

Article 9. “A-1” Agricultural Zoning District

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Section 9.01 **PURPOSE AND INTENT.**

This district is intended to protect rural character and promote production agriculture and animal husbandry and other related natural resources pursuits and to insure the retention of prime farmlands. The district also provides limited support services for the rural population and for the development of related micro-enterprise opportunities as home occupations. The district is intended to implement the Agricultural, Open Space and Rural Preservation goals and policies in the Harvey County Comprehensive Plan in the Rural Preservation Area, Rural Transition Area, and Urban Fringe Area as defined in said comprehensive plan.

Section 9.02 **EXEMPT LAND USES.**

1. Any building or structure, including a residence other than a mobile home, used in support of a bona-fide agricultural pursuit, except that all such buildings or structures shall comply with the building setback and floodplain provisions of this Unified Development Code.
2. All forms of production agriculture, horticulture, and animal husbandry, viniculture, silviculture, bee keeping; commercial gardening; confined animal feeding operations for cattle, hogs, or poultry; the raising of greyhound dogs as racing stock; the sale of crop seed from a farm premise; and the sale of farm produce raised on the premises.
3. Reserved.

Section 9.03 **PERMITTED LAND USES.**

1. Dwelling units, but not mobile homes, for members of the extended farm family or farm employees located on the same contiguous farming unit as the principal farm residence or any quarter/quarter of a section under the same ownership. Single-family units shall be site assembled or manufactured homes, subject to the provisions of Article 16, Supplementary Use Regulations.
2. A single-family dwelling unit for each quarter-quarter section exclusive of farm residences or farm accessory residences.
3. Uses or structures accessory to a principal use, subject to the provisions of Article 6, Accessory Uses.
4. Agricultural receiving, storage and processing facilities; feed, grain, and seed sales; fuels and fertilizers, provided that all bulk operations, including elevators, dehydrators, bulk fuels and fertilizers shall be located 1,000 feet or more from the nearest off-site residence or school.
5. Welding shops.
6. Church or place of worship and customary accessory residential use.

7. Group homes occupied by not more than ten (10) persons, eight (8) or less of who have a disability and no more than two (2) adult supervisors subject to the requirements of KSA 12-736.
8. Infant, disabled, and elder day care.
9. Commercial tree stock preserves, orchards, and botanical gardens with sales facilities
10. Game breeding and hunting preserves.
11. Home occupations, subject to the provisions of Article 6, Accessory Use Regulations.
12. Elderly Cottage Housing Opportunity (ECHO) dwelling units for care of family elderly or disabled.
13. Commercial nurseries and greenhouses.
14. Public parks, trails, and recreation facilities.
15. Schools, private or public.
16. Riding schools or horse boarding facilities.
17. Stands for the sale of agricultural products or commodities raised on the premises.
18. Buildings and facilities used by Harvey County, townships, municipalities, the State and Federal Governments.
19. Veterinary clinic, large and small animal, provided that such buildings be located not less than 500 feet from any lot in a residence district.
20. Wildlife refuges, fish farms, and fish hatcheries.
21. Public and private cemeteries.
22. Public utility and facilities.
23. Sale of tack and equestrian supplies
24. Kennels (five or more animals) for breeding, boarding and/or sale, subject to the provisions of Article 16, Supplementary Use Regulations.
25. One time burial of concrete or asphalt rubble from road construction or other demolition projects provided no other building materials (steel other than reinforcement steel that cannot be separated, sheetrock, wood, carpet, etc.) are buried or dumped on the site. Such rubble, except asphalt, may also be used for erosion control purposes with permission of the affected landowner along drainage courses that do not have a designated. The burial of rubble, other than erosion control, shall be covered with a sufficient depth of soil capable of supporting vegetative top growth. Asphalt rubble cannot be buried in floodplains, streams, or in areas of exposed groundwater.
26. The extraction of raw materials such as rock, sand, gravel, top soil, etc. subject to the following:
 - a. Said use shall be allowed one time only on any property unless a conditional use permit is obtained.
 - b. Said use shall only be allowed for the duration of a specific construction project. In addition, the site from which raw material is extracted and any affected public right of way must be restored to a condition satisfactory to the owner of the property, the Harvey County Planning and Zoning Department, and the governmental unit responsible for the right of way within 45 to 60 days following completion of the extraction operations.
 - c. No such use shall be allowed with a 100-year floodplain as designated on the Flood Insurance Rate Maps for Harvey County, unless appropriate permits are obtained from the Kansas Board of Agriculture, Division of Water Resources.
 - d. Extraction sites shall be at least 500 feet from an existing residence or business unless written permission to be closer is obtained from the occupant of said residence or business.
27. Asphalt or concrete plant or construction area, temporary. A temporary batching plant for asphalt or cement concrete or temporary building or yard for construction materials and/or equipment shall be permitted in any non-residential zoning districts.

- a. The site where the plant is located and any affected public right-of-way must be restored to a condition satisfactory to the owner of the property and the Zoning Administrator. The Zoning Administrator shall inspect the site prior to the use and after the use is removed to ensure the site is restored to a satisfactory condition.
 - b. No such use shall be allowed in a 100-year floodplain, designated flood hazard area, designated floodway, or established flood pool or breach area of a watershed flood control structure.
 - c. Plant sites shall be at least 1,000 feet from an existing residence or business unless written permission to be closer is obtained from the occupant of said residence or business.
 - d. The applicant shall demonstrate that adequate measures will be taken to prevent odor, noise, lights, drainage, and traffic from becoming objectionable to nearby properties
 - e. Plant yard areas and work roads shall be sprayed regularly with dust treatment chemicals
 - f. The plant shall obtain a permit from the Kansas Department of Health and Environment and comply with state air pollution regulations.
 - g. No washing or cleaning of trucks or truck beds shall be allowed on site unless a wastewater containment system is used.
 - h. No waste, production materials, discarded equipment or other such items shall be buried on the site.
28. Wind generators for personal on-site use on parcels 5 acres in size or larger provided they are 100 feet or less in height. Setbacks from property lines are to be the height of the generator plus fifty feet.
29. Uses, which in the opinion of the Zoning Administrator are similar in nature to the above listed uses.

Section 9.04

LAND USES PERMITTED BY CONDITION.

The following uses shall require a “conditional use permit” in addition to the A-1, Agriculture zoning designation. The issuance of a conditional use permit is discretionary on the part of the Harvey County Regional Planning Commission and Board of County Commissioners and shall require a finding that the use will not have an adverse impact on the public health, safety, convenience, or property values. Consideration shall also be given to adverse impacts on the natural environment and the process of production agriculture. The Harvey County Regional Planning Commission and the Board of County Commissioners shall also base their decisions on a finding that the use is appropriate for a rural setting as opposed to an urban environment.

1. Airports, landing strips or landing fields; crop spraying operation, subject to the provisions of Article 16, Supplementary Use Regulations.
2. Bed and breakfast, subject to the provisions of Article 16, Supplementary Use Regulations.
3. Campground or retreat, RV park, or travel camper park, subject to the provisions of Article 16, Supplementary Use Regulations.
4. Hunting lodges.
5. Club or lodge, private, social, political and fraternal; community meeting facilities.
6. Communication towers, greater than 100 feet, subject to the provisions of Article 16, Supplementary Use Regulations.

7. Construction demolition landfill, subject to the provisions of Article 16, Supplementary Use Regulations.
8. Construction offices, equipment yards and machinery storage.
9. Correctional facility, public or private.
10. Extraction of raw materials such as rock, sand, gravel, top soil, etc. on a continuing or intermittent commercial basis, subject to the provisions of Article 16, Supplementary Use Regulations.
11. Fairgrounds.
12. Reserved.
13. Temporary open air (no permanent structures) flea markets and used goods sales.
14. Golf course, including accessory clubhouse.
15. Gun club, shooting range, skeet and sporting clay range.
16. Livestock sales/auction facilities, subject to the provisions of Article 16, Supplementary Use Regulations.
17. Buildings, pumping and compression stations, sub-stations, electrical generation facilities and similar facilities used by public utilities.
18. Storage and sales facilities for compressed natural gas (heating fuel)
19. Race tracks, including horse, dog, and automobile.
20. Grain alcohol production.
21. Salvage facility, scrap storage yard, dump, junkyard or auto wrecking yards, subject to the provisions of Article 16, Supplementary Use Regulations.
22. Commercial saw mills.
23. Sanitary landfill or waste processing facility (including sewer plant).
24. Farm wineries or breweries.
25. The sale of used vehicles (including, but not limited to, cars, trucks, trailers, motorcycles, turf equipment, and farm equipment provided the sales facility is on the same parcel of property as the operator's residence.

Section 9.07 **HEIGHT, YARD AND SANITARY SETBACK REGULATIONS.**

Maximum Building Height	35 feet for dwelling units, all structures must meet F.A.A. Regulations with a finding of no adverse effect to aeronautical navigation.
Minimum Front Yard	
State or Federal Highway	200 feet from centerline
County road	150 feet from centerline
Township/other public road	80 feet from centerline
	A new accessory structure may be constructed as close to the road right-of-way as any existing principle structure when located within 100 feet of said existing structure.
Minimum Side Yard	
Principal	75 feet or not less than 40 feet if waiver is obtained from adjacent property owner
Residential Accessory	25 feet
Agricultural Accessory	0 feet
Minimum Rear Yard	
Principal	75 feet
Residential Accessory	25 feet
Agricultural Accessory	0 feet
Minimum Lot Frontage	
State of Federal Highway	200 feet
County Road	150 feet
Township Road	80 feet
Individual Septic Tank Absorption Field	Septic tank waste absorption fields shall be a minimum of 100 feet from a property line and not less than 25 feet from the residence it serves. In addition, the lateral field must be at least 100 feet from a body of water (stream, pond, etc.)
Waste Stabilization Pond	Waste stabilization ponds shall be a minimum of 100 feet form a property line or not less than 50 feet with a waiver from the adjacent property owner; and not less than 100 feet from the residence it serves, and shall be no less than 250 feet from any other residential structure. In addition, the lateral field must be at least 100 feet from a body of water (stream, pond, etc.)
Private Water Wells	Water wells shall be a minimum of 25 feet from a property line; 25 feet from a house; and not less than 100 feet from a sewage disposal system.

Section 9.08

APPEARANCE REQUIREMENTS FOR NON-FARM USES.

All new non-farm uses established after the effective date of this Unified Development Code shall comply with the following requirements.

1. All scrap materials, scrap machinery, inoperative appliances, debris, or other similar accumulated materials must be stored in a defined area behind a screening fence or within a fully enclosed building. At a minimum, the screening fence must be constructed of solid wood, vinyl, metal, or masonry, and must be at least six (6) feet in height. All fencing must be reviewed and approved by the Zoning Administrator.
2. All outdoor lighting serving commercial uses shall be directionally shaded or directed away from property used for a residential purpose.
3. The repair, restoration, assembly or disassembly or storage on any inoperable motor vehicle shall not be permitted unless it is in a fully enclosed building. Inoperative shall mean a vehicle that is disassembled or wrecked in part or whole and is unable to move under its own power.

Section 9.09

PARKING AND ROAD REGULATIONS.

1. All parking and/or paved or graveled spaces must be separated from a public right-of-way by a minimum of twelve (12) feet green area, either seeded or landscaped unless exempted by the Planning Commission.
2. There shall be no parking areas within any right-of-way.
3. There shall be no parking within a 250 feet radius of the intersection of the centerlines of any two public right-of-ways or at the crossing of railroad and a public right-of-way.
4. There shall be no access from any public right-of-way to any parking or loading area or principle structure within a 250 feet radius of the intersection of the centerlines of any two public right-of-ways.
5. Parking shall be provided in accordance with space requirements identified in Article 19, Parking and Loading Requirements.

Section 9.10

SPECIAL REGULATIONS.

- A. **SITE PLAN REQUIRED.** All uses listed under “Land Uses Permitted by Condition”, shall require a site plan as set forth in Article 4, unless waived by the Planning Commission.
- B. **ON-SITE SEWAGE DISPOSAL SYSTEMS.** If applicable, all uses shall provide an on-site sewer treatment system that complies with the requirements of the Harvey County Sanitary Code.
 1. All waste stabilization ponds shall be a minimum of one hundred (100) feet from a property line and not less than one hundred (100) feet from the residence it serves and no less than 250 feet from any other residential structure. In addition, they shall be at least 100 feet from a body of water (stream, pond, etc.)

2. Septic tank absorption fields shall be a minimum of one hundred (100) feet from a property line and not less than twenty five (25) feet from the residence it serves. In addition, they shall be at least 100 feet from a body of water (stream, pond, etc.)
 3. Water wells shall be a minimum of twenty five (25) feet from a property line and not less than one hundred (100) feet from a sewage disposal system.
- C. **LEGALLY ESTABLISHED LOTS OF RECORD.** The Zoning Administrator is hereby empowered to issue building permits to new construction on lots of record created before the effective date of this Unified Development Code. All permits shall adhere to the original lot size and yard requirements.
- D. **DISPOSAL OF GARBAGE.** There shall be no spreading, accumulation or disposal of garbage, rubbish or offal, other than regular removal thereof within three hundred (300) feet of residentially zoned land.
- E. **HANDICAPPED ACCESS.** All non-farm structures erected after the final adoption of this resolution that are classified as “open to and accommodating the public” shall comply with all applicable standards required for disability parking and access. All such structures shall provide at least one accessible, unisex toilet facility, except for those facilities having no workforce (such as storage) unless posted as “no public