

RESOLUTION 2008-08

RESOLUTION AMENDING THE BARTON COUNTY ZONING REGULATIONS

WHEREAS, on the 9th day of May, 2000, the Barton County Planning Commission recommended to the Board of Barton County Commissioners the adoption of Zoning Regulations and Subdivision Regulations through the adoption of Resolution 2000-01 and Resolution 2000-02; and

WHEREAS, on the 19th day of February, 2008, the Barton County Planning Commission having met public notification requirements, met in Regular Session to determine whether a revision should be made to the Barton County Zoning Regulations as it relates to "Horse Racing Facilities" / "Horse Tracks"; and

WHEREAS, with a quorum present and with the approval of the majority of voting members, the below described amendments were approved by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that at the recommendation of the Planning Commission the revisions as described herein be adopted:

The current language as found in the Barton County Zoning Regulations, ARTICLE III, District Regulations, Part 1. Agricultural District, 3-101 A. Agricultural District (A) Permitted Uses (6) which currently reads:

Riding Stables, riding arenas and rodeo arenas

Shall be amended to read:

Riding stables, riding arenas and rodeo arenas. A track that is collocated with a riding stable, riding arena, or rodeo arena, and is used to train horses or other animals to race, which is not used for horse racing or other racing activities as that term is defined in sections 3-101(B)(9) and 3-301(B)(3), is permitted.

The current language as found in the Barton County Zoning Regulations, ARTICLE III, District Regulations, Part 1. Agricultural District, 3-101 A. Agricultural District (A) Permitted Uses (7) which currently reads:

Animal hospitals or kennels, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located further than 300 feet from a residential district all outdoor pens shall be screened from any adjacent property or public right-of-way in accordance with 3-306(E)(1).

Shall be amended to read:

Animal hospitals or kennels, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located further than 300 feet from a residential district all outdoor pens shall be screened from any adjacent property or public right-of-way in accordance with Section 3-401(E)(1). A track that is collocated with a greyhound kennel, and is used to train greyhounds to race, which is not used for greyhound racing or other racing activities as that term is defined in sections 3-101(B)(9) and 3-301(B)(3), is permitted.

Insert the following language in the Barton County Zoning Regulations, ARTICLE III, District Regulations, Part 1. Agricultural District, 3-101 A. Agricultural District (B) Conditional Uses (9)

A race track facility, as that term is defined in the Kansas Parimutuel Racing Act, KSA 74-8801 et seq., and is regulated by the Kansas Gaming Commission, and has obtained all necessary permits from the Kansas Racing and Gaming Commission. All other horse racing tracks or facilities of any kind, at which horses, greyhounds, or other animals are raced, whether a starting gate is used or not, are not a permitted activity and are not subject to a conditional use permit.

Insert the following language in the Barton County Zoning Regulations, ARTICLE III, District Regulations, Part 3. Commercial District, 3-301 C. General Business District (B) Conditional Uses (3)

A race track facility, as that term is defined in the Kansas Parimutuel Racing Act, KSA 74-8801 et seq., and is regulated by the Kansas Gaming Commission, and has obtained all necessary permits from the Kansas Racing and Gaming Commission. All other horse racing tracks or facilities of any kind, at which horses, greyhounds, or other animals are raced, whether a starting gate is used or not, are not a permitted activity and are not subject to a conditional use permit.

The current language as found in the Barton County Zoning Regulations, ARTICLE III, District Regulations, Part 5. Mixed Use District, 3-501 LM-SC. Light Manufacturing-Service Commercial District (B) Conditional uses, (2) which currently reads:

Animal hospitals or kennels, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located further than 300 feet from a residential district all outdoor pens shall be screened from any adjacent property or public right-of-way in accordance with 3-306(E)(1).

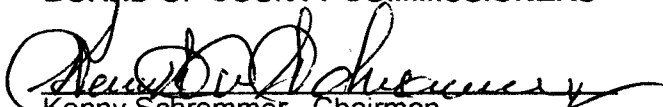
Shall be amended to read:

Animal hospitals or kennels, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located further than 300 feet from a residential district all outdoor pens shall be screened from any adjacent property or public right-of-way in accordance with Section 3-401(E)(1). A track that is collocated with a greyhound kennel, and is used to train greyhounds to race, which is not used for greyhound racing or other racing activities as that term is defined in sections 3-101(B)(9) and 3-301(B)(3), is permitted.

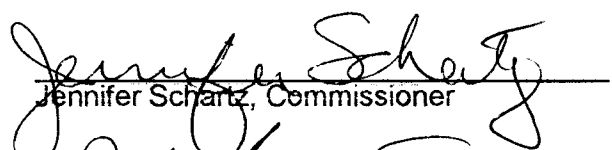
FURTHER, that the Secretary of the Planning Board is hereby directed to have said revision reflected in the official zoning records of Barton County and that a method be established for tracking this and future actions taken in zoning areas.

MOTION MADE, SECONDED AND ADOPTED this 10th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS


Kenny Schremmer, Chairman

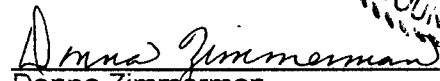

Betty Chlumsky, Commissioner

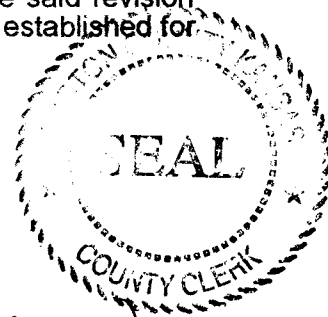

Jennifer Scharz, Commissioner


Rick Scheufler, Commissioner

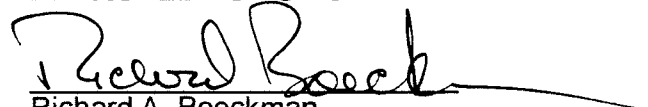
Joe Wilson, Commissioner

ATTEST:


Donna Zimmerman,
County Clerk
by Marcia Laube deputy



APPROVED AS TO FORM:


Richard A. Boeckman,
County Counselor