before an application is made for substantially the same PURD on the same parcel.

H. Final Development Plan

1. An applicant for a final development plan for a PURD shall file with the Planning Commission the following material:
 - a. A final plat, which in addition to the content required by ARTICLE 4 of this ordinance, shall contain:
 - b. A set of final road plans showing all road systems, cross sections, elevations, profiles, road material applications or rocking rates, temporary construction easements, drainage culverts, drainage tubes, plantings, and driveways {if required or modified by the Director of Public Works}.
 - c. Building foot prints.

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2. Proof of the recording of any easements, covenants or agreements.
3. Proof of ownership.
4. Necessary arrangements for insurance, bonds, or performances.
5. The Planning Commission, as a regular agenda item [no public hearing is required], shall determine if the final plan is in reasonable compliance with the material presented or modified in the preliminary development plan. Compliance shall be determined by using the following guidelines:
 - a. That the net density does not vary by more than ten (10) percent.
 - b. That the bulk is increased by no more than ten (10) percent of the gross floor area of all structures.
6. If the final development plan is not in reasonable compliance with the preliminary development plan, the Planning Commission must move to approve each individual item not in compliance with the initial plans or modifications.
7. If the final development plan is in compliance with the preliminary development the final plan shall be sent to the BOCC for review of dedications and agreements.
8. If the BOCC accepts all dedications and agreements, the BOCC shall either accept, modify, or reject the final development plan.

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TABLE A-3: MAXIMUM LIMITATIONS IN PURD DISTRICTS			
Type of Land Use	Max. Sq. Ft. Permitted by Right When Mixed With Housing	Max. Permitted by Review of Planning Commission	Max. Sq. Ft. % Permitted by Right With No Housing
Commercial	30%	100%	100%
Industrial	20%	50%	75%
Multi-Family	50%	70%	-----
Office/Service	50%	100%	75%
Institutional	50%	100%	75%
Total Ratio of Non-Residential to Residential Uses	70%	100%	100%
Minimum Lot			
	5 acres unless waived by the Planning Commission		
Minimum Yard			
	Established by site plan and PURD review.		
NOTE: No structure may be placed closer than 4' to a utility easement.			
No commercial, manufacturing, or agri-industrial structure may be placed closer than 200' to the nearest off-site residence unless waived by the Planning Commission.			

104. "AR" AGRICULTURAL RESIDENTIAL

The purpose of the AR districts is to provide low density residential opportunities in areas of marginal agricultural productivity. These districts also offer opportunities for limited (and appropriate) livestock, agricultural style accessory buildings, home occupations, and limited commercial opportunities. The AR district is intended to provide residential opportunities on lot sizes that range from two acres (with central water and sanitarian approval) to five acres or more. The AR1 district is intended to provide residential opportunities in remote rural locations, or in areas of difficult topography, on lots of 10 acres or more. The AR2 district is

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intended to provide residential opportunities in remote and isolated rural areas, and to lessen the impact of non-farm uses in areas of production agriculture, on lots of 20 acres or more.

A. Permitted Uses

1. Single family detached residences and residential design style manufactured homes not less than 22' in width. For a definition of "single-family" see Article 6 100 A.
2. Accessory structures such as utility sheds, barns or stables; accessory residences for care of the elderly or handicapped (provided a Sanitation permit can be issued); a single small wind energy turbine located on lots of two (2) acres or larger provided that the turbine is sited at least 50 feet from any lot line.
3. Churches; licensed and residential day care.
4. Home occupations in the principal residence, or in an accessory building no larger than 14' x 20' feet located to the rear of the principal building. All other restrictions that apply to home occupations in "A1" shall apply in "AR".
5. Parks, playgrounds and recreation facilities.
6. Nurseries and greenhouses with accessory residences.
7. Limited livestock: see Section 104-C 1 & 2

B. Conditional Uses

1. The BZA may allow the conversion of a single family residence to a two family residence for the care of elderly or disabled members of the family. In granting such exceptions, the Board shall impose such conditions, including design modifications and parking additions, as necessary to preserve the low density character of the neighborhood. The BZA may require the applicant to submit a sketch plan, to be used at the hearing, to the Director of Planning for review and comment.
2. The Planning Commission may allow a mixed use development

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in an "AR" district. One personal service, light service commercial, or office use may be allowed on a "set aside lot" clearly marked on the Final Plat as reserved for **Non-Residential Purposes**. The lot may be no smaller than 2 acres if located in an AR1 or AR2 district.

Required Findings and Materials

- a. A site plan on the non-residential lot.
- b. The use is limited to a personal service activity, or very light retail sales which does not generate or pull heavy traffic from collector streets; requires no outside storage of materials and a residential structure design that is compatible with the surrounding neighborhood, having a pitched roof, or giving the appearance of being partially pitched, masonry, wood or wood appearance siding; a dust free parking lot, painted or routed wooden signs and low intensity illumination of the outside area.

Example Contemplated Uses

- | | |
|-------------------------|---------------------|
| i. Crafts | v. Studios |
| ii. Antiques | vi. Bridal Supplies |
| iii. Books | vii. Real Estate |
| iv. Professional office | viii. Specialties |

3. Type II residential design style manufactured homes for the care of a family member or elderly or handicapped persons, provided that a sanitary permit can be issued. Units must be no older than 5 years at the time of the issuance of the permit.

4. A guest residence/unit with efficiency kitchen facilities located in the principal residence, or in a separate structure that is connected to the principal residence, unless exempted by the Planning Commission in the CUP. The maximum size of the guest unit shall be 770 sq. feet exclusive of a garage. For conditions see Article 5, 100 D 17.

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C. Special Regulations

1. "AR" districts are designed and intended to be used for residential living purposes. Allowances are made for the ownership of small quantities of livestock and fowl used for **show, pleasure, and care**, but not breeding purposes [except for small, caged animals such as rabbits] beyond the occasional and normal offspring. Thus the breeding of pet stock or other animals such as dogs, cats, goats, emu, ostriches, mules, or potbellied pigs, is prohibited. The Zoning Administrator is empowered to bring nuisance charges against violators.

2. Large animals (goats, horses, and sheep) must be harbored on lots of 5 acres or more.

3. Vehicles used for a commercial purpose [including construction machinery] in excess of one and one-half ton capacity 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 on lots of 5 acres or greater. Overnight parking for tractor/trailer transports is prohibited.

D. Setback, Yard, and Bulk Restrictions

1. Lot sizes in AR, for non-residential uses, shall be established according to Table A-4 and modified as necessary during site plan review or by the 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, the requirements shown in Table A-4 are minimum standards [baseline] and do not reflect specific differences between individual lots.

105. "AR-1" AGRICULTURAL RESIDENTIAL

A. Permitted Uses
Same as AR

B. Exceptions
Same as AR

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TABLE A-4: "AR" AREA STANDARDS			
TYPE	Lot Size	Comments	
AR Residential Use	2 a	With public water and sanitarian approval	
AR Residential Use	3 a	With public water	
AR Residential Use	4 a	Private wells and Sanitarian approval.	
AR Residential Use - Large Animals	5 a+	Large animals permitted	
All Other AR Uses - Unless noted	2-5 a+	Sanitarian Approval	
AR1 Residential Use	10 a	Required only for residential uses	
AR2 Residential Use	20a	Required only for residential uses	
All other AR1/AR2 Uses	2a+	2a/minimum depending on sanitation and/or site plan. Larger lots required depending on site plan review. Key elements include traffic; parking; sanitation requirements and separation of uses, or accessory residence.	
Yard Requirements Principal Building	Rear	Side	Comments
All	Appen. C	Appen. C	
Accessory Buildings	Rear	Side	Comments
All	Appen. C	Appen. C	
NOTE: Variations from all required yards are permitted by site plan review, variance, or subdivision variance. Yard sizes for conditional uses are reviewed on site plans and adjusted from the minimum - if necessary.			
FRONT SETBACKS From Principal Building			Max. Bulk Net Sq. Ft. of Buildings
All			5 acres = 20,000 sq. ft.
U.S./State Highway	70'	See also Appendix C	4 acres = 15,000 sq. ft.
County Roads	50'	See also Appendix C	3 acres = 10,000 sq. ft.
Frontage/Internal Roads	25'	See also Appendix C	
NOTE: Setbacks may be varied during platting or site plan review by the Director of Planning. In addition to the front setback, all structures must maintain a 45' setback for additional ROWs (ie, corner lot).			

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C. Conditional Uses
Same as AR

D. Special Regulations
Same as AR

E. Setback, Yard, and Bulk Restrictions
Same as AR - See Table A-4

106. "AR-2" AGRICULTURAL RESIDENTIAL

A. Permitted Uses
Same as AR

B. Exceptions
Same as AR

C. Conditional Uses
Same as AR

D. Special Regulations
Same as AR

E. Setback, Yard, and Bulk Restrictions
Same as AR - see Table A-4