

Article 10

Agricultural Zoning District

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10.100 Purpose and Intent

This district is created to preserve rural character and protect land used for production agriculture, the farm family, and support services, and promote uses necessary to assist agricultural activities in and around the St. Marys area. The district allows limited rural residential development, but is primarily intended to contribute to the safe, efficient, and convenient conduct of farming and animal husbandry.

10.101 Exempt Uses

1. The following uses are exempt from all regulations except environmental sanitary codes and floodplain location requirements:
 - a) Farm residences and all agriculturally related structures.
 - b) Production agriculture; livestock; dairy; poultry and hatchery; commercial gardening; orchards; silvaculture; viticulture; horticulture; forestry; bees; fur bearing animals; necessary accessory uses to support operations.
 - c) Except for flood plain regulations in areas designated as a flood plain and environmental sanitary codes, regulations adopted pursuant to this act shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and building erected thereon are used for agricultural purposes and not otherwise.

10.102 Uses Permitted

1. The following uses shall be permitted within the Agricultural District.
 - a) Dwelling unit(s) for members of the extended farm family or farm employees.
 - b) Single family, non-farm dwelling units. Factory-built homes, excluding mobile homes, will be allowed if placed on a

- permanent foundation. The provisions of Section 11.100.4 apply, less Section 11.100.4.a). As long as the zoning of any contiguous land to the dwelling unit parcel remains Agricultural, the provisions of KSA 2-3202, Certain Agricultural Activities Not A Nuisance, and KSA 2-3203, Definitions, apply.
- c) Congregate housing (limited to State pre-empted categories for disabled). "Group Home for Disabled, see KSA 12-736.
 - d) Bed & Breakfasts and Home Occupations, subject to the provisions of Article 15, Supplementary Use Regulations.
 - e) Place of worship, Cemeteries, Public and Private Schools, Libraries and Museums, and Clubs and Lodges.
 - f) Veterinary clinic and veterinary supplies provided that such buildings be located not less than 500 feet from any lot in a residential zoning district.
 - g) Agriculture and livestock research facilities.
 - h) Agricultural storage and processing facilities, including elevators and dehydrators. Such facility shall be located 2,500 feet or more from the nearest residence not owned by the operator at the time the facility is constructed.
 - i) Exploration and extraction of oil and gas.
 - j) Shops for hobbies, welding, and farm machinery repair, but does not include general auto repair, body or detailing shops.
 - k) Public utilities, facilities, and water and sewer district facilities.
 - l) Riding academies and stables and the sale of tack and equestrian supplies.
 - m) Public and private parks and recreation facilities, limited to sports complex, golf courses, driving ranges, tennis, clubhouses, and archery.
 - n) Temporary construction offices; storage, and batch asphalt or concrete mixing facilities for a period of up to one year (renewable for additional year).
 - o) Uses or structures accessory to a principal use, subject to the provisions of Article 7, Accessory Buildings and Uses.
 - p) Uses, which in the opinion of the Zoning Administrator are similar in nature to the above listed.

10.103 Conditional Uses

1. The following uses may be permitted, subject to procedures listed in Section 4.102.
 - a) Commercial bulk sale and storage of agricultural fuels, feeds, fertilizers, pesticides, and herbicides, shall be located 2,500 feet or more from the nearest residence not owned by the operator.
 - b) Correctional facility, public or private.

- c) Supplementary Uses subject to the provisions in Article 15, Supplementary Use Regulations, including airport and aviation fields, crop spraying facilities, communication towers greater than 100 feet in height, travel camper and recreational vehicle parks including accessory commercial and residential uses, recycling and salvage facilities, kennels (five or more dogs) for breeding, boarding, or sale, quarries, gravel extraction, and mining.
- d) Recreation facilities: gun clubs; skeet and sporting clay ranges; shooting ranges; controlled wildlife shooting areas.
- e) Livestock sales facilities, rodeo or fairgrounds, flea markets, and open air used goods sales.
- f) Farm implement and equipment sales and service.
- g) Private construction debris landfills (requires Kansas State permit).
- h) Retreats, non-profit, common ownership camps and congregate facilities.
- i) Asphalt, concrete plants, and saw mills.
- j) Construction equipment yards and machinery storage.
- q) Consignment auction facilities.
- k) Accessory, non-farm residential units for care of family elderly or disabled. The accessory residence may be a 16' or wider residential design manufactured dwelling unit, a site built accessory dwelling unit, or a slide-in manufactured ECHO (elderly cottage housing opportunity) unit, provided that such additional unit complies with the Sanitary Code
- l) Wind turbine generators not otherwise allowed.

10.104 Appearance Requirements for Non-Farm Uses

1. All new non-farm uses established after the effective date of this ordinance shall comply with the following requirements.
 - a) All scrap materials, inoperative vehicles; scrap machinery, appliances, debris, or other similar accumulated materials must be stored in a defined area behind the building or at the rear of the lot.
 - b) All parking and/or paved or graveled spaces must be separated from a public right-of-way by a minimum 12 feet "green area" - either seeded or landscaped unless exempted by the Planning Commission.
 - c) All outdoor lighting serving commercial uses shall be directed or shaded from residential property.
 - d) When a non-residential use is established adjacent to property used for residential purposes, the Planning

Commission may require the owner of the non-residential use being established to install a screening barrier.

10.105 Property Development Regulations

1. The following property development regulations shall apply to all non-farm sites in the Agriculture District.
 - a) Maximum building height of 35 feet for dwelling units.
 - b) Maximum density of one (1) non-farm dwelling per quarter-quarter (40 acres).
 - c) Minimum Lot area:
 - i. Five acres with individual well
 - ii. Three acres with public water service
 - d) Minimum lot frontage is 330 feet.
 - e) Minimum lot depth is 330 feet.
 - f) Minimum front yard set back:
 - i. When front yard abuts a City street the front yard set back is forty feet from right of way.
 - ii. When front yard abuts a County/Township Road the front yard set back is 80 feet from the right of way.
 - iii. When the front yard abuts a State or Federal Highway the front yard set back is 80 feet from the right of way.
 - g) Minimum side yard set back:
 - i. From property line to the principal structure is 30 feet.
 - ii. From property line to accessory structure is 30 feet.
2. The Zoning Administrator may adjust set backs for averaging with adjacent buildings.

10.106 Special Regulations

1. The following special regulations shall apply to each site in the Agriculture District.
 - a) Non-Farm Uses Building on Unplatted Land:
 - i. All new non-farm construction on unplatted land on less than 10 acres must prepare and record a plat, a certificate of survey, or a lot split prior to the issuance of a building permit unless it is a lot of record created prior to the adoption of this ordinance.
 - b) On-site Sewage Disposal Systems:
 - i. All uses shall provide an on-site sewer treatment system that complies with the requirements of the Pottawatomie County Sanitary Code.
 - c) Legally Established Property Development Regulations:
 - i. The Zoning Administrator is hereby empowered to issue building permits or certificates of zoning compliance to new construction on lots of record created before the effective date of the adoption of

this ordinance. The permits shall adhere to the original lot size and yard requirements as specified for the lot of record.