

ARTICLE III

DISTRICT REGULATIONS

PART 1. AGRICULTURAL DISTRICT

3-101 A. Agricultural District. The A District is designed for agricultural land uses and single family-dwellings at a density no greater than one dwelling per five (5) acres. Areas not served by sanitary sewer systems will be governed by the Barton County Environmental and Sanitary Code.

(A) Permitted Uses.

- (1) Agricultural land uses including farm dwellings and agricultural uses and activities including:
 - (a) the raising, pasturing, and feeding of animals;
 - (b) growing of crops, orchards, trees, and vineyards;
 - (c) the raising of fish, birds, or poultry and;
 - (d) the necessary operations including storage, processing, or sales of products, animals, and farm commodities.
- (2) Single-family detached dwellings. See Section 3-101 (C) (5).
- (3) Public Utilities, such as electrical or telephone substation, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (4) Hunting Lodges and Gun Clubs.
- (5) Bed and Breakfasts and Guest Ranches.
- (6) Riding stables, riding arenas and rodeo arenas. A track that is collocated with a riding stable, riding 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.
- (7) Veterinary Clinics / Hospitals, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located farther 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.

- (8) Schools.
 - (9) Accessory Uses.
 - (10) Storage Rental Facilities.
 - (11) Group homes.
 - (12) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage and structure does not share a common boundary with a Residential District, Unincorporated Community District, Planned Community District or an Incorporated City.
 - (13) Agritourism.
 - (14) Small Scale Solar Energy Conversion System (SECS) – See Article VIII – B.
 - (15) Small Scale Single Use Wind Energy Conversion System (WECS) – See Article VIII.
- (B) Conditional Uses.
- (1) Golf courses, including accessory clubhouses and driving ranges.
 - (2) Communication Towers.
 - (3) Cemeteries.
 - (4) Oilfield supply and storage yards.
 - (5) Outdoor and Open-Air Recreational Activities: Open-air uses generally of a commercial nature including amusement parks and miniature golf.
 - (6) Privately owned recreational trails.
 - (7) Recreational Vehicle Parks and Campgrounds.
 - (8) Mining and Quarrying.
 - (9) A racetrack 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.

- (10) Residential Treatment Centers.
- (11) Shooting Ranges.
- (12) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage and structure shares a common boundary with a Residential District, Unincorporated Community District, Planned Community District or an Incorporated City.
- (13) Large Scale Non-Commercial Solar Energy Conversion System (SECS) – See Article VIII-B.
- (14) Commercial Scale Solar Energy Conversion System (SECS) – See Article VIII-B.
- (15) Event Center.
- (16) Small-Scale Non-Agricultural Business.
 - (a) The small-scale business shall be located and designated in a manner that mitigates impacts such as odor, noise, dust, glare, lighting, exhaust, smoke, etc. on any adjacent residence.
 - (b) The business and/or the person(s) operating the business must maintain any county, state, or other required permits and/or licenses and comply with all local, county, and state regulations.
- (17) Agriculture Related Business.
- (18) Child Care Center.
- (19) Large Scale Non-Commercial Wind Energy Conversion System (WECS) – See Article VIII.
- (20) Commercial Scale Wind Energy Conversion System (WECS) – See Article VIII.
- (C) Lot Size Requirements for non-farm, single-family dwellings.

- (1) Minimum lot area: Five (5) acres.
- (2) Minimum lot width: 250 feet.
- (3) Minimum lot depth: 500 feet.
- (4) Maximum depth to width ratio: Three to One.
- (5) Lot Split Requirements: The division of land shall not create more than two five-acre, non-farm, single-family dwelling lots within a contiguous 80-acre parcel of land, and the division shall not create any new public streets, roads or easements. If a third lot split less than 20 acres is desired within the same contiguous 80-acre parcel, then the split shall be subject to the requirements set forth in Article III, Part 7 PLANNED COMMUNITY DISTRICT.

(F) Bulk Regulations.

- (1) Communication Towers: The setback from all property lines and public roads must be equal to the height of the tower.
- (2) The maximum structure height: No maximum.
- (3) Yard requirements for non-agricultural land uses:
 - (a) Minimum front yard: Fifty (50) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential Buildings: Eight (8) feet from each property line.
 - (2) Accessory Uses: Three (3) feet.
 - (3) All other permitted and conditional uses: Fifty (50) feet from each property line.
 - (c) Minimum rear yard:
 - (1) Residential Buildings: Fifty (50) feet.
 - (2) Accessory Uses: Five (5) feet.
 - (3) All other permitted and conditional uses: Fifty (50) feet.

PART 2. RESIDENTIAL DISTRICT

3-201. R. Residential District. The R District is designed for residential dwellings, and compatible uses, at a density no greater than one dwelling unit per 20,000 square feet. In areas that are not served with an approved sanitary sewer system, minimum lot size and bulk regulations will be governed by the Barton County Environmental and Sanitary Code.

(A) Permitted Uses.

- (1) Single-family detached dwellings.
 - (2) Two-family detached dwellings
 - (3) Churches, chapels, temples, synagogues and mosques.
 - (4) Group homes.
 - (5) Parks and playgrounds.
 - (6) Schools.
 - (7) Agriculture uses and activities, except commercial greenhouses, and including:
 - (a) the raising, pasturing and feeding of animals subject to Section 3-201 (A) (7) (A) (1) through (11) of these regulations;
 - (b) growing of crops, orchards, trees and vineyards;
 - (c) the raising of fish, birds or poultry subject to Section 3-201 (A) (7) (A) (1) through (11) of these regulations and;
 - (d) the necessary operations including storage, processing and sales of products, animals and farm commodities.
- (A) Residential and non-commercial animal husbandry provided such activities are accessory to the residential use and no persons are employed on the premises. Limitations on animal husbandry are:
- (1) Horses, Mules & Donkeys: There shall be no more than two (2) horses, mules or donkeys per acre of land used exclusively for the care and keeping thereof; or
 - (2) Cattle: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or

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- (3) Swine: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
- (4) Sheep or Goats: There shall be no more than six (6) such animals per acre of land used exclusively for the care and keeping thereof; or
- (5) Exotic Animals, such as Llamas, Ostriches, Emus, Alpaca and other similar animals or birds: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
- (6) Poultry, Rabbits, and other small animals: There shall be no more than twenty-five (25) such animals per acre of land used exclusively for the care and keeping thereof; or
- (7) Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health or safety of any person or property.
- (8) Permitted animals and fowl other than household pets shall not be kept within one hundred fifty (150) feet of any dwelling on an adjoining property.
- (9) Permitted animals and fowl shall be kept in properly maintained housing, caging, fencing or corrals.
- (10) The slaughter of any permitted animal or fowl is permitted only where intended for consumption by the resident family.
- (11) If an animal comes into question and is not listed above, then the unlisted animal shall be grouped with the animal listed above that it is the most similar to.

(8) Accessory Uses.

(9) Small Scale Solar Energy Conversion System (SECS) - See Article VIII - B.

(B) Conditional Uses.

- (1) Golf courses, including accessory clubhouses and driving ranges.
- (2) Child Care Centers.
- (3) Bed and Breakfasts.
- (4) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (5) Cemeteries.

- (6) Nursing Homes, Assisted Living, and Hospice Facilities.
 - (7) Multiple-family Dwellings.
 - (8) Fraternities and Sororities.
 - (9) Residential Treatment Centers.
 - (10) Kennels.
 - (11) Event Center.
 - (12) Agritourism.
 - (13) Communication Towers.
 - (14) Small-Scale Non-Agricultural Business.
 - (a) The small-scale business shall be located and designated in a manner that mitigates impacts such as odor, noise, dust, glare, lighting, exhaust, smoke, etc. on any adjacent residence.
 - (b) The business and/or the person(s) operating the business must maintain any county, state, or other required permits and/or licenses and comply with all local, county, and state regulations.
 - (15) Large Scale Non-Commercial Solar Energy Conversion System (SECS) – See Article VIII-B.
 - (16) Commercial Scale Solar Energy Conversion System (SECS) – See Article VIII-B.
 - (17) Small Scale Single Use Wind Energy Conversion System (WECS) - See Article VIII.
 - (18) Large Scale Non-Commercial Wind Energy Conversion System (WECS) – See Article VIII.
- (C) Lot Size Requirements.
- (1) Minimum lot area: 20,000 square feet.
 - (2) Minimum lot width: 100 feet.

- (3) Minimum lot depth: 150 feet.

(D) Bulk Regulations.

- (1) Communication Towers: The setback from all property lines and public roads must be equal to the height of the tower.
- (2) The maximum structure height not to include Communication Towers: Thirty-five (35) feet.
- (3) Yard requirements:
 - (a) Minimum front yard: Thirty (30) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential Buildings: Eight (8) feet on each side of the zoning lot.
 - (2) Accessory Uses: Three (3) feet.
 - (3) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.
 - (c) Minimum rear yard:
 - (1) Residential Buildings: Twenty-five (25) feet.
 - (2) Accessory Uses: Five (5) feet.
 - (3) All other permitted and conditional uses: Twenty-five (25) feet.

(F) Signs.

- (1) Permanent signs are prohibited on single-family lots and structures, except for signs relating to home occupations pursuant to Section 4-303 (F) of these Regulations.

PART 3. COMMERCIAL DISTRICT

3-301. C. Commercial District. This district is designed to provide for a broad range of retail shopping facilities, services, and cultural activities. In areas that are not served with an approved sanitary sewer system, minimum lot size and bulk regulations will be governed by the Barton County Environmental and Sanitary Code.

(A) Permitted Uses, Subject to the Site Plan Requirements set out in Article XI, Part 9 of these Regulations.

- (1) Retail and commercial land uses.
- (2) Professional offices and business offices.
- (3) Automotive sales and services, not including automotive salvage.
- (4) Retail and commercial services.
- (5) Bars and restaurants.
- (6) Churches, chapels, temples, synagogues, and mosques.
- (7) Child Care Centers.
- (8) Cemeteries.
- (9) Hospitals.
- (10) Nursing Homes, Assisted Living and Hospice Facilities.
- (11) Lodging and Boarding houses, and bed and breakfasts.
- (12) Hotels and Motels.
- (13) Agriculture uses and activities including:
 - (a) the raising, pasturing, and feeding of animals;
 - (b) growing of crops, orchards, trees, and vineyards;
 - (c) the raising of fish, birds, or poultry and;
 - (d) the necessary operations including storage, processing, and sales of products, animals, and farm commodities.
- (14) Storage Rental Facilities.
- (15) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage and structure does not

share a common boundary with a Residential District, Unincorporated Community District, Planned Community District or an Incorporated City.

(16) Agritourism.

(17) Small Scale Solar Energy Conversion System (SECS) - See Article VIII – B.

(B) Conditional Uses.

(1) Recreational Vehicle Parks and Campgrounds.

(2) Mining and Quarrying.

(3) A racetrack 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.

(4) Residential uses.

(5) Residential Treatment Centers.

(6) Group homes.

(7) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage and structure shares a common boundary with a Residential District, Unincorporated Community District, Planned Community District, or an Incorporated City.

(8) Large Scale Non-Commercial Solar Energy Conversion System (SECS) – See Article VIII-B.

(9) Commercial Scale Solar Energy Conversion System (SECS) – See Article VIII-B.

(10) Event Center.

(11) Communication Towers.

(12) Child Care Center.

(13) Small Scale Single Use Wind Energy Conversion System (WECS) – See Article VIII.

(14) Large Scale Non-Commercial Wind Energy Conversion System (WECS) – See Article VIII.

(15) Commercial Scale Wind Energy Conversion System (WECS) – See Article VIII.

(C) Lot Size Requirements: Subject to the Barton County Environmental and Sanitary Code.

(D) Bulk Regulations.

(1) Communication Towers: The setback from all property lines and public roads must be equal to the height of the tower.

(2) Maximum structure height: no maximum.

(3) Yard requirements:

(a) Minimum front yard: none, so long as a sight or safety hazard is not created as determined by the Barton County Engineer.

(b) Minimum side yard: none required; except when a side yard has a common boundary with an existing residential building, then there shall be a setback of eight (8) feet.

(c) Minimum rear yard: none required; except when a rear yard has a common boundary with an existing residential building, then there shall be a setback of eight (8) feet.

(E) Use Limitations:

(1) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property where there is an existing residential building, except public rights-of way.

(2) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.

PART 4. INDUSTRIAL DISTRICT.

3-401. I. Industrial District: A district designed to allow manufacturing, processing, assembly, sales and service activities. In areas that are not served with an approved sanitary sewer system, minimum lot size and bulk regulations will be governed by the Barton County Environmental and Sanitary Code.

(A) Permitted Uses, Subject to the Site Plan Requirements set out in Article XI, Part 9 of these Regulations.

- (1) Fuel storage and distribution.
- (2) Industrial Services: Firms engaged in the storage, repair or servicing of industrial, business or consumer machinery, equipment or products.
- (3) Manufacturing and/or Processing.
- (4) State or Municipally owned and operated public utilities and facilities.
- (5) Public utilities that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (6) Warehousing and Distribution: Firms involved in the movement and storage of goods for themselves, other firms, or individuals.
- (7) Oilfield supply and storage yards.
- (8) Hotels and Motels.
- (9) Agriculture uses and activities including:
 - (a) the raising, pasturing, and feeding of animals;
 - (b) growing of crops, orchards, groves, and timber;
 - (c) the raising of fish, birds, or poultry and;
 - (d) the necessary operations including storage, processing, and sales of products, animals, and farm commodities.
- (10) Storage Rental Facilities.
- (11) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage and structure does not share a common boundary with a Residential District, Unincorporated Community District, Planned Community District or an Incorporated City.

- (12) Agritourism.
- (13) Small Scale Solar Energy Conversion System (SECS) – See Article VIII – B.
- (14) Small Scale Single Use Wind Energy Conversion System (WECS) – See Article VIII.

(B) Conditional Uses.

- (1) Above-ground bulk storage of chemicals, petroleum products and other hazardous materials.
- (2) Recycling Centers.
- (3) Cemeteries.
- (4) Recreational Vehicle Parks and Campgrounds.
- (5) Mining and Quarrying.
- (6) Salvage storage yards.
- (7) Ready Mix Concrete Plants.
- (8) Stone cutting and processing of quarried material.
- (9) Commercial Agricultural Product Storage Structure when no other business in combination with said storage and structure shares a common boundary with a Residential District, Unincorporated Community District, Planned Community District, or an Incorporated City.
- (10) Large Scale Non-Commercial Solar Energy Conversion System (SECS) – See Article VIII-B.
- (11) Commercial Scale Solar Energy Conversion System (SECS) – See Article VIII-B.
- (12) Event Center.
- (13) Communication Towers.
- (14) Large Scale Non-Commercial Wind Energy Conversion System (WECS) – See Article VIII.

- (15) Commercial Scale Wind Energy Conversion System (WECS) – See Article VIII.

(C) Lot Size Requirements.

- (1) Minimum lot area: 5,000 square feet.
- (2) Minimum lot width: Fifty (50) feet.
- (3) Minimum lot depth: One hundred (100) feet.

(D) Bulk Regulations:

- (1) Communication Towers: The setback from all property lines and public roads must be equal to the height of the tower.
- (2) Maximum structure height: No maximum.
- (3) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet.
 - (b) Minimum side yard: none required; except where a side yard abuts an existing residential building a side yard of ten (10) feet shall be provided.
 - (c) Minimum rear yard: none required; except where a rear yard abuts an existing residential building a rear yard of ten (10) feet shall be provided.

(E) Use Limitations.

- (1) All operations, activities and storage shall be conducted inside a building or buildings, except that storage may be maintained outside the building, provided that it is enclosed by sight obscuring screening of not less than six (6) feet in height, and provided that it is not located within a required front, side or rear yard.
- (2) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property where there is an existing residential building, except streets, or are separated from such property by only an alley.
- (3) There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or

endangers the comfort, repose, health, peace, or safety of persons off of said property.

- (4) Exterior lighting shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.

FINAL DRAFT

PART 5. LIGHT MANUFACTURING SERVICE COMMERCIAL DISTRICT.

3-501. LMSC. Light Manufacturing Service Commercial District. A district designed to promote and encourage diverse economic growth through coordinated and efficient use of land and collocation of light industrial and highway service commercial activities. In areas that are not served with an approved sanitary sewer system, minimum lot size and bulk regulations will be governed by the Barton County Environmental and Sanitary Code.

(A) Permitted Uses, Subject to the Site Plan Requirements set out in Article XI, Part 9 of these Regulations.

- (1) Light Manufacturing. Activities may include: manufacturing or assembly of items or equipment such as electronics, appliances, machinery, or vehicles; newspaper and book publication; processing of food related products; production of clay, glass, leather, rubber, or wood materials or products; production or fabrication of metal products; production of signs; and production of textiles and apparel.
- (2) Warehousing and Distribution: Firms involved in the movement and storage of goods.
- (3) Commercial and Retail Services.
- (4) Industrial Services: Firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products.
- (5) State or Municipally owned and operated public utilities and facilities.
- (6) Public utilities that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (7) Lodging, boarding houses, and bed and breakfasts.
- (8) Hotels and Motels.
- (9) Outdoor and Open-Air Recreational Activities: Open-air uses generally of a commercial nature including amusement parks and miniature golf.
- (10) Agriculture uses and activities including:
 - (a) the raising, pasturing and feeding of animals;
 - (b) growing of crops, orchards, trees and vineyards;
 - (c) the raising of fish, birds or poultry and;
 - (d) the necessary operations including storage, processing and sales

of products, animals and farm commodities.

- (11) Storage Rental Facilities.
- (12) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage and structure does not share a common boundary with a Residential District, Unincorporated Community District, Planned Community District or an Incorporated City.
- (13) Agritourism.
- (14) Small Scale Solar Energy Conversion System (SECS) – See Article VIII – B.

(B) Conditional Uses.

- (1) Expansion or modification of the following uses, provided they are legally nonconforming uses:
 - (a) Salvage storage yards.
 - (b) Ready Mix Concrete Plants.
 - (c) Stone cutting and processing of quarried material.
 - (d) Above-ground bulk storage of chemicals, petroleum products and other hazardous materials.
 - (e) Cemeteries.
- (2) Veterinary Clinics/Hospitals, 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.
- (3) Oilfield supply and storage yards.
- (4) Recreational Vehicle Parks and Campgrounds.
- (5) Mining and Quarrying.

- (6) Residential uses.
 - (7) Communication Towers.
 - (8) Nursing Homes, Assisted Living Facilities and Hospice Facilities.
 - (9) Residential Treatment Centers.
 - (10) Group homes.
 - (11) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage and structure shares a common boundary with a Residential District, Unincorporated Community District, Planned Community District or an Incorporated City.
 - (12) Large Scale Non-Commercial Solar Energy Conversion System (SECS) – See Article VIII-B.
 - (13) Commercial Scale Solar Energy Conversion System (SECS) – See Article VIII-B.
 - (14) Event Center.
 - (15) Bars and Restaurants.
 - (16) Small Scale Single Use Wind Energy Conversion System (WECS) – See Article VIII.
 - (17) Large Scale Non-Commercial Wind Energy Conversion System (WECS) – See Article VIII.
 - (18) Commercial Scale Wind Energy Conversion System (WECS) – See Article VIII.
- (C) Lot Size Requirements.
- (1) Minimum lot area: 10,000 square feet.
 - (2) Minimum lot width: Fifty (50) feet.
 - (3) Minimum lot depth: One hundred (100) feet.
- (D) Bulk Regulations.
- (1) Communication Towers: The setback from all property lines and public

roads must be equal to the height of the tower.

- (2) Maximum structure height, not to include Communication Towers: 50 feet.
- (3) Yard requirements:
 - (a) Minimum front yard: 25 feet.
 - (b) Fuel pumps, air and water service and other fixtures used in connection with automobile service stations may be located as close as twelve (12) feet to the front lot line.
 - (c) Fuel island canopies may be located as close as six (6) feet to the front lot line.
 - (d) The sales lots of motor vehicles may be located as close as twelve (12) feet to the front lot line.
 - (e) Minimum Side Yard: 10 feet.
 - (f) Minimum rear yard: 20 feet.

(E) Use Limitations.

- (1) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property where there is an existing residential building, except public rights-of-way.
- (2) All operations and activities shall be conducted within a building, or buildings, except that storage, display areas, and loading docks may be maintained outside the building.
- (3) There shall be no noise, smoke, dust, odor, or vibrations emanating from the property, which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of persons off said property.
- (4) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.

PART 6. UNINCORPORATED COMMUNITY DISTRICT.

- 3-601. UC Unincorporated Community District. A district of six unincorporated communities known as Beaver, Dundee, Heizer, Hitschmann, Odin and Redwing existing and recorded prior to the adoption of these regulations. These communities include both single-family occupancy and commercial activities. It is the intent of these regulations to preserve the identity of these communities and to allow further development consistent with their current use. Areas not served by sanitary sewer systems will be governed by the Barton County Environmental and Sanitary Code.

These communities are primarily residential in nature and are identified by maps 1-6 as contained at the end of this section.

(A) Permitted Uses

- (1) Single-family detached dwellings.
 - (2) Two-family detached dwellings.
 - (3) Churches, chapels, temples, synagogues, and mosques.
 - (4) Group homes.
 - (5) Parks and playgrounds.
 - (6) Schools.
 - (7) Agriculture uses and activities, except commercial greenhouses, and including:
 - (a) the raising, pasturing, and feeding of animals subject to Section 3-601 (A) (7) (A) (1) through (11) of these regulations;
 - (b) growing of crops, orchards, trees, and vineyards;
 - (c) the raising of fish, birds, or poultry subject to Section 3-601 (A) (7) (A) (1) through (11) of these regulations and;
 - (d) the necessary operations including storage, processing and sales of products, animals, and farm commodities.
- (A) Residential and non-commercial animal husbandry provided such activities are accessory to the residential use and no persons are employed on the premises. Limitations on animal husbandry are:
- (1) Horses, Mules & Donkeys: There shall be no more than two (2) horse, mules, or donkeys per acre of land used exclusively for the care and keeping thereof; or

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- (2) Cattle: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
- (3) Swine: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
- (4) Sheep or Goats: There shall be no more than six (6) such animals per acre of land used exclusively for the care and keeping thereof; or
- (5) Exotic Animals, such as Llamas, Ostriches, Emus, Alpaca and other similar animals or birds: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
- (6) Poultry, Rabbits, and other small animals: There shall be no more than twenty-five (25) such animals per acre of land used exclusively for the care and keeping thereof; or
- (7) Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health or safety of any person or property.
- (8) Permitted animals and fowl other than household pets shall not be kept within one hundred fifty (150) feet of any dwelling on an adjoining property.
- (9) Permitted animals and fowl shall be kept in properly maintained housing, caging, fencing or corrals.
- (10) The slaughter of any permitted animal or fowl is permitted only where intended for consumption by the resident family.
- (11) If an animal comes into question and is not listed above, then the unlisted animal shall be grouped with the animal listed above that it is the most similar to.

(8) Accessory Uses.

(9) Agritourism.

(10) Small Scale Solar Energy Conversion System (SECS) – See Article VIII – B.

(B) Conditional Uses.

(1) Golf courses, including accessory clubhouses and driving ranges.

(2) Child Care Centers.

(3) Lodging, Boarding Houses, and Bed and Breakfasts.

District Regulations

- (4) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (5) Cemeteries.
- (6) Nursing Homes, Assisted Living, and Hospice Facilities.
- (7) Multiple-family Dwellings.
- (8) Fraternities and Sororities.
- (9) Retail and commercial land uses and services.
- (10) Professional offices and business offices.
- (11) Automotive sales and services, not including automotive salvage.
- (12) Bars and restaurants.
- (13) Hospitals.
- (14) Hotels and Motels.
- (15) Recreational Vehicle Parks and Campgrounds.
- (16) A racetrack 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.
- (17) Storage Rental Facilities.
- (18) Residential Treatment Centers.
- (19) Veterinary Clinics/Hospitals.
- (20) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage.
- (21) Event Center.
- (22) Small-Scale Non-Agricultural Business.

- (a) The small-scale business shall be located and designated in a manner that mitigates impacts such as odor, noise, dust, glare, lighting, exhaust, smoke, etc. on any adjacent residence.
 - (b) The business and/or the person(s) operating the business must maintain any county, state, or other required permits and/or licenses and comply with all local, county, and state regulations.
- (23) Communication Towers.
- (24) Large Scale Non-Commercial Solar Energy Conversion System (SECS) – See Article VIII-B.
- (25) Commercial Scale Solar Energy Conversion System (SECS) – See Article VIII-B.
- (26) Small Scale Single Use Wind Energy Conversion System (WECS) – See Article VIII.
- (27) Large Scale Non-Commercial Wind Energy Conversion System (WECS) – See Article VIII.
- (C) Lot Size Requirements. No minimum requirements.
- (D) Bulk Regulations.
 - (1) Communication Towers: The setback from all property lines and public roads must be equal to the height of the tower.
 - (2) The maximum structure height: No maximum.
 - (3) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet.
 - (b) Minimum side yard:
 - (1) Residential Buildings: Eight (8) feet on each side of the zoning lot.
 - (2) Accessory Uses: Three (3) feet.
 - (3) All other permitted and conditional uses: Eight (8) feet.

(c) Minimum rear yard

- (1) Residential Buildings: Eight (8) feet on each side of the zoning lot.
- (2) Accessory Uses: Five (5) feet.
- (3) All other permitted and conditional uses: Eight (8) feet.

(E) Use Limitations:

- (1) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property where there is an existing residential building, except public rights-of way.
- (2) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.

- (F) Signs: Permanent signs are prohibited on single family lots and structures, except for signs relating to home-based businesses pursuant to Section 4-303 (F) of these Regulations.

PART 7. PLANNED COMMUNITY DISTRICT.

3-701. PC Planned Community District. A district designed to allow for the development of planned communities providing primarily residential dwellings. Areas not served by sanitary sewer systems will be governed by the Barton County Environmental and Sanitary Code.

These regulations are designed, intended and should be administered in a manner to provide that the cost of improvements which benefit primarily the tract of land being developed be borne primarily by the owners or developers of the tract, and that the cost of improvements that benefit primarily the whole community be shared by the developer and the community.

Refer to Article XI, Parts 11-14 of these regulations for specific requirements associated with development of a Planned Community District. There you will find the pre-approval process as well as the final approval process associated with all new development of Planned Communities.

(A) Permitted Uses:

- (1) Single-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Churches, chapels, temples, synagogues and mosques.
 - (4) Group homes.
 - (5) Parks and playgrounds.
 - (6) Schools.
 - (7) Agriculture uses and activities, except commercial greenhouses, and including:
 - (a) the raising, pasturing, and feeding of animals subject to Section 3-701 (A) (7) (A) (1) through (11) of these regulations;
 - (b) growing of crops, orchards, trees, and vineyards;
 - (c) the raising of fish, birds, or poultry subject to Section 3-701 (A) (7) (A) (1) through (11) of these regulations and;
 - (d) the necessary operations including storage, processing and sales of products, animals, and farm commodities.
- (A) Residential and non-commercial animal husbandry provided such activities are accessory to the residential use and no persons are employed on the premises. Limitations on animal husbandry are:

- (1) Horses, Mules & Donkeys: There shall be no more than two (2) horses, mules, or donkeys per acre of land used exclusively for the care and keeping thereof; or
 - (2) Cattle: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
 - (3) Swine: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
 - (4) Sheep or Goats: There shall be no more than six (6) such animals per acre of land used exclusively for the care and keeping thereof; or
 - (5) Exotic Animals, such as Llamas, Ostriches, Emus, Alpaca and other similar animals or birds: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
 - (6) Poultry, Rabbits, and other small animals: There shall be no more than twenty-five (25) such animals per acre of land used exclusively for the care and keeping thereof; or
 - (7) Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health or safety of any person or property.
 - (8) Permitted animals and fowl other than household pets shall not be kept within one hundred fifty (150) feet of any dwelling on an adjoining property.
 - (9) Permitted animals and fowl shall be kept in properly maintained housing, caging, fencing or corrals.
 - (10) The slaughter of any permitted animal or fowl is permitted only where intended for consumption by the resident family.
 - (11) If an animal comes into question and is not listed above, then the unlisted animal shall be grouped with the animal listed above that it is the most similar to.
- (8) Professional offices and business offices.
 - (9) Accessory Uses.
 - (10) Small Scale Solar Energy Conversion System (SECS) – See Article VIII.

(B) Conditional Uses:

- (1) Golf courses, including accessory clubhouses and driving ranges.
- (2) Child Care Centers.
- (3) Lodging, Boarding Houses, and Bed and Breakfasts.

- (4) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (5) Cemeteries.
- (6) Nursing Homes, Assisted Living, and Hospice Facilities.
- (7) Multiple-family Dwellings.
- (8) Fraternities and Sororities.
- (9) Retail and commercial land uses and services.
- (10) Bars and Restaurants.
- (11) Veterinary Clinics/Hospitals, 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 collated 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.
- (12) Storage Rental Facilities.
- (13) Residential Treatment Centers.
- (14) Commercial Agricultural Product Storage Structure when no other business is in combination with said storage.
- (15) Event Center.
- (16) Agritourism.
- (17) Communication Towers.
- (18) Large Scale Non-Commercial Solar Energy Conversion System (SECS) – See Article VIII-B.
- (19) Commercial Scale Solar Energy Conversion System (SECS) – See Article VIII-B.

- (20) Small Scale Single Use Wind Energy Conversion System (WECS) – See Article VIII.
- (21) Large Scale Non-Commercial Scale Wind Energy Conversion System (WECS) – See Article VIII.

(C) Design Standards:

PART 1 SCOPE, ACCESS, AND DEDICATIONS

- (a) All subdivision of land shall conform to the design standards of this article. Planned Communities shall be designed so that they comply with the Barton County Comprehensive Plan.
- (b) All lots within a planned community shall have at least one boundary adjacent to a public or private street or road or an access easement which has been recorded in the Office of the Barton County Register of Deeds.
- (c) The Planning Commission may require the reservation or dedication of sites for parks, playgrounds, schools, open space and other public facilities.

PART 2 STREETS; LAYOUT, DESIGN.

- (a) The arrangement of arterial and collector streets shall conform to any adopted major streets and road plans of the county.
- (b) The street layout shall conform to the street layout and design standards of this article.
- (c) Any existing or platted street that terminates at the boundary line of a proposed planned community shall be continued into the planned community in such a manner as to provide reasonable vehicular movement.
- (d) The planned community shall provide a logical street layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such streets.
- (e) The local street layout shall be such that it will discourage use by non-local traffic.
- (f) Streets shall intersect as nearly as possible at right angles.

District Regulations

- (g) Streets shall provide for street openings to adjacent undeveloped land as required, in the opinion of the Planning Commission, to avoid landlocked property.
- (h) All cul-de-sacs shall have a minimum right-of-way radius of fifty (50) feet.
- (i) Not more than two streets shall intersect at any one point.
- (j) Street rights-of-way shall be dedicated as follows:

Minimum Right-of-Way for Street

Arterials.....	100 feet;
Collector.. ..	80 feet;
Local street or road	70 feet.

- (k) The grades of streets shall not exceed the following:

Grade

Arterials.....	5%;
Collector.....	10%;
Marginal access.....	10%;
Local	10%;

- (l) The finished grade for all streets and roads designated to provide for ingress, egress and circulation within a planned community located in the floodplain shall be such that the flood depth for the 100-year flood (if known) will not exceed the following:

Depth

Arterials.....	1.0 feet;
Collector.....	2.0 feet;
Marginal access.....	2.0 feet;
Local	2.0 feet.

- (m) The radius of curvature of the centerline of all street rights-of-way shall be not less than the following, except that in the case of unusual physical conditions the governing body may approve a variance:

Radius, Minimum

Arterial	500 feet;
Collector.....	300 feet;

Local 100 feet.

Any reverse curve on primary arterials shall be joined by a tangent of at least 100 feet in length.

- (n) Half-streets are prohibited, except where essential to the reasonable development of the planned community in conformity with the other provisions of these regulations.
- (o) No street or road names shall be used which will duplicate or be confused with the names of existing streets or roads. Existing names shall be used where the street or road to be named is, or would be, a logical extension of an existing street or road even though separated by undeveloped land, natural physical barriers or man-made obstructions. Street and road names shall be proposed by the developer and approved by the governing body.
- (p) Residential planned community streets shall be illuminated pursuant to a lighting plan which shall be submitted with the plat and approved by the County Engineer.

PART 3 UTILITIES AND EASEMENTS.

- (a) Utility easements shall be provided where necessary to serve the planned community. They shall be centered on rear or side lot lines and shall be at least fifteen (15) feet and ten (10) feet wide respectively.
- (b) Drainage easements for water courses, drainage channels or streams which traverse a planned community may be required by the County Engineer.
- (c) Lots located within the A Agricultural Zoning District shall be provided with a public access easement 50 feet in width, along a side lot line as designated by the County Engineer.
- (d) All planned communities in Residential Zoning District and all planned communities containing more than three lots in the Agricultural Zoning District shall be served by underground utilities.

PART 4 LOTS AND BLOCKS.

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Limitations of topography;
 - (2) Provision of building sites adequate for the special needs of the type of use contemplated;
 - (3) Zoning requirements as to lot sizes and dimensions;

- (4) Need for convenient access, circulation, and control of street traffic for safety.
- (b) Blocks planned for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth.
- (c) The size, width, depth, shape, and orientation of each lot in a planned community should take into consideration location, topography, physical features, type of use contemplated and the appropriate zoning regulation, as well as affect on adjacent lots.
- (d) Lots for commercial and industrial use should be of appropriate size and arrangement to allow for adequate off-street parking and loading facilities.
- (e) Corner lots should be wider than interior lots to allow for appropriate building setbacks and sufficient yard space.

PART 5 BUSINESS, COMMERCIAL, INDUSTRIAL PLANNED COMMUNITIES.

- (a) Streets. Notwithstanding the other provisions of these regulations, the minimum right-of-way width of streets adjacent to an area designed, proposed or zoned for business, commercial, or industrial use may be increased by the Planning Commission to such extent as the commission may deem necessary to assure the free flow of through traffic without interference from parked or parking vehicles.
- (b) Blocks. Blocks intended for business, commercial, or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.
- (c) Marginal Street Access. When blocks or lots in a proposed business, commercial or industrial planned community front on any limited access highway or arterial street, the developer may be required to dedicate a marginal access street to provide ingress and egress to and from such blocks or lots.

(D) Bulk Regulations:

- (1) Communication Towers: The setback from all property lines and public roads must be equal to the height of the tower.
- (2) Maximum structure height:
 - (a) Residential and Accessory Uses: Thirty-five (35) feet.

- (b) All other permitted and conditional uses: No maximum.
- (3) Yard requirements:
 - (a) Minimum front yard: Thirty (30) feet.
 - (b) Minimum side yard:
 - (1) Residential Buildings: Eight (8) feet on each side of the zoning lot.
 - (2) Accessory Uses: Three (3) feet.
 - (3) All other permitted and conditional uses: Fifteen (15) feet.
 - (c) Minimum rear yard:
 - (1) Residential Buildings: Twenty-five (25) feet on each side of the zoning lot.
 - (2) Accessory Uses: Five (5) feet.
 - (3) All other permitted and conditional uses: Twenty-five (25) feet.
- (E) Use Limitations:
 - (1) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property where there is an existing residential building, except public rights-of way.
 - (2) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (F) Signs: Permanent signs are prohibited on single family lots and structures, except for signs relating to home-based businesses pursuant to Section 4-303 (F) of these Regulations.