

Article 6 AGRICULTURAL DISTRICT (AG)

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Section 6-1. Application

6-1.01 The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the Agricultural District (AG). The purpose of this district is to provide for a full range of agricultural activities on land used for agricultural purposes, including processing and sale of agricultural products raised on the premises; and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectionable, hazardous, incompatible and unsightly uses. The district is also intended to protect watersheds and water supplies; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of residential and other more dense urban development. This district is intended to direct nonagricultural growth to cities, where full services can be provided. All lands used for agricultural purposes, as defined in these Regulations, are and shall be exempt from the restrictions and limitations of these Regulations. No administrative interpretation shall be made that results in any restrictions or stipulation on land used for agricultural purposes as herein defined; provided, however, that consistent with state law, new agricultural buildings shall be subject to setback requirements on that part of agricultural lands fronting on designated collectors and arterials as identified in the Miami County Comprehensive Transportation Plan and state and federal highways. Any proposal for change of land used for agricultural purposes to nonagricultural uses shall be subject to the requirements of these Regulations.

Section 6-2. Use Regulations

6-2.01 In the Agricultural District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, unless otherwise provided for in these Regulations, except for the following uses:

1. Agricultural purposes.
2. Grain storage structures.

3. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for oil and/or gas well drilling operations, distribution, transmission or temporary storage of oil or natural gas.
4. One single-family dwelling per legal lot or parcel: Any single-family dwelling shall have a permanent foundation and perimeter enclosure as required by these Regulations, and shall have a minimum floor area of nine hundred fifty (950) square feet. Single-family dwellings shall include residential-design manufactured homes, Group Homes for the Disabled, modular homes and mobile homes.
5. Railroad rights-of-way, including and limited to a strip of land with tracks and auxiliary facilities for track operation only.
6. Home occupations allowed in Article 20, Home Occupation Standards.
7. Machinery repair, welding and similar activities relating to maintenance and repair of agriculture equipment, when such equipment is owned or operated by the property owner.
8. Public parks and playgrounds.
9. Radio and television antennas and satellite dishes designed for an individual residence, provided the height limit of the district is not exceeded.
10. Commercial and Non-commercial wind energy conversion systems (WECS) designed for an individual residence, agricultural use or conditional use. The system shall not exceed 150 feet in total height and all of the minimum development standards in Section 14-2 of these regulations must be met.
11. Amateur station antenna structures for use by amateur radio operators, which do not exceed 40 meters (131.234 feet) in height and if it should fall or collapse it will be contained within the confines of the property on which it is installed.
12. Churches, parish halls and temples in existence as of the effective date of these regulations provided the standards of Section 16-8 of these regulations are met.
13. Accessory dwelling units as defined in these regulations and per Section 5-2.01.12.
14. Radio towers, television towers, cellular communication towers, and microwave transmitting and/or receiving towers and appurtenant facilities if the following standards can be met.
 - A. A tower may be permitted under the following height and location restrictions.
 - i. A tower may be located within 660 feet of the right-of-way of any road designated by the 1995

Miami County Comprehensive Transportation Plan, or any subsequent revisions to the plan, as “collector” provided it shall not exceed a height of 130 feet and all other standards noted below are met.

ii. A tower may be located within 660 feet of the right-of-way of any road designated by the 1995 Miami County Comprehensive Transportation Plan, or any subsequent revisions to the plan, as “arterial” provided it shall not exceed a height of 150 feet and all other standards noted below are met.

iii. A tower may be located within 660 feet of the right-of-way of the following highways: U.S. Highway 69, U.S. Highway 169, Interstate-35, K-68 and K-7 provided it shall not exceed a height of 199 feet and all other standards noted below are met.

iv. Towers located outside of these locations or exceeding these heights shall not be permitted without receiving approval of a conditional use permit.

B. The tower shall not be lighted. Only security lighting for ground equipment shall be permitted and shall be arranged, located or screened to direct light away from adjoining or abutting properties, shall be limited to ten (10) feet in height, and shall utilize a fixture that directs light downward and prevents light from traveling out above a horizontal plane relative to the bulb.

C. All building exteriors shall be brick or concrete block / prefabricated concrete with an aggregate or stucco finish. Metal clad buildings shall be prohibited.

D. If the tower is located on a leased parcel which is a portion of a larger legal parcel, the tower shall be setback from the property lines of the parent parcel a minimum distance of two times the tower height except that the setback adjacent to any highway right-of-way, as listed above, shall be no less than one time the tower height.

E. If the tower will be located on a parcel owned by the company or entity that will maintain the tower and not leased within a larger parcel, then the parcel on which the tower will be located will be required to comply with the lot size standards of this zoning district, as well as the setback standards of this section.

F. The tower shall be designed and constructed as a monopole type structure and shall be designed to accommodate at least one (1) additional pcs/cellular or other similar platform.

G. The tower shall not be located within two linear miles of an existing tower.

H. The tower shall comply with all of the height restrictions of Article 13, Airport Zoning regulations.

I. Any tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall have ninety (90) days from the date operations cease in which to remove the tower and all appurtenant buildings from the property. In case of multiple users of a single tower, this provision shall not become effective until all users cease operations. A bond in the amount of \$50,000 shall be placed with Miami County for the life of the tower via forms prescribed by the Planning Department to ensure that the tower is removed when its use has ceased for a period of more than ninety (90) consecutive days.

J. If these standards cannot be met, then a conditional use permit may be requested.

15. Retail sales of raw and/or processed agricultural products where an agricultural use is established and where the processed products are produced offsite from the raw materials grown or raised on the property where the agricultural use is established.

16. Accessory uses, non-residential structures, and structures customarily associated with the normal operation of the above uses. (Res. R20-12-002 (Exh. A); Res. R16-11-040 (Exh. A); Res. R20-12-002 (Exh. A))

6-2.02 In the Agricultural District, the following uses may be allowed upon the approval of a conditional use permit, in accordance with the provisions outlined in Article 14:

1. Public or private airports and/or landing fields.
2. Athletic fields and baseball fields.
3. Cemeteries.
4. Contractors' shops and/or yards (refer to Section 14-2 for minimum development standards).
5. Exposition centers and/or buildings.
6. Fairgrounds.
7. Farm equipment and implement repair services when the use of the property is not substantial enough to be classified under agricultural purposes (refer to Section 14-2 for minimum development standards).
8. Fire stations, public safety, and protection facilities. Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the Planning Commission and approved by the Board of County Commissioners to meet the standards of this article.

9. Greenhouses, nurseries and/or hydroponic farms, operated as a retail business where products not raised, grown, or otherwise produced on the premises are sold.
10. Radio or television towers, communication towers, microwave transmitting and/or receiving towers and/or stations, radio antennas, commercial satellite earth stations and similar appurtenances (refer to Section 14-2 for minimum development standards).
11. Amateur station antenna structures to be used by amateur radio operators, which exceed 40 meters (131.234 feet) in height and are set back from property lines 1.1 times the total structure height.
12. Sanitary landfills not otherwise prohibited by law.
13. Preschool nurseries, day-care centers or day-care homes (refer to Section 14-2 for minimum development standards).
14. Recreational vehicle parks, permanent or temporary (refer to Section 14-2 for minimum development standards).
15. Commercially operated recreational or sports-related facilities, whether operated by a public or private entity. This shall include, but not be limited to, such uses as: recreational lakes, camps, golf courses, country clubs, golf driving ranges, miniature golf courses, swimming pools, tennis courts, racquetball courts, commercial stables, shooting ranges, ice and roller skating rinks, race tracks for horses and dogs, bowling alleys and fee fishing lakes.
16. Boat and recreational vehicle storage, open or enclosed, for one (1) or more boats or recreational vehicles, which are not the property of the landowner (refer to Section 14-2 for minimum development standards).
17. Public utility stations, as well as buildings, structures, and premises for public utility services or public service corporations, including water treatment facilities, water towers or storage facilities, electric utility substations, power generation plants, sewage treatment facilities, or any other like facility. Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the Planning Commission and approved by the Board of County Commissioners to meet the standards of this Article.
18. Commercial WECS that exceed 150 feet in height (refer to Section 14-2 for minimum development standards).
19. Quarrying, mining or the removal of sand, gravel or stone, and the processing of the same, including asphalt and concrete plants, or the removal of more than one acre of topsoil when not related to an on-site

building or construction project (refer to Section 14-2 for minimum development standards).

20. Veterinary and small animal hospitals.

21. Kennels (refer to Section 14-2 for minimum development standards).

22. Auction facilities.

23. The keeping of wild animals, as defined in these Regulations (refer to Section 14-2 for minimum development standards).

24. Bed and Breakfast facilities (refer to Section 14-2 for minimum development standards).

25. Construction and demolition landfills, as defined in K.S.A. 65-3402 and amendments thereto (refer to Section 14-2 for minimum development standards).

26. The adaptive reuse of public and semi-public buildings, such as, but not limited to, church buildings, township halls, school buildings, and other historically significant structures for limited commercial and limited industrial operations that would be compatible with surrounding uses (refer to Section 14-2 for minimum development standards).

27. Community centers, public libraries and museums.

28. Schools.

29. Churches, parish halls and temples constructed after the effective date of these regulations or when such has exceeded the limits of expansion set forth in Section 16-8 of these regulations; convents and monasteries (refer to Section 14-2 for minimum development standards).

30. Research or development activities and pharmaceutical preparations related to veterinary services or other animal services.

31. Retail Sale of Agricultural Equipment (refer to Section 14-2 for minimum development standards).

32. Public facilities

33. Other uses determined by the Planning Commission to be consistent with the intent and purpose of this zoning district, except for those uses listed as prohibited uses in Article 15. (Res. R17-03-006 (Exh. A))

Section 6-3. Parking Regulations

6-3.01 Two (2) off-street parking spaces shall be provided for each dwelling unit. All dwellings shall be provided

with either a one-car garage, either attached to or detached from the main dwelling, or a detached, fully enclosed accessory structure at least 200 square feet in floor area. Said garage or accessory structure shall be located within 200 feet of the dwelling unit.

6-3.02 Driveway Access: For those parcels and lots fronting on a county maintained public road or an approved private road, any new entrance shall be located along that portion of the public or private road immediately in front of the subject property and not through another property. Two properties may share one common entrance at the shared property line as long as the center of the driveway is within ten feet of the shared property line.

6-3.03 Additional parking requirements are contained in Article 17 of these Zoning Regulations.

Section 6-4. Sign Regulations

6-4.01 Sign regulations are contained in Article 18 of these Zoning Regulations.

Section 6-5. Height, Area and Yard Regulations

6-5.01 Height: Buildings or structures, other than those actually used for agricultural purposes, shall not exceed thirty-five feet (35') and/or two and one-half (2 1/2) stories in height.

6-5.02 In the Agricultural District, the minimum lot area, dimensions of lots and yards shall be as follows:

1. **Lot Area:** Every dwelling or residence established shall be located on a lot that shall have frontage on a street that meets Miami County access requirements. Lot area shall be according to the following types of subdivisions:
 - A. **Standard Subdivisions:** With an overall density of one (1) dwelling per twenty (20) acres of gross land area, including any rights-of-way, an individual lot shall maintain a minimum gross lot area of 20 acres.
 - B. **Agricultural Preservation Subdivisions:** With an overall density of one (1) dwelling per twenty (20) acres of gross land area, including any rights-of-way, an individual lot shall be a minimum of two (2) acres, and at least one (1) parcel shall be preserved for agricultural use. The preserved parcel may contain a farm dwelling, and shall be a minimum of 75% of the total land area of the subdivision, excluding any proposed or required on-site or off-site rights-of-way.
2. **Lot Dimensions:** The minimum width of a lot shall be two hundred twenty feet (220') and the minimum depth of a lot shall be one hundred fifty feet (150'). There shall not be a lot depth-to-width ratio greater than 4:1 (i.e., the depth of a lot cannot be greater than 4 times its width), except for the parcel being preserved for agricultural use in an Agricultural Preservation Subdivision, which shall not exceed 8:1. In the event of unusual lot configurations, the Planning Director shall determine whether the lot dimensions meet the spirit and intent of these requirements.

3. Front Yard: The depth of the front yard shall be at least 50 feet.
4. Side Yard: The depth of the side yard shall be at least 20 feet.
5. Rear Yard: The depth of the rear yard shall be at least 20 feet. (Res. R18-02-007 (Exh. A))