

**RESOLUTION 2023-14**

**A RESOLUTION AMENDING ARTICLE III AND ARTICLE XIII OF THE BARTON COUNTY ZONING REGULATIONS, INCLUDING THE OFFICIAL ZONING MAP OF BARTON COUNTY, VERSION II**

**WHEREAS**, on January 28, 2013, the Barton County Planning Commission recommended to the Board of Barton County Commissioners the adoption of the Barton County Zoning Regulations, including the Official Zoning Map of Barton County, Version II. Said recommendation resulting in the adoption of the current version of the Zoning Regulations; and

**WHEREAS**, on the 27th day of April 2023, the Planning Commission approved a recommendation to the Board of County Commissioners to approve certain revisions; and

**WHEREAS**, that the Barton County Planning Commission recommends that:

*Article III - District Regulations and Article XIII - Construction and Definitions be revised to include the following uses in Barton County: "Agriculture Related Business", "Agritourism" and "Small-Scale Non-Agricultural Business" as well as an update to several current definitions which will affect both Article III - District Regulations and Article XIII - Construction and Definitions of the current Barton County Zoning Regulations.*

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Barton County, Kansas, hereby adopts the recommendations of the Barton County Planning Commission as contained herein as Attachment A, Article III, District Regulations, and Attachment B, Article XIII, Construction and Definitions; and

**FURTHER**, that the Secretary of the Planning Commission is hereby directed to have said revisions reflected in the Barton County Zoning Regulations, including the Official Zoning Map of Barton County, Version II.

**MOTION MADE AND ADOPTED** by the Board of County Commission of Barton County, Kansas, this 17th day of May, 2023.

**BARTON COUNTY COMMISSIONERS**

  
Shawn Hutchinson, Chairman

  
Barb Esfeld, Commissioner

  
Duane A Reif, Commissioner

  
Tricia Schlessiger, Commissioner


  
Donna Zimmerman, Commissioner

**ATTEST:**

  
Bev Schmeidler,  
County Clerk



**APPROVED AS TO FORM:**

  
Patrick Hoffman,  
County Counselor

**Attachment A**

Article III, District Regulations

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.
- (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) Commercial Solar Facility.
- (14) Event Center.
- (15) 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.
- (16) Agriculture Related Business.
- (17) Child Care Center.
- (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

- (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.

(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.

(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.
- (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) Commercial Solar Facility.
  - (9) Event Center.
  - (10) Communication Towers.
  - (11) Child Care Center.
- (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.

(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) Commercial Solar Facility.

(11) Event Center.

(12) Communication Towers.

(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.



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.
- (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) Commercial Solar Facility.
- (13) Event Center.
- (14) Bars and Restaurants.
- (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

- (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.

(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) 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.

(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.

(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.
- (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.
- (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

Barton County Zoning Regulations

District Regulations

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.
- (1) 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.

**Attachment B**

Article XIII, Construction and Definitions

ARTICLE XIII

CONSTRUCTION AND DEFINITIONS

PART 1. RULES OF CONSTRUCTION AND INTERPRETATION

13-101. Construction.

- (A) In the construction of these regulations, the provisions and rules of this shall be preserved and applied, except when the context clearly requires otherwise:
  - (1) Words used in the present tense shall include the future.
  - (2) Words in the singular number include the plural number, and words in the plural number include the single number.
  - (3) The word "shall" is mandatory.
  - (4) The word "may" is permissive.
  - (5) The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
  - (6) The word "County" means Barton County, Kansas.
  - (7) Unless otherwise specified, all distances shall be measured horizontally.
- (B) Floodplain Resolution 2018-18 as found in Article VII of these regulations shall apply to all lands within the jurisdiction of Barton County, KS. Please see Article VII of these regulations for all compliance and definitions.
- (C) Wind Energy Conversion Systems (WECS) as found in Article VIII of these regulations shall apply to all lands within the jurisdiction of Barton County, KS. Please see Article VIII of these regulations for all compliance and definitions.
- (D) Any word or phrase which is defined in this Article XIII, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

13-102. Interpretation.

- (A) Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the

promotion of the public health, safety, morals and welfare.

- (B) **Overlapping or Contradictory Regulations.** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations, which are more restrictive, shall govern.
- (C) **Private Agreements.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.

13-103. Separability. It is hereby declared to be the intention of the County that the several provisions of these regulations are separable, in accordance with the following rules:

- (A) If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect any provisions of these regulations.
- (B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure.
- (C) If any court of competent jurisdiction shall adjudge any portion of these regulations to be invalid or unconstitutional, such ruling shall not affect the validity or constitutionality of the remaining portions of these regulations.

## PART 2. DEFINITIONS

13-201. For the purpose of these Zoning Regulations, words or terms not herein defined shall have their ordinary and customary meaning in relation to the context. The following definitions shall be used in the construction and interpretation of this ordinance.

**ACCESSORY USE:** A structure or use that is subordinate to and serves a principal building or principal use; and is subordinate in area, extent or purpose to the principal building, or principal use served; and contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or the principal use served; and is located on the same lot as the principal building or principal use served.

**AGRICULTURE:** The use of a tract of ground for growing crops in the open,

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Construction and Definitions

pasturage, dairy animals, poultry, livestock, fruits, and vegetables, plant nurseries including commercial greenhouses, and horticulture, including the structures necessary for carrying out such operations and the residence of the person or family who owns or operates such operation.

**AGRICULTURE RELATED BUSINESS:** Sales and/or repair of agricultural equipment, machinery and commercial agricultural products.

**AGRITOURISM:** Activities conducted on and accessory to a working farm, ranch, vineyard, or other agricultural operation conducted for the enjoyment and/or education of visitors, guests, or clients to view or enjoy rural, farming, or ranching activities; and/or historic, cultural, or natural attractions.

**ANIMAL HUSBANDRY:** The science of breeding and caring for farm animals.

**APPROVED SANITARY SEWER SYSTEM:** A sanitary waste disposal system which is designed to serve more than one property, and which consists of underground sewer pipes which connect properties to a common waste treatment facility which has been approved and/or licensed by the Kansas State Department of Health and Environment.

**ARTERIAL STREET:** A street serving major traffic movements, designed primarily as a traffic carrier between, around, and across cities, and between various sections of the county and which forms part of the through-street network.

**ASSISTED LIVING FACILITY:** A facility providing housing and limited care for persons who need some assistance with daily activities.

**BAR:** A public establishment where alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold.

**BED AND BREAKFAST / LODGING / BOARDING HOUSE:** A dwelling that contains less than ten (10) rooms of sleeping accommodations, and no more than a single kitchen facility and whereby prearrangement and for compensation on a periodic basis, more than four (4) unrelated individuals can reside.

**BLOCK:** A parcel of land used or intended to be used for urban purposes and entirely surrounded by public roads or streets.

**BOARDING HOUSE / BED AND BREAKFAST / LODGING:** A dwelling that contains less than ten (10) rooms of sleeping accommodations, and no more than a single kitchen facility and whereby prearrangement and for compensation on a periodic basis, more than four (4) unrelated individuals can reside.

**BUILDING:** Any covered structure built for support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and which is

permanently affixed to land or that can be picked up and moved to another site or location.

**BULK REGULATIONS:** Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

- (1) Maximum height.
- (2) Minimum size of yard and setbacks.

**BULK STORAGE:** The storage of chemicals, petroleum products and other hazardous materials in aboveground containers for subsequent resale to distributors, or retail dealers or outlets.

**BUSINESS AND PROFESSIONAL OFFICE:** The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

**CAMPGROUND/RECREATIONAL VEHICLE PARK:** The use of land designed for occupancy by recreational vehicles or tents for temporary or transient living purposes.

**CHILD CARE CENTER:** A facility, other than a daycare home, wherein children are provided care, health, safety, supervision, or guidance, on a regular basis for a portion of a 24-hour day.

**COMMERCIAL AGRICULTURAL PRODUCT STORAGE STRUCTURE:** A structure designed for large-scale agricultural product storage, usually for grain; when no other business is in combination with said storage.

**COMMERCIAL SOLAR FACILITY:** A solar farm is a term commonly used to describe a collection of photovoltaic solar panels. There is no official number of panels installed or acres of land used that qualify a project as a solar farm. If the primary purpose of energy produced is for the sale for commercial gain, then it is considered a Commercial Solar Facility.

**COMMUNICATION TOWER:** A structure designed and constructed specifically to support antennas and other communications equipment. Types of towers include stealth, monopole, guyed-mast, self-supporting, lattice and other similar structures, which are generally located at ground level and may include an equipment shelter containing electronic equipment and which are not staffed on a permanent basis and only require periodic maintenance.

**COMPREHENSIVE PLAN:** The comprehensive development plan for Barton County and adopted pursuant to K.S.A. 12-747.

**CONDITIONAL USE:** A land use permitted in certain zoning districts subject to conditions pursuant to Article XI of these Regulations.

**CUL-DE-SAC:** A street that has one outlet and is permanently terminated by a vehicle turnaround at the other end.

**DAYCARE HOME:** A private residence wherein children are provided care, health, safety, supervision, or guidance on a regular basis for a portion of a 24-hour day.

**DESIGN STANDARDS OR DESIGN REQUIREMENTS:** All requirements and regulations that relate to design and layout of planned communities.

**DEVELOPER:** A person, firm, corporation, partnership, company or association developing land.

**DOUBLE FRONTAGE LOT:** A lot with two opposite lot lines abutting upon streets which are substantially parallel.

**DWELLING:** A building or portion thereof, designed and used for residential occupancy.

**DWELLING, MULTIPLE-FAMILY:** A residential building containing three (3) or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A residential building containing one (1) dwelling unit only.

**DWELLING, TWO-FAMILY:** A residential building containing two (2) dwelling units only.

**DWELLING UNIT:** One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one (1) family, and which includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

**EASEMENT:** A right or privilege for the use of land granted by the owner for a specific use or purpose to another or to the public, also, the tract of land covered by such authorization of right or privilege.

**ENGINEER:** A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

**EVENT CENTER:** Premises that are frequently rented out for public or private activities that are not repeated on a weekly basis.

**EXTRATERRITORIAL ZONING JURISDICTION:** The unincorporated areas of Barton County where the governing bodies of Great Bend, Claflin, Ellinwood and Hoisington have adopted extraterritorial zoning jurisdiction. Said areas are as indicated on the Official Zoning District Map of Barton County.

**FALL ZONE:** The area defined as the furthest distance from the tower base in which a tower will collapse in the event of a structural failure. This area is no less than the total height of the structure and the setback from all property lines and public roads must be equal to the height of the tower.

**FAMILY:** Either (a) an individual or two (2) or more persons related by blood, marriage or adoption, or under foster care established by governmental action, living together as a single housekeeping unit: or (b) a group of not more than six (6) persons some of which are not related by blood, marriage, or adoption, living together as a single housekeeping unit. There shall be a rebuttable presumption that seven (7) or more people living together as a single housekeeping unit are not a family.

**FLOODPLAIN:** See Article VII of these Regulations for compliance and definitions.

**FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, computed as follows:

**FRATERNITY/SORORITY HOUSE:** A building housing the members of a fraternity or sorority group living together under cooperative arrangements as distinguished from a boarding or lodging house or club.

**FRONTAGE:** The length of a front lot line or lines.

**GOVERNING BODY:** The Board of County Commissioners of Barton County.

**GROUP HOME:** Means any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state. Group homes are permitted as set forth in the Barton County zoning regulations subject to the qualifications found in K.S.A. 12-736 (c)(1) and (c)(2). A group home may not house a sexually violent predator, as that term is defined in K.S.A. 59-29a02, who is on transitional release or conditional release, pursuant to K.S.A. 59-29a11. Group homes housing such persons are not permitted in any zoning district in Barton County.



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Construction and Definitions

**GUEST RANCH:** A ranch operated wholly or in part as a resort offering horseback riding, swimming, hiking, and/or similar outdoor recreational activities and includes lodging and dining facilities for the guests.

**GUN CLUB/HUNTING LODGE:** A facility providing lodging accommodations and/or privately-owned land set aside for hunting, fishing, and related activities.

**HALF-STREET:** A street bordering one or more property lines of a planned community tract to which the developer has allocated only a portion of the required street width.

**HEIGHT, MAXIMUM:** The greatest vertical distance, as specified in the applicable district regulations, measured from the average finished grade adjacent to a structure to the highest point of the structure.

**HOME OCCUPATION:** A business, occupation, profession, trade, activity, or use conducted for gain or support entirely within a residential dwelling unit; or within a structure that is accessory to a residential building; and that is subordinate in area, extent, and purpose to the residential use as permitted in Article IV of these regulations.

**HOSPICE FACILITY:** A facility designed to provide physical care for the terminally ill.

**HOTEL/MOTEL:** A building or portion thereof, or a group of buildings, which provides ten (10) or more rooms of sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge, or otherwise.

**HUNTING LODGE/GUN CLUB:** A facility providing lodging accommodations and/or privately-owned land set aside for hunting, fishing, and related activities.

**JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or boats, trailers, recreational vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

**JUNK YARD/SCRAP PROCESSING YARD/SALVAGE STORAGE YARD:** Any area, lot, land, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale, salvage, dismantling, wrecking, cutting up, compressing or disposal of junk, scrap, motor vehicles, trailers, boats, recreational vehicles, or any parts thereof.

**KENNEL:** A business engaged in the breeding, buying, selling, trading, training or boarding of dogs or cats, or both dogs and cats. The term "business" shall include any operation which is primarily for the commercial gain of the owner or any

operation which routinely engages in the acquisition and disposition of dogs or cats and routinely maintains in excess of five (5) animals, regardless of whether or not such operation results in commercial gain to the owner.

**LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, flowers, shrubs, trees, or other natural and decorative features.

**LARGE SCALE MANUFACTURING AND PROCESSING FACILITIES:** Manufacturing and processing facilities that will have an important economic impact upon the County, which are expected to employ more than 200 persons, and which generate extraordinary traffic and activity in the vicinity of the operation.

**LEGALLY NONCONFORMING USES AND LOTS:** Property is legally nonconforming if it has previously conformed to all applicable Zoning regulations, or has not been subject to such regulations, and it has remained in the same condition continuously since such time, and the only reason it no longer conforms, is because of a change in the regulations. Legally nonconforming properties and uses are subject to the provisions of Article VI of these regulations.

**LOCAL STREET:** A street or road which provides primarily for direct access to adjoining properties and is designed to serve minor traffic needs.

**LODGING/BOARDING HOUSE/BED AND BREAKFAST:** A dwelling that contains less than ten (10) rooms of sleeping accommodations, and no more than a single kitchen facility and whereby prearrangement and for compensation on a periodic basis, more than four (4) unrelated individuals can reside.

**LOT:** A contiguous parcel of land that is designated by its owner or developer, as a tract all of which is to be used, developed, or built upon as a unit as recorded through the Barton County Register of Deeds.

**LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT DEPTH:** The distance between the midpoints of the front lot lines and the midpoints of the rear lot lines.

**LOT LINE:** Lot Boundary Line. See Lot Line, Front; Lot Line, Rear; Lot Line, Side.

**LOT LINE, FRONT:** A street right-of-way line forming the boundary of a lot. On corner lots having frontages on three (3) public rights-of-way, the right-of-way from which access is prohibited by plat, covenant or easement shall be considered a rear lot line.

**LOT LINE, REAR:** The lot line that is most distant from, and is, or is most nearly,

parallel to, the front lot line.

**LOT LINE, SIDE:** A lot line that is neither a front lot line nor a rear lot line.

**LOT OF RECORD:** A lot that is part of a subdivision, the plat of which has been recorded at the office of the Register of Deeds Barton County.

**LOT SPLIT:** An existing lot may be divided into not more than two parts which singularly or combined with an adjoining lot results in two lots which meet the minimum size and area requirements of the zoning district in which the lots are located. The new lots cannot, thereafter, be further subdivided without platting.

**LOT WIDTH:** The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the established front building line.

**MANUFACTURED HOME:** Structures manufactured in one or more sections, which are built on a permanent chassis and designed to be used as a dwelling and shall be permanently attached to a basement, crawlspace, slab or similar foundation, and the foundation or perimeter wall shall form a complete enclosure under all exterior walls, built to meet the National Manufactured Home Construction and Safety Standards (HUD, 6/15/76) and amended thereto.

**MANUFACTURED HOME LOT:** A parcel of land, located in a Manufactured Home Park, designed for the placement of a manufactured home or a mobile home for single-family occupancy and the exclusive use of its occupants.

**MANUFACTURED HOME PARK:** A tract of real estate that has been developed, subdivided, planned and improved for the placement of manufactured and mobile homes for single family occupancy.

**MARGINAL STREET:** A dedicated street to provide ingress and egress to and from blocks or lots that front on any limited access highway or arterial street.

**MOBILE HOME:** A structure, designed to be a residence, built prior to June 15, 1976, which may or may not meet the National Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403) has a permanent chassis, and is transportable in one or more sections.

**MODULAR HOME:** Structures designed primarily for residential occupancy that are designed and constructed to a state or national code and are manufactured in one or more sections in a factory for installation on a permanent foundation at its final location.

**MOTOR VEHICLE SALVAGE:** Business activities conducted for the storage, collection, processing, purchase, sale, salvage, dismantling, wrecking, cutting up, compressing or disposal of junk, scrap, motor vehicles, trailers, boats or recreational

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Construction and Definitions

vehicles, or any parts thereof for the purpose of resale or reuse of any part thereof, and the keeping and maintaining of premises for such activities.

**NONCONFORMING USES AND LOTS:** Any property or use that does not comply with all applicable provisions of these Zoning Regulations shall be deemed to be nonconforming. Any property or use that is nonconforming shall be required to comply with all such provisions, unless such property is legally nonconforming.

**NURSING HOME:** A facility providing maintenance, personal, and nursing care for persons such as the aged or chronically ill.

**OFF-STREET LOADING:** An off-street space or berth primarily used for the unloading or loading of materials.

**OILFIELD SUPPLY AND STORAGE YARDS:** An open area, and appurtenant structures and shops, where materials, equipment and supplies necessary in the oil exploration, and production business are stored.

**OUTDOOR STORAGE:** The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

**OWNER:** Any person or persons, firm or firms, corporation or corporations, or any other legal entity having title to land.

**PLANNING COMMISSION:** The Barton County Planning Commission.

**PLAT:** A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

**PRINCIPAL STRUCTURE:** A structure in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE:** The primary or predominant use of a lot as distinguished from an accessory use.

**PRIVATE STREET OR ROAD:** A non-dedicated way that forms the principle vehicular access to a property.

**PUBLIC IMPROVEMENTS:** All public facilities constructed or erected by a developer within a planned community to permit and facilitate the use of lots or blocks for a principal purpose.

**PUBLIC WATER:** Water supplied for domestic purposes approved by the Kansas Department of Health and Environment.

**READY MIX CONCRETE PLANT:** A facility that produces concrete as per established procedures that is then delivered to a construction site by truck.

**RECREATIONAL VEHICLE PARK/CAMPGROUND:** The use of land designed for occupancy by recreational vehicles or tents for temporary or transient living purposes.

**RECYCLING CENTER:** A facility that accepts recyclable materials that have already been separated at the source from municipal solid waste and that sorts and/or processes the recyclables for shipment to an end market. Motor Vehicle Salvage Materials are not permitted as recycling.

**REGULATORY FLOOD:** See Article VII of these Regulations for compliance and definitions.

**REGULATORY FLOOD ELEVATION:** See Article VII of these Regulations for compliance and definitions.

**REGULATORY FLOODPLAIN:** See Article VII of these Regulations for compliance and definitions.

**RESIDENTIAL BUILDING:** A building all or part of which contains one (1) or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, dormitories, sororities, and fraternities.

**RESIDENTIAL TREATMENT CENTER:** A residence for individuals after release from institutionalization (as for mental disorder, drug addition, or criminal activity) that is designed to facilitate their readjustment to private life. Violent Sexual Predators as that term is defined in the definition of Group Homes are not permitted in Residential Treatment Centers in any zoning district in Barton County.

**RESTAURANT:** A public eating establishment in which the primary function is the preparation and serving of food on the premises.

**RETAIL SALES:** The sale of goods, merchandise and commodities for use or consumption.

**ROAD:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles (Street).

**ROAD OR STREET WIDTH:** The distance measured perpendicular to the centerline of the paved or unpaved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of the pavement or designated graveled area where no curb exists.

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Construction and Definitions

**ROADWAY:** The paved or improved area of a road or street right-of-way, exclusive of sidewalks, driveways, or related uses.

**SALVAGE STORAGE YARD/JUNK YARD/SCRAP PROCESSING YARD:** Any area, lot, land, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale, salvage, dismantling, wrecking, cutting up, compressing or disposal of junk, scrap, motor vehicles, trailers, boats, recreational vehicles, or any parts thereof.

**SCENIC BYWAY:** A corridor designated by the State of Kansas and the Federal Highway Administration that follows the guidelines and policies of the National Scenic Byway Program. See Article IX of these regulations.

**SCHOOL:** A publicly or privately owned institution for the teaching of children or adults including preschools, primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

**SCRAP PROCESSING YARD/SALVAGE STORAGE YARD/JUNK YARD:** Any area, lot, land, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale, salvage, dismantling, wrecking, cutting up, compressing or disposal of junk, scrap, motor vehicles, trailers, boats, recreational vehicles, or any parts thereof.

**SCREENING:** Walls, fences, hedges, berms, evergreen trees or any combination thereof that is designed to obstruct land uses from view.

**SETBACK:** The required minimum distance between the building line and the related front, side, and rear property line.

**SHOOTING RANGE:** A firing range used exclusively for the discharge of firearms.

**SMALL-SCALE NON-AGRICULTURAL COMMERCIAL BUSINESS:** A small-scale commercial business operated or maintained by the owner or occupant of the land upon which the activity is being conducted. The outdoor storage or parking of automotive salvage shall not be permitted as a small-scale business.

**SORORITY HOUSE/FRATERNITY:** A building housing the members of a fraternity or sorority group living together under cooperative arrangements as distinguished from a boarding or lodging house or club.

**SPECIAL USE:** A land use permitted in all zoning districts subject to conditions pursuant to Article XI of these Regulations.

**STORAGE RENTAL FACILITY:** A facility that is privately owned and operated that is subdivided into self storage spaces which are rented or leased to tenants for

the purpose of storing personal property usually on a monthly basis.

**STREET:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles (Road).

**STRUCTURE:** Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, but not including fences.

**TEMPORARY USE:** Uses permitted in each zoning district unless restricted to particular zoning districts, subject to specific regulations and time limits and the other applicable regulations of the district in which the use is permitted.

**UNINCORPORATED AREA:** That portion of Barton County lying outside any incorporated city.

**USE:** Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

**VETERINARY CLINIC/HOSPITAL:** A facility where animals are given medical care and the boarding of animals is incidental to the clinic/hospital use.

**WECS:** See Article VIII of these Regulations for compliance and definitions.

**YARD:** That area required by these Regulations to be open space, unoccupied, and unobstructed from its lowest level to the sky, except for structures permitted by these Regulations.

**YARD, FRONT:** A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the minimum front yard. On a corner lot, each yard that abuts a front lot line shall be considered a front yard, except that on corner lots having frontages on three (3) public rights-of-way, the right-of-way from which access is prohibited by plat, covenant or easement shall be considered a rear lot line.

**YARD, REAR:** A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the minimum rear yard. In the case of a corner lot, there shall be no rear yard as defined, and in such case the sides opposite the street sides shall be considered as side yards for setback purposes. In the case of a through lot with one side abutting an arterial street, the yard abutting the street that does not give access to the lot shall be considered the rear yard.

**YARD, SIDE:** A yard extending along a side lot line and back to a line drawn

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**Construction and Definitions**

parallel to the side lot line at a distance therefrom equal to the width of the minimum side yard, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of these regulations refer to the required width of each side yard rather than to the width of both side yards, unless otherwise specified.

ZONING ADMINISTRATOR: The Barton County Zoning Administrator.