

VISION 2025 AMENDMENTS

The following amendments to the Zoning Regulations and Subdivision Regulations of Riley County are proposed to provide for more efficient and equitable administration and to implement the recommendations in Vision 2025 – A Comprehensive Plan for Riley County, Kansas.

RILEY COUNTY ZONING REGULATIONS

For all references to “A” zoning districts throughout the Zoning Regulations, replace “A” with “SF”.

Amend Section 1 as follows: (Deletions are shown as strikethroughs and additions are shown in italics)

SECTION 1 – INTRODUCTION AND PURPOSE

3. These regulations are made and adopted in accordance with Kansas Statutes Annotated, ~~1973 Supplement~~, Sections 19-291408 ~~through and~~ 19-292621, ~~Sections 12-725 through 12-733~~, and Kansas Statutes Annotated, ~~1973 Supplement~~, Sections 12-73441 through 12-73571 and in accordance with the *Land Use Comprehensive Plan* of Riley County, Kansas and are designed to:

SECTION 2 – DEFINITIONS

Delete the definition of AGRICULTURE USE and replace it with the following:

AGRICULTURE USE: The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agriculture use shall not include commercial greenhouses and those lands which are used for recreational purposes, suburban residential acreages, rural home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition. This definition shall include equipment and/or facilities necessary to prepare agricultural products for transport to market but shall not include equipment and/or facilities for the processing of a raw agricultural product into a value-added agricultural product.

Delete the definition of CHILD CARE and replace it with the following:

CHILD CARE:

CHILD CARE CENTER: A facility, other than a day care home, wherein children (not related to the provider) are provided care, health, safety, supervision or guidance, on a regular basis for a portion of a 24-hour day.

DAY CARE HOME: A private residence wherein children (not related to the provider) are provided care, health, safety, supervision or guidance, on a regular basis for a portion of a 24-hour day. A maximum of up to ten (10) children may be cared for in accordance with state regulations.

GROUP HOME: Any dwelling occupied by not more than 10 persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) 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. Eligibility for placement in a group home shall be pursuant to K.S.A. 12-736(c)(1) and (2).

Delete the definition of KENNEL and replace it with the following:

KENNEL: An establishment, except a veterinary clinic operated by a licensed veterinarian, where four (4) or more dogs or cats, or combination of both, are boarded or trained for a fee or compensation.

Delete the definition of STABLE, PRIVATE and STABLE, PUBLIC replace it with the following:

STABLE, COMMERCIAL (major): A structure or land use designed, arranged or intended for the keeping of more than two (2) equines for compensation, not including an equestrian center/arena.

STABLE, COMMERCIAL (minor): A structure or land use designed, arranged or intended for the keeping of not more than two (2) equines for compensation, not including an equestrian center/arena.

EQUINE FACILITY, PRIVATE: A structure or land use designed, arranged or intended for the keeping of equines for private use and not for compensation.

EQUESTRIAN CENTER/ARENA: Facilities, either indoor or outdoor, for the conduct of equestrian events for compensation, which may include boarding of equines.

EQUESTRIAN EVENT: Any exhibition, training, educational, recreational, therapeutic or competition activities involving equines.

Delete the definition of WIND ENERGY CONVERSION SYSTEMS, NON-COMMERCIAL and replace it with the following:

WIND ENERGY CONVERSION SYSTEM, SMALL: A wind driven machine, less than 175 feet in height, that converts wind energy into electrical power for the primary purpose of on-site use and not for commercial power production.

Insert the following new definitions:

ACCESSORY APARTMENT: A secondary independent (i.e. separate kitchen, bathing and sleeping areas) dwelling unit, clearly subordinate to and contained within a principal single-family dwelling or its accessory detached garage.

ADJACENT: Within close proximity, but not necessarily adjoining.

ADJOINING: Contiguous, abutting, or sharing a common boundary.

AGRICULTURAL EQUIPMENT: Any implements used on a farm or ranch to help with the operation.

AGRICULTURAL ORGANIZATIONS: National, state or local entities that support agriculture including, but not limited to, the National Cattleman's Association, the Kansas Farm Bureau, the Kansas Livestock Association, and the Riley County Livestock Association.

AGRICULTURAL PRODUCT: Any commodity resulting from an agricultural activity.

AGRICULTURAL PRODUCT, VALUE-ADDED: The increase in value of an agricultural product as a result of a change in the physical state or form of such product (such as milling wheat into flour or making strawberries into jam).

AGRICULTURAL PROGRAMS: Government sponsored mechanisms to support the viability of agricultural operations and/or the land upon which agricultural activities occur. Examples include, but are not limited to, commodity subsidies, crop insurance, and conservation programs.

AGRICULTURAL ROADSIDE STAND: A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of agricultural products.

AGRITOURISM: A commercial enterprise at a farm, ranch or vineyard which allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including, but not limited to, farming activities, ranching activities or historic cultural or natural attractions. These enterprises provide opportunities for urban populations to experience agriculture. Agritourism can include farm stands, Ag tours, wildlife viewing or bird watching, festivals, farm-animal petting zoos, wine tasting or "pick-your-own" operations. An activity may be agritourism whether or not the participant pays to participate. An activity is not agritourism if the participant is paid to participate. An activity may also be agritourism whether or not the activity is registered with the state as an agritourism activity.

AMATEUR RADIO SERVICE: A Federal Communications Commission (FCC)-licensed radio communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs (i.e. duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest), including amateur satellite service using stations on earth satellites for the same purpose and radio amateur civil emergency service as defined in federal regulations.

AMATEUR STATION: A station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications, including such appurtenances and other structures as may be necessary to support, stabilize, raise, lower or otherwise adjust the antennas.

ANIMAL SHELTER: A facility which is used or designed for use to house, contain, impound, or harbor any seized stray, homeless, relinquished or abandoned animal or a person that acts like an animal rescuer, or collects and cares for unwanted animals or offers them for adoption. Animal shelter also includes a facility of an individual or organization, profit or non-profit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.

ANTENNA: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves for telephonic, radio, or television communications. This includes omni-directional (whip) antennas, a sectorized (panel) antennas, microwave dish antennas, multi-bay or single-bay (frequency modulation and television), yagi, or parabolic (dish) antennas, but does not include satellite earth stations.

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

CLEAR-CUTTING: The large-scale, indiscriminate removal of trees, shrubs and undergrowth with the intention of preparing real property for nonagricultural purposes.

COMMERCIAL USE: Activity involving the sale of goods or services carried out for profit.

COMMUNICATION FACILITY: A Federal Communications Commission (FCC)-licensed facility designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communication devices and equipment, excluding amateur radio services.

DRYLOT: A fenced enclosure free of vegetation used for the containment, feeding or fattening of livestock.

GLARE: The effect produced by light from a luminaire or reflection of sunlight with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

HEAVY EQUIPMENT: A wide variety of relatively heavy machines and vehicles, either motorized or non-motorized, which perform specific construction or demolition functions. Examples include, but are not limited to, road construction equipment, excavating equipment, transport vehicles (e.g. tractor trucks, carrier trucks, dump trucks), utilitarian vehicles (e.g. towing trucks, boom trucks, concrete mixer trucks), commercial construction equipment (e.g. cranes, forklifts) and any attachments to such equipment (e.g. loader buckets, excavator shears, truck snow blades).

HOBBY FARM: A small holding or farm maintained without expectation of profit or as a primary source of income. For purposes of these regulations, this definition shall exclude residential structures.

LEAST VISUALLY OBTRUSIVE: The design of a communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

LIVESTOCK: Any mammal or fowl customarily kept by humans for the purpose of providing food, clothing or work.

METEOROLOGICAL TOWER (“MET TOWER”): A tower used at a potential project site which has equipment attached to it designed to assess wind resource. Generally a met tower will have anemometers, wind direction vanes, temperature and pressure sensors, and other measurement devices attached to it at various levels above the ground.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or inoperable vehicles.

PARK, ACTIVE USE (PRIVATE): A natural or landscaped area, buildings, or structures provided by private persons, entities, groups, to meet the active recreational needs of people, but may also include passive recreational uses.

PARK, ACTIVE USE (PUBLIC): A natural or landscaped area, buildings, or structures provided by a unit of government, to meet the active recreational needs of people, but may also include passive recreational uses.

PARK, PASSIVE USE (PUBLIC OR PRIVATE): Any public or private open space with natural vegetation and/or landscaping available for recreational, educational, cultural or aesthetic use featuring primarily passive activities, but may include limited active uses such as children’s playground equipment, unlighted playing fields and courts, and similar low impact uses (shall not include dog parks).

PUBLIC UTILITY: Any organization, whether publicly or privately owned, which provides to the general public the generation, transmission, and/or distribution of electricity, gas, steam, and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure-time activities.

RECREATIONAL FACILITY, COMMERCIAL (OUTDOOR): A recreational facility operated as a business and open to the general public for a fee which includes uses predominantly conducted outside of a building, excluding amusement parks, motorized vehicle racetracks and riding trails, shooting and archery ranges.

RECREATIONAL FACILITY, PERSONAL: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure-time activities provided as an accessory use on the same lot or parcel as the principal single-family residence, and intended for the use of the occupants and their guests.

RECREATIONAL FACILITY, PUBLIC: Publicly owned or operated recreational facilities.

RECREATIONAL VEHICLE (RV): A vehicle built on a single chassis, containing 400 square feet or less when measured at the largest horizontal projections and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house boats and campers.

RURAL RESORT, RETREAT OR EVENTS CENTER: A facility, located in a rural setting, used for conferencing, training, educational, recreational or social activities, which may include meeting facilities, kitchen and dining facilities, recreational amenities and lodging accommodations intended for participants/guests and not for the transient general public.

SECONDARY DWELLING: A separate and complete (i.e. kitchen, bathing and sleeping areas) residential structure, clearly subordinate to the principal single-family dwelling located on the same lot or parcel, occupied by a person or persons either employed on the premises or related by blood, marriage or adoption to the occupant(s) of the principal dwelling.

SETBACK: The minimum distance by which any building or structure must be separated from a right-of-way or property line.

SHOOTING RANGE (OUTDOOR): An area of land reserved or specially designed for archery and/or the discharging of firearms (excluding paintball guns) for the purposes of exhibition, training, educational, recreational, therapeutic or competition activities. Excluded from this use type shall be general hunting, as well as archery and the discharging of firearms conducted solely by an individual property owner and/or their guest(s), provided no fee is assessed for the activity. Guests shall not include organized groups.

SMALL-SCALE BUSINESS: Commercial enterprise employing three (3) persons or less, not including the owner or operator.

SOLAR COLLECTOR: A device or structure that transforms sunlight into thermal, chemical or electrical energy.

SOLAR ENERGY CONVERSION SYSTEM, COMMERCIAL: An assembly consisting of a solar collector, an energy storage facility (where used), and components for the distribution of transformed energy, for the primary purpose of sale, resale, or off-site use.

SOLAR ENERGY CONVERSION SYSTEM, NON-COMMERCIAL: An assembly consisting of a solar collector, an energy storage facility (where used), and components for the distribution of transformed energy, for the primary purpose of on-site use and not for commercial power production.

STATE-OF-THE-ART: The highest level of development (of a device, procedure, process, technique, or science) at a particular time, using the most modern and recently developed methods, materials, or knowledge.

STREAM: A channel such as a river or creek that carries flowing surface water, including perennial streams, intermittent streams and ephemeral streams with defined channels, and excluding man-made irrigation and drainage channels.

STREAM BANK: The land area immediately above and regularly confining a water body, usually marked by a break in slope and/or the lack of vegetation. The height of a stream bank is the difference in elevation between the top of the bank and the water at the low flow elevation.

STREAM, EPHEMERAL: A stream that only exists for a short period following precipitation or snowmelt.

STREAM, INTERMITTENT: A stream which carries water a considerable portion of the time, but which ceases to flow occasionally or seasonally because bed seepage and evapotranspiration exceed the available water supply.

STREAM, PERENNIAL: A stream that has continuous flow in parts of its bed all year round during years of normal rainfall.

STREAM ORDER: The designation by a dimensionless integer series (1, 2, 3 ...) of the relative position of stream segments in the network of a drainage basin (also known as channel order), more specifically described as follows:

1. First Order – A stream that has no permanent tributaries.
2. Second Order – A stream formed by the confluence of two first order streams, or of a first order stream and a second order stream.
3. Third Order – A stream formed by the confluence of two second order streams, or of a second order stream and a third order stream.

4. Fourth Order – A stream formed by the confluence of two third order streams, or of a third order stream and a fourth order stream.

TEMPORARY STRUCTURE: means a structure permitted in a district for a period not to exceed 180 days and shall be removed upon the expiration of the permit period. Temporary structures may include recreational vehicles, temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, but at no time shall it include manufactured homes used as residences.

VECTOR: Any agent (person, animal, insect or microorganism) that carries and transmits disease.

Insert new Section 3A as follows:

SECTION 3A – DETERMINATION OF AGRICULTURAL USE EXEMPTION

1. PURPOSE

The State of Kansas has given Kansas counties the authority to develop and adopt zoning regulations for their unincorporated areas. However, K.S.A. 19-2908 mandates “except for floodplain regulations in areas designated as a floodplain, regulations adopted pursuant to [the county planning and zoning enabling act] shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings erected thereon are used for agricultural purposes and not otherwise.” No definition of agricultural purpose or use is provided in this section of the Kansas statutes.

The Kansas Attorney General (96-89 Op. Att’y Gen. 3, 1996) has summarized the “agricultural purpose” test as follows: “The agricultural use must be substantial enough to indicate that the owner is not masking a residential use of the property with an agricultural pretense as a ruse to gain exemption from zoning regulations.” The purpose of this section is to outline a process and specific criteria by which agricultural exemptions may be determined and granted in Riley County in accordance with the requirements of K.S.A. 19-2908.

2. AUTHORITY

The Director of the Riley County Planning & Development Department is hereby granted the authority to determine when an agricultural use exemption is warranted in accordance with the criteria specified in this section. Upon such determination, the Director shall issue a letter granting the exemption and a record of such exemption shall be maintained by the Department. Any person not in agreement with the Director’s determination may appeal the decision to the Riley County Board of Zoning Appeals. In the case of an appeal, an application fee shall be charged, but will be refunded if the Board of Zoning Appeals grants the exemption.

3. REQUIREMENTS FOR ALL EXEMPTIONS

To receive an agricultural use exemption, the landowner requesting the exemption must complete and submit an application, on forms provided by the Department, along with all required supplemental documentation. No application fee shall be charged for an agricultural exemption determination.

4. EXEMPTION FOR SUBDIVISION WITHOUT A RESIDENCE

The most basic exemption is for subdivision (i.e. splitting of land by deed into separate tracts) of agricultural land without requiring platting and/or rezoning, when no residence is to be constructed on the property. This exemption may be granted when either of the following two conditions is present:

- a. All the tracts created by the subdivision are and will continue to be in agriculture use as defined in these regulations.
- b. All the tracts created by the subdivision are or will be in the ownership of a person or persons determined to be a bona fide agricultural producer.

When granting this exemption, the notification to the landowner or landowners must state that this exemption is only valid so long as no residence is to be constructed on any of the subject tracts.

5. EXEMPTION FOR A RESIDENCE, WITH OR WITHOUT SUBDIVISION

When a residence is proposed to be constructed on an existing agricultural tract or on any tracts to be created by a subdivision of land, the Director must determine a significant agricultural operation exists or is planned which would warrant a residence to support the operation. In making this determination, the following criteria shall be used:

- a. There must be an agriculture use, as defined herein, on the subject property or on adjoining or nearby property owned or leased by the applicant, which in total constitutes a significant agricultural operation. If the land constituting the agricultural operation is greater than five (5) miles from the proposed location of the residence, the applicant must provide an explanation of how the proposed residence is supporting an agricultural purpose despite its remoteness from the agricultural operation.
- b. A significant agricultural operation cannot be defined in precise terms but shall include the following minimum standards:
 - 1) The applicant must have filed a Schedule F, Profit or Loss from Farming, with the Internal Revenue Service for the preceding year. If the applicant is a new agricultural producer and does not have a record of a Schedule F, the applicant must submit an approved business plan, approved loan from a lending institution or similar documentation demonstrating the applicant's significant investment in the agricultural operation; and

- 2) The amount of land in agriculture use which constitutes the entire agricultural operation of the applicant must be at least three (3) acres.
- c. The applicant must demonstrate they are “engaged in agriculture”. For purposes of granting the exemption, “engaged in agriculture” shall include, but not be limited to, one or more of the following actions:
- 1) The applicant must inspect the agricultural operation periodically and furnish at least half the direct cost of the operation;
 - 2) The applicant must regularly and frequently make or take an important part in management decisions substantially contributing to or affecting the success of the agricultural operation;
 - 3) The applicant must perform physical work, which substantially contributes to the agricultural operation.
- d. Other criteria which the Director may use in determining the appropriateness of granting an agricultural use exemption includes but is not limited to:
- 1) Amount of livestock owned by the applicant;
 - 2) Amount of agricultural equipment owned by the applicant;
 - 3) Amount of agricultural products produced and sold or exchanged for goods and services;
 - 4) Enrollment in federal or state agricultural programs;
 - 5) Membership in agricultural organizations.

6. EXEMPTION FOR ADDITIONAL RESIDENCE

In determining an exemption for an additional residence, for a family member or a farm or ranch worker, on the same tract as the owner or operator’s residence, the Director shall use the same criteria as listed in subsection 5 above. The Director shall determine the occupant of the proposed additional residence is sufficiently “engaged in agriculture” to warrant the exemption.

SECTION 8 – G ZONES REGULATIONS

Amend as follows: Delete entire section and replace with the following:

SECTION 8 - AGRICULTURAL DISTRICT (AG)

1. PURPOSE

The purpose of the AG, Agricultural district is to implement the goals, objectives and policies of Chapter 5: Agricultural Preservation and Rural Character of Vision 2025, A Comprehensive Plan for Riley County, Kansas. The district is intended to promote and protect agricultural land uses and present and future agricultural operations. The

standards of the AG district are designed to permit development compatible with existing rural character and agricultural uses. Rezoning of AG zoned land shall only be completed using the Riley County Development Guidance System, adopted herein by reference.

2. RESIDENTIAL USE DESIGNATORS

Intent

The intent of the residential use designators is to provide flexibility within the AG district to allow non-agricultural residential uses (i.e. residential uses not associated with an agricultural use as defined in these regulations) in agricultural areas without having to rezone to a residential district.

Process for Establishing a Residential Use Designator

The conditions under which a non-agricultural residential use may receive a residential use designator are described in this section. When approved, such non-agricultural residential uses shall be identified with a residential use designator (-R) following the (AG) zoning district classification. An applicant may request the Director apply a residential designator based on the submission of a site plan. Once the Director has determined the residential designator is appropriate, based on the standards identified in this section, it shall be reviewed and approved by the Riley County Planning Board. Appeal of the planning board determination may be made to the Riley County Board of Commissioners. Residential use designators may be granted in the following four (4) situations only:

A. Extraneous Farmstead

An extraneous farmstead is a dwelling, with or without adjacent agricultural service buildings, which no longer forms an essential or vital part of an agricultural operation. Reasons for this may vary from the agricultural producer desiring to construct a new residence at a different location to the operator deciding to retire from agriculture and therefore seeking residence off the farm or ranch. Consequently, the agricultural operator desires to sell the former residence, with some acreage, for a non-agricultural use.

Conditions for Approval

1. The site to be divided from the existing agricultural operation should be the minimum required to accommodate the existing residence and any outbuildings or to accommodate a site that is logically separated from the existing agricultural operation. Conversion of existing productive agricultural land should be avoided.
2. The site shall be large enough to meet sanitary code minimum requirements.
3. A residential use designator for an extraneous farmstead is limited to one per original parent agricultural tract.
4. The site must be platted and must meet all requirements for a plat, including adequate public road access as specified in the subdivision regulations. The platted lot may not be further subdivided unless approved through the standard platting/rezoning process.

5. An Agricultural Protection Easement (APE), as specified in Section 21A, shall be filed with the plat.

B. Reconversion Lot

There may be individuals who have purchased a 20-acre or larger tract for the purpose of establishing a non-agricultural home site, who may desire a smaller acreage. The purpose of this option is to allow these individuals to easily transfer the unwanted acreage to an agricultural producer for the purpose of re-establishing and/or maintaining an agricultural use. The residential use designator allows a small lot to be subdivided from the larger tract for the property to retain or sell. The remainder of the tract may then be sold for agricultural use. There may also be smaller than 20-acre tracts with a residence that are zoned agricultural where the owner may desire to do the same. To provide maximum flexibility, this option may be used on any tract that is at least 5 acres in size.

Conditions for Approval

1. The reconversion lot to be created should be the minimum required to accommodate the existing or future residence and any existing or future outbuildings or to accommodate a site that is logically separated from the remaining tract. Inclusion of existing productive agricultural land should be avoided.
2. The site shall be large enough to meet sanitary code minimum requirements.
3. A residential use designator for a reconversion lot is limited to one per original parent tract.
4. The reconversion lot must be platted and must meet all requirements for a plat, including adequate public road access as specified in the subdivision regulations. The platted lot may not be further subdivided unless approved through the standard platting/rezoning process. The remainder of the tract is not required to be rezoned or platted.
5. An Agricultural Protection Easement (APE), as specified in Section 21A, shall be filed with the plat.

C. Isolated Homesite

Isolated homesite is a tract of land within the AG district that is not desirable for agricultural use due to physical constraints that isolate the tract from other agricultural lands and therefore make it difficult to use for agricultural production. The intent is to allow these non-productive, isolated sites to be used for non-agricultural rural homes in limited number.

Conditions for Approval

1. The site must be isolated on all sides from surrounding agricultural lands by a state, county or township road (not including driveways or private roads) and one or more of the following criteria:

- a. Change in topography that limits the movement of farm equipment;
 - b. Water (river, stream, lake, or pond);
 - c. Significant tree stand that visually screens the site from adjoining property; or
 - d. Differences in ownership that restrict access to the site.
2. The isolated homesite lot to be created should be the minimum required to accommodate a new residence and any accessory buildings or to accommodate a site that is logically separated from the remaining tract. Inclusion of existing productive agricultural land should be avoided.
 3. The site shall be large enough to meet sanitary code minimum requirements.
 4. A residential use designator for an isolated homesite is limited to a density of one (1) residence for each forty (40) acres per original parent agricultural tract.
 5. The isolated homesite lot must be platted and must meet all requirements for a plat, including adequate public road access as specified in the subdivision regulations. The platted lot may not be further subdivided unless approved through the standard platting/rezoning process. The remainder of the tract is not required to be rezoned or platted.
 6. An Agricultural Protection Easement (APE), as specified in Section 21A, shall be filed with the plat.
 7. A site plan is required as outlined in Section 21B.
 8. Any significant tree stand that isolates the tract shall be required to remain intact as much as possible to keep an agricultural buffer. Such area shall be identified on the site plan and shall become a condition of designator approval.
 9. An isolated homesite shall not be approved if it is located within the state required minimum separation distances from a permitted confined animal feeding operation.
 10. An isolated homesite shall not be approved if it is located within the Noise Zone II as identified by Fort Riley.

D. Country Estate

A country estate is 20-acre or larger tract of land within the AG district that is desired for a rural residential estate or hobby farm that does not meet the definition of agricultural use and therefore does not qualify for an Agricultural Exemption. The intent is to allow these larger estate tracts, where appropriate, to provide opportunity for larger tract residential living without creating significant blocks of residentially zoned land in the rural areas.

Conditions for Approval

1. The country estate lot shall be 20 acres or larger.
2. Approval shall only be granted following an analysis using the Development Guidance System and a determination that the proposal is compatible with surrounding uses by using the following criteria:
 - a. The site shall not be located within the state required minimum separation distances from a permitted confined animal feeding operation;
 - b. The site shall not be located within the Noise Zone II as identified by Fort Riley;
 - c. The site shall not score “Strong Finding for Preservation” using the Land Evaluation/Site Assessment system; and
 - d. The site should be located in an area where 20-acre home site parcel(s) already exist within ¼-mile from the site.
3. A residential use designator for a country estate is limited to one per original parent tract.
4. Country estate parcels are not required to be platted but must have adequate frontage on a public road and must meet the minimum sanitary code requirements.
5. An Agricultural Protection Easement (APE), as specified in Section 21A, shall be filed with the plat.
6. A site plan is required as outlined in Section 21B.

Residential Use Designator Dimensions and Development Standards

Residential use designator lots shall conform to the following provisions:

A. Dimensions

Residential use designator lots shall conform to all of the requirements for the AG district except that the minimum lot width required shall be 100 feet.

B. Development Standards

Residential use designator lots shall conform to Section 21C *Development Standards*.

C. Livestock Limitation

The keeping, feeding and maintenance of stock animals such as horses, cows, pigs, sheep, or goats shall be limited to one animal per acre. Fractional acres containing .75-acre or more shall constitute a full acre.

3. MINIMUM YARD REQUIREMENTS

Except as may be designated elsewhere for specific uses, all uses in the AG district shall conform to the following minimum yard requirements:

Front: 25 feet
Rear: 10 feet
Side: 10 feet

4. TABLE OF PERMITTED USES

Table 8.1 below lists the uses allowed within the AG district and residential use designator lots. All uses are defined in Section 2, *Definitions*. Approval of a use listed in Table 8.1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 8.1 and approved under the appropriate process is prohibited.

Explanation of Table Abbreviations

Permitted By-Right Uses

/P/ in a cell indicates the use is permitted by right in the district or residential use designator lot. Permitted uses that are not exempt agriculture uses are subject to all other applicable standards of the zoning regulations, including the use-specific standards in this section and the requirements of Section 21C, *Development Standards*.

Conditional Uses

/C/ in a cell indicates that, in the district or residential use area, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of Section 20. Conditional uses are subject to all other applicable standards of the zoning regulations, including use-specific standards in this section and the requirements of Section 21C, *Development Standards*.

Special Uses

/S/ in a cell indicates that, in the district or residential use area, the use is allowed only if reviewed and approved as a special use in accordance with the procedures of Section 22, *Special Use Permits*. Special uses are subject to all other applicable standards of the zoning regulations, including the use-specific standards in this section and the requirements of Section 21C, *Development Standards*.

Incompatible Uses

Uses not specifically permitted in Table 8.1 are not permitted in the AG district or residential use designator lots unless otherwise interpreted by the Director pursuant to the procedure outlined herein. In general, uses and activities that: induce non-agricultural development, generate traffic beyond typical rural levels, require substantial parking, or could pose a threat to agricultural water supplies are considered inconsistent with AG zoning.

Use-Specific Standards

Regardless of whether a use is allowed by right or permitted as a conditional or special use, there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table. Cross-references refer to Subsection 6, *Use-Specific Standards*. These standards apply in the district and all residential use designator lots unless otherwise specified.

Table Organization

In Table 8.1, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or

services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories; and, specific uses may be listed in one category when they may reasonably be listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

Classification of New and Unlisted Uses

The county recognizes that new types of land use will develop and applicants may seek to locate forms of land use not anticipated in these regulations in the county. When application is made for a use category or use type that is not specifically listed in Table 8.1, the Director shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:

- A. The Director shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Director shall consider the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
- B. Standards for new and unlisted uses may be interpreted as those of a similar use.
- C. Appeal of the Director's decision shall be made to the Riley County Board of Zoning Appeals.

TABLE 8.1 AG DISTRICT AND SUBDISTRICT TABLE OF ALLOWED USES

USE CATEGORY	USE TYPE	GENERAL AG DISTRICT	RESIDENTIAL USE DESIGNATOR LOTS	USE-SPECIFIC STANDARDS Use-specific standards in Subsection 6 or other sections of the zoning regulations may apply as noted.
AGRICULTURAL USES				
Agriculture	Agriculture (normal and customary, including crops, pasture, raising of livestock)	P	P	
	Hobby Farm	P	P	Subsection 6
Agriculture Support Uses	Agricultural research facility	C	--	
	Confined Animal Feeding Operation Small (CAFO)	P	--	State/Federal Regulations
	Confined Animal Feeding Operation Large (CAFO)	C	--	State/Federal Regulations
	Agritourism	P	--	Subsection 6
	Farm machinery repair	C	C	
	Small-scale business	C	C	Subsection 6
	Agricultural roadside stand	P	P	Subsection 6
Animal Services	Public animal shelter	S	--	Subsection 6
	Private animal shelter	C	--	Subsection 6
	Kennel	C	C	Subsection 6
	Veterinary clinic/hospital	C	C	Subsection 6
	Stable, commercial (major)	C	C	Subsection 6
	Stable, commercial (minor)	P	P	Subsection 6

TABLE 8.1 AG DISTRICT AND SUBDISTRICT TABLE OF ALLOWED USES

USE CATEGORY	USE TYPE	GENERAL AG DISTRICT	RESIDENTIAL USE DESIGNATOR LOTS	USE-SPECIFIC STANDARDS Use-specific standards in Subsection 6 or other sections of the zoning regulations may apply as noted.
RESIDENTIAL USES				
Household Living	Dwelling, agricultural single-family (including earth-sheltered and residential design manufactured home)	P	P	Manufactured home must be on permanent foundation
	Dwelling, non-agricultural single-family (including earth-sheltered and residential design manufactured home)	--	P	Manufactured home must be on permanent foundation
	Accessory apartment	P	P	Subsection 6
	Secondary dwelling	C	C	Subsection 6
	Group home	--	P	
PUBLIC AND INSTITUTIONAL USES				
Community and Cultural Facilities	Public cemetery/pet cemetery	S	--	Section 22
	Private cemetery/pet cemetery	C	--	
	Community center	S	--	Section 22
	Civic center	S	--	Section 22
	Private social, fraternal lodge	C	--	
Day Care Facilities	Child care center	C	--	
	Day care home	P	P	
Educational Facilities	School, public	S	--	Section 22
	School, private	C	--	
Health Care Facilities	Clinic, public	S	--	Section 22
	Clinic, private	C	--	
	Public hospital	S	--	Section 22
	Private hospital	C	--	
Parks and Open Space	Green open space	P	P	
	Park, active use (public)	S	--	Section 22
	Park, active use (private)	C	--	
	Park, passive use (public or private)	P	P	
	Public or private community garden	P	P	
Public Utilities and Facilities	Fire, EMS and/or rescue station	S	S	Section 22
	Police station or substation	S	S	Section 22
	Public solid waste management facility	S	--	Section 22
	Private solid waste management facility	C	--	
	Public utility	S	--	Section 22
Religious Assembly	All uses	C	C	

TABLE 8.1 AG DISTRICT AND SUBDISTRICT TABLE OF ALLOWED USES

USE CATEGORY	USE TYPE	GENERAL AG DISTRICT	RESIDENTIAL USE DESIGNATOR LOTS	USE-SPECIFIC STANDARDS Use-specific standards in Subsection 6 or other sections of the zoning regulations may apply as noted.
PUBLIC AND INSTITUTIONAL USES (con't)				
Communications	Communication facility	C	C	Subsection 6
	Amateur Radio Service	P	P	
Transportation Facility	Public airport/airfield	S	--	Section 22
	Private airport/airfield	C	--	
	Public park-and-ride lot	S	--	Section 22
COMMERCIAL USES				
Agricultural	Grain elevator	C	--	May include sales of related items such as seed, feed, fertilizers, and insecticides
	Hunting lease	P	P	Structures are prohibited
	Greenhouse or nursery (no retail)	C	--	
Alternative Energy	Solar energy conversion system , commercial	S	--	Subsection 6, Section 22
	Wind energy conversion systems, commercial	S	--	Section 22
	Meteorological tower	P	P	Subsection 6
Meeting Facilities	Rural resort, retreat or events center	C	--	Subsection 6
Recreation and Entertainment (Outdoor)	Equestrian center/arena	C	--	Subsection 6
	Recreational facility, commercial (outdoor)	C	--	Subsection 6
	Recreational facility, public	S	--	Section 22
	Shooting range (outdoor)	C	--	Subsection 6
Retail Sales	Greenhouse or nursery (with retail)	C	--	Subsection 6
Visitor Accommodations	Bed and breakfast	P	P	Subsection 6
	Campground/Recreational vehicle (RV) park	C	--	Subsection 6
	Hunting lodge or guest ranch	C	--	(see rural resort, retreat or events center)

TABLE 8.1 AG DISTRICT AND SUBDISTRICT TABLE OF ALLOWED USES

USE CATEGORY	USE TYPE	GENERAL AG DISTRICT	RESIDENTIAL USE DESIGNATOR LOTS	USE-SPECIFIC STANDARDS Use-specific standards in Subsection 6 or other sections of the zoning regulations may apply as noted.
INDUSTRIAL USES				
Resource Extraction	Borrow pit (5 acres or less)	P	--	Section 22A
	Borrow pit (> 5 acres)	C	--	Section 22A
	Mining and quarrying	C	--	Section 22A
	Oil or gas drilling	P	--	Subsection 6
Warehouse and Storage	Commercial storage and distribution of anhydrous ammonia or propane	C	--	Subsection 6
ACCESSORY USES				
	Accessory use/structure	P	P	
	Greenhouse (accessory to single-family dwelling)	P	P	
	Home occupation (accessory to single-family dwelling)	P	P	Section 19
	Outdoor storage	P	P	Subsection 6
	Recreational facility, personal	P	P	Subsection 6
	Solar energy conversion system, non-commercial	P	P	Subsection 6
	Equine facility, private	P	P	
	Wind energy conversion system, Small	P	P	Subsection 6
TEMPORARY USES				
	Asphalt/concrete batch plant	C	--	For duration of construction project; approvals limited to 1 year

5. GENERAL USE STANDARDS

A. Animals Other than Household Pets

Animals other than household pets shall not be kept:

 Within a dwelling;

 Within 20 feet of a dwelling; or

 Within 60 feet of the front property line of the building site.

Housing and caging of animals shall be adequate and in accordance with the requirements of the county or state sanitary codes.

B. Abandonment or Discontinuation of Use

Applicability: Quarrying, mining, oil and gas exploration, drilling and production or sanitary landfills.

When these uses are abandoned or discontinued, the land shall be returned as nearly as practical to its original condition within 60 days following notification in writing by the Planning & Development Department.

6. USE SPECIFIC STANDARDS

The following regulations shall apply to the individually-identified uses.

A. Accessory Apartment

Number limitation

There shall be no more than one accessory apartment on a lot or parcel in addition to the principal single-family dwelling. An accessory apartment shall not be permitted on a parcel that includes a secondary dwelling.

Size

No accessory apartment shall exceed 40 percent of the total square footage of the principal structure, or 1,000 square feet, whichever is less.

Occupancy

The owner of the lot or parcel shall occupy either the principal single-family dwelling or the accessory apartment.

Parking

At least one off-street parking space shall be provided for each bedroom within the accessory apartment.

Design

If the accessory apartment is an addition to an existing structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the original building. Exterior finish materials and trim must be the same or closely match the appearance of the finish materials and trim of the original building.

Sanitary

The owner of the lot or parcel shall obtain Health Department approval prior to the establishment of an accessory apartment.

B. Agricultural Roadside Stand

Sales shall be limited to locally grown products.

The stand may be located within a required front yard, but not within the public right-of-way.

No stand shall be more than 300 sq. ft. in ground area and shall be limited to one (1) per lot or parcel.

C. Agritourism

Minimum Parcel Size

The minimum parcel size shall be three (3) acres. Uses specifically listed as a permitted or conditional use in other zoning districts or as a conditional use in the AG district, shall not be permitted within the Agritourism use category, unless otherwise specifically authorized herein.

Product Sales

Sale of agricultural products grown or raised by the owner of the land on which

the agritourism activity is conducted shall be unlimited. Sale of agricultural products grown or raised elsewhere and sales of non-agricultural products combined shall be limited to 25% of gross sales.

Structure Limitations

Structures established specifically for agritourism uses shall not exceed 2,000 square feet. Larger structures may be permitted by conditional use approval. The number of such structures shall be limited to one (1) per each three (3) acres up to a maximum of three (3). Additional structures may be permitted by conditional use approval.

Special Events

Special events associated with an agritourism use (e.g. concerts, non-profit benefits, wedding ceremonies, catered food events, and harvest festivals) shall be governed by Section 22B – Special Events.

Ancillary Uses

Uses associated with an agritourism activity which are not specifically agriculture related (e.g. children’s inflatable rides, children’s play area, picnicking area) are permitted provided they do not constitute the primary use or attraction and generate additional traffic to the site.

Owner

The use shall be operated or maintained by the owner, or occupant of the land upon which the activity is being conducted.

Parking

Adequate parking areas (including parking for persons with disabilities), as determined by the Riley County Planning and Development Department or the Riley County Board of Zoning Appeals, whichever is appropriate, are required. Parking shall be provided on the same property as the agritourism activity to the fullest extent possible. Public rights-of-way shall be kept open and traversable (i.e. provides two-way flow of emergency vehicles), with no interference to public travel. Parking may not overlap onto adjoining property without advance written consent of the adjoining landowner(s).

D. Bed and Breakfast

Maintain Residential Appearance

No alteration of the dwelling, grounds or accessory buildings shall be done so as to make the premises recognizable as serving a non-residential purpose.

Parking

A minimum of one off-street parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 14- Minimum Parking and Loading Requirements.

Signs

One on-premises sign shall be allowed, with a size limit of two square feet on roads with a speed limit of 30 miles per hour or less, and six square feet on roads with a speed limit greater than 30 miles per hour. Internally illuminated signs are not allowed. Externally illuminated signs must meet the standards of Section 15- Signs and Exterior Lights, as applicable.

Receptions and Meals

No receptions, private parties, or similar activities shall be permitted, and no meals shall be served to the general public.

E. Campground/Recreational Vehicle (RV) Park

Non-Permanent Residence

Campgrounds and RV parks shall not be used as permanent residences, except for the owner or manager. Mobile homes/manufactured homes shall be prohibited.

Vehicles

No unlicensed or inoperable vehicles or vehicle parts shall be stored on the site.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Traffic

The site shall have access to a road of sufficient capacity and surface type to accommodate the traffic the use will generate.

Floodplain

Campgrounds and RV parks shall be prohibited in the 1% annual chance flood hazard area.

Sanitation

A sanitation plan must be submitted to and approved by the Health Department prior to the public hearing.

F. Commercial Storage and Distribution of Anhydrous Ammonia or Propane

Setback

Such uses shall not be located within 1000 ft. of any residential district boundary, church, school, or other place of public assembly.

G. Equestrian Center/Arena

Boarding Component

Facilities for the boarding of equine shall be subject to the standards identified for commercial stables.

Minimum Parcel Size

The minimum parcel size shall be three (3) acres.

Setbacks

No portion of the use, including but not limited to, parking areas, outdoor storage areas, animal waste storage areas and drylots, but excluding pasture areas, shall be located within 500 feet of a residential district; within 500 feet of a residence on adjoining property; or within 100 feet of a property line. Pasture areas may extend to the property line provided they do not become a drylot.

Sanitation

Manure shall be managed so as to minimize the impact of odors and vectors on neighboring properties. A manure management plan shall be required to be submitted with the conditional use application.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Traffic

The site shall have access to a road of sufficient capacity and surface type to accommodate the traffic the use will generate.

Visual Impact

The use shall be located and/or designed in a manner that mitigates the visual impact on the rural character of the area.

H. Greenhouse or Nursery (with retail)**Retail as Subordinate Use**

Retail activities, including structure(s), parking and display, shall be subordinate in area to the agricultural activity on-site.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Bulk Materials

The type of any bulk materials to be stored on any site shall be determined at the time of approval of the conditional use permit. Any materials approved for bulk outdoor storage shall not cause a hazard or nuisance to the health, welfare or safety of humans or animals.

Outdoor Storage

Outside storage is not allowed in any portion of the lot between a public street and a line or lines projected from the face(s) of the building to the lot lines. Outside storage shall be screened from view of public street or residential districts and/or uses by a screening device of not less than eight feet in height. Screening of outside storage within 50 feet of the street on which the building fronts shall be of the same materials as the building facade.

I. Hobby Farm**Minimum Parcel Size and Setbacks**

The minimum parcel size for a hobby farm shall be three (3) acres. Stock animals, such as horses, cows, pigs, sheep, goats or similar animals, shall be limited to one (1) animal per acre. Poultry shall be limited to twenty (20) animals per acre. No structure for the housing of farm animals shall be erected within 200 feet of a residence.

Structures for Fowl

Structures shall either be enclosed on all sides, or include individual pen doors that can be closed to mitigate noise during nighttime or early morning hours.

Waste

To avoid the risk of odors, stored manure shall be managed to prevent its spread onto adjoining properties. Manure and other organic waste shall be disposed of in a manner that prevents ground or surface water contamination.

J. Kennel, Animal Shelter (Public and Private), Veterinary Clinic/Hospital

The minimum parcel size shall be three (3) acres.

No portion of the use, including outdoor activity areas (such as runs or exercise areas), shall be located within 500 feet of a residential district; within 500 feet of a residence on adjoining property; or within 100 feet of a property line.

Runs or open spaces shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick or stone wall, louvered wood, stockade fence, or chain link fence (with aluminum strip intertwined) or other equivalent fencing, providing a sight barrier to the animals.

Outdoor activity areas shall be restricted to use during daylight hours, with the exception of necessary supervised activities.

K. Meteorological Tower (“Met Tower”)**Setbacks**

A tower shall be setback from property lines, overhead utility lines and public rights-of-way a distance equal to the height of the tower.

Airspace Obstructions

The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports, and for marking and lighting structures to promote aviation safety. Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for night time and medium-intensity flashing white lighting for daytime). Any tower located within Fort Riley’s identified critical area, must be approved by Fort Riley prior to the issuance of a building permit.

L. Oil or Gas Drilling

Such operations shall meet the requirements of the Kansas Corporation Commission.

Setback

No portion of the operation shall be located closer than 500 feet from any school, residential district boundary, or any residential district building other than a residential building occupied by the owner, lessee, or operator of the premises on which the operation is located.

M. Outdoor Storage

All outdoor storage in residential designator lots shall be entirely screened from view from any public road or adjoining residential use.

N. Recreational Facility, personal

Lighting

All exterior lighting must be shielded or directed away from any adjacent lot, parcel, street or residential use.

O. Recreational Facility, commercial (outdoor)

Minimum Parcel Size

The minimum parcel size shall be three (3) acres.

Lighting

All exterior lighting must be shielded or directed away from any adjacent lot, parcel, street or residential use.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Traffic

The site shall have access to a road of sufficient capacity and surface type to accommodate the traffic the use will generate.

Hours of Operation

Activities shall be limited to the hours between sunrise and 11:00 PM.

Setbacks

No portion of the facility shall be located within 100 feet of a residential district; within 100 feet of a residence on adjoining property; or within 25 feet of a property line.

Noise

The Board of Zoning Appeals shall consider the potential of any use to generate noise that may unreasonably disturb the peace, quiet or comfort of adjacent properties. A benchmark to use in considering annoyance caused by noise shall be whether or not the use generates 65 dBA or greater at the property line, the hours of the day this level of noise is generated and how often this level of noise occurs. If it is determined that such potential for disturbance of adjacent properties exists, the Board shall consider methods to mitigate such noise.

P. Rural Resort, Retreat or Events Center

Minimum Parcel Size

The minimum parcel size shall be three (3) acres.

Lighting

All exterior lighting must be shielded or directed away from any adjacent lot, parcel, street or residential use.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that

mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Traffic

The site shall have access to a road of sufficient capacity and surface type to accommodate the traffic the use will generate.

Visual Impact

The use shall be located and/or designed in a manner that mitigates the visual impact on the rural character of the area.

Noise

The Board of Zoning Appeals shall consider the potential of any use to generate noise that may unreasonably disturb the peace, quiet or comfort of adjacent properties. A benchmark to use in considering annoyance caused by noise shall be whether or not the use generates 65 dBA or greater at the property line, the hours of the day this level of noise is generated and how often this level of noise occurs. If it is determined that such potential for disturbance of adjacent properties exists, the Board shall consider methods to mitigate such noise.

Q. Secondary Dwelling

Minimum Parcel Size

The minimum parcel size shall be three (3) acres.

Number limitation

There shall be no more than one secondary dwelling on a lot or parcel in addition to the principal single-family dwelling. A secondary dwelling shall not be permitted on a parcel that includes an accessory apartment.

Size

No secondary dwelling shall exceed 40 percent of the total square footage of the principal structure, or 1,000 square feet, whichever is less.

Occupancy

The owner of the lot or parcel shall occupy either the principal single-family dwelling or the secondary dwelling.

Parking

At least one off-street parking space shall be provided for each bedroom within the secondary dwelling.

Design

The secondary dwelling shall have roof pitch, windows, eaves and other architectural features that are the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match the appearance of the finish materials and trim of the principal building.

Sanitary

The owner of the lot or parcel shall obtain Health Department approval prior to the construction of a secondary dwelling.

Location

The secondary dwelling shall be located within 100 feet of the principal residence (as measured from the closest exterior walls).

Ownership

Secondary dwellings shall not be conveyed or sold separately from the lot or parcel and shall remain under the same ownership as the principal single-family residence.

R. Shooting Range (outdoor)**Minimum Parcel Size**

The minimum parcel size shall be three (3) acres.

Lighting

All exterior lighting must be shielded or directed away from any adjacent lot, parcel, street or residential use.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Traffic

The site shall have access to a road of sufficient capacity and surface type to accommodate the traffic the use will generate.

Hours of Operation

Activities shall be limited to the hours between sunrise and 11:00 PM.

Setbacks

The minimum distance from any firing point (excluding archery) shall not be less than 3000 feet from a residential district; 3000 feet from a residence; and 500 feet from a property line. No portion of an archery range shall be located within 300 feet of a residential district; within 300 feet of a residence; or within 100 feet of a property line.

Design

All facilities shall be designed and constructed in accordance with nationally recognized guidelines for such facilities, such as The National Rifle Association's *"The NRA Range Source Book: A Guide to Planning and Construction"*. A landscape plan shall be submitted with the conditional use application and approved by the Board of Zoning Appeals. Such plan shall indicate the location and types of plantings to be made to aid in noise suppression and visual enhancement.

S. Small –Scale Business

The intent of the small-scale business use category is to allow residents in the AG district to operate small-scale commercial enterprises which are compatible with the rural character of the district, neighboring agricultural operations and surrounding residential uses. A small-scale business in the AG district shall comply with the following standards or guidelines.

Owner

The use shall be operated or maintained by the owner, or occupant of the land upon which the activity is being conducted.

Number of Businesses

Each lot or parcel is limited to one (1) small scale business, not including any authorized home occupation.

Minimum Lot Area

The minimum lot area shall be three (3) acres.

Outdoor Storage

Exterior storage areas shall be completely screened from view on all sides by natural or man-made materials determined to be appropriate by the Board of Zoning Appeals.

Signage

The business shall be limited to one (1) non-illuminated sign, not to exceed eight (8) square feet.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Exterior Display of Products

Exterior display of products shall be prohibited.

Structure Limitations

Each lot or parcel shall be limited to one (1) structure devoted to business use and such structure shall not exceed 2,000 square feet.

Traffic

The site shall have access to a road of sufficient capacity and surface type to accommodate the traffic the use will generate.

Business Vehicles

The business shall not have more than four business motor vehicles (including heavy equipment) stored on the property. Business vehicle parking shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. No heavy equipment shall be stored outside.

Conditional Use Guidelines

In addition to the standards listed above, the Board of Zoning Appeals shall consider the following guidelines in determining the appropriateness of a small-scale business in a particular location:

1. The business should have direct access to a public, all-weather surface road.
2. The business shall be located and designed in a manner that mitigates impacts (e.g. odor, noise, dust, glare, lighting, exhaust, smoke, etc.) on adjacent residences. The Board may require a rendering of the proposed structure to determine conformance to this guideline.
3. The business shall be located and designed in a manner that mitigates the visual impact on the rural character of the area. The Board may require a rendering of the proposed structure to determine conformance to this guideline.

T. Solar Energy Conversion System, Commercial

Glare

The system shall not produce glare or reflection upon any property nor shall the system produce glare or reflection that causes a hazard to traffic on any public street.

U. Solar Energy Conversion System, Non-Commercial

Glare

The system shall not produce glare or reflection upon any property nor shall the system produce glare or reflection that causes a hazard to traffic on any public street.

Location

No free-standing system shall be located in the front yard between the principal structure and the public right-of-way.

Setback

The system shall comply with setbacks for accessory structures.

Size

The system shall not exceed one-half of the footprint of the principal structure.

Height

A free-standing system shall not exceed twenty (20) feet in height. A roof-mounted system shall not extend more than two (2) feet above a pitched roof or six (6) feet above a flat roof.

V. Stable, Commercial (major and minor)

Minimum Parcel Size

The minimum parcel size for not more than two (2) equine, including those of the owner of the stable, shall be three (3) acres. Two (2) additional acres shall be required for each additional equine.

Structure Size

Structures shall be limited to 500 square foot per equine (maximum).

Setbacks

No portion of the use, including but not limited to, parking areas, outdoor storage areas, animal waste storage areas and dry lots, but excluding pasture areas, shall be located within 500 feet of a residential district; within 500 feet of a residence on adjoining property; or within 100 feet of a property line. Pasture areas may extend to the property line provided they do not become a dry lot.

Sanitation

Manure shall be managed so as to minimize the impact of odors and vectors on neighboring properties. Major commercial stables shall be required to submit a manure management plan as part of the conditional use application.

Parking

Adequate parking areas (including parking for persons with disabilities) shall be provided, as per Section 14- Minimum Parking and Loading Requirements. However, the parking area shall be located and/or screened in a manner that mitigates visual impact on the rural character of the area. All areas dedicated for parking shall consist of all-weather surfacing.

Traffic

The site shall have access to a road of sufficient capacity and surface type to accommodate the traffic the use will generate.

W. Communication Facility**Purpose**

1. To minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
2. To encourage the location and colocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
3. To encourage coordination between suppliers of wireless communication services in Riley County;
4. To respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in Riley County;
5. To protect the unique natural beauty and rural character of the county while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and
6. To encourage the use of public lands, buildings and structures as locations for wireless communications.

Application Requirements

In addition to all of the requirements of Section 21B, Site Plan Review, a certified report by a registered engineer or other qualified professional must be submitted. This report shall include the following information:

1. The intended users of the facility;
2. The reason why the proposed facility is necessary to address service gaps or service expansions;
3. Maps and calculations demonstrating the Geographic Search Area (i.e. the area within which a facility is required in order to meet demand).
4. Written evidence that no existing building, structure or communication facility can accommodate the applicant's proposed facility; or that use of such existing building, structure or facility would prohibit personal wireless services in the area of Riley County to be served by the proposed facility. The evidence shall consist of any one or any combination of the following:

- a. No existing building, structure or communication facility located within the Geographic Search Area meet the applicant's engineering requirements.
 - b. Existing buildings, structures or communication facilities are not of sufficient height to meet the applicant's engineering requirements and cannot be increased in height.
 - c. Existing buildings, structures or communication facilities do not have sufficient structural strength to support the applicant's proposed communication facility and cannot be structurally improved.
 - d. Existing buildings, structures or communication facilities are not available or suitable for applicant's proposed communication facility. This must include reasons why any of the above are not available or suitable.
 - e. Other limiting factors that render existing buildings, structures or communication facilities unsuitable.
5. The feasibility of all alternatives the applicant has considered and the impact of those alternatives on adjacent properties, including, but not limited to:
- a. Height;
 - b. Configuration;
 - c. Location;
 - d. Mass and scale;
 - e. Materials and color;
 - f. Illumination; and
 - g. Information addressing the following items:
 - i. The extent of any commercial development within the Geographic Search Area of the proposed facility;
 - ii. The proximity of the proposed facility to any residential dwellings; and
 - iii. The proximity of the proposed facility to any public buildings or facilities.
6. Certification by a registered engineer that the proposed communication facility has sufficient structural integrity to accommodate multiple users, if required, and the maximum number of users that can be accommodated on the proposed facility.
7. Certification by a registered engineer that the facility meets or exceeds applicable American National Standards Institute (ANSI) standards as adopted by the FCC in order to protect the public from unnecessary exposure to electromagnetic radiation.

8. A statement that the proposed facility is the least visually obtrusive, as defined herein, or alternatively, that state-of-the-art technology is unsuitable for the proposed facility. Costs of state-of-the-art technology that exceed customary facility development costs shall not be presumed to render the technology unsuitable.
9. Simulated photographic evidence of the proposed communication facility's appearance from all residential zoning districts within 1,500 feet, and from other vantage points chosen by the Planning & Development Director, or designee.
10. A statement verifying the following:
 - a. The facility complies with "Good Engineering Practices", as defined by the FCC in its rules and regulations;
 - b. The facility complies with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI;
 - c. In the case of colocation of communication facilities, the applicant, together with the owner of the site, shall provide an analysis verifying that the applicant's proposed facilities will not cause RFI with any other users of the site or the County's public safety communications equipment.
11. Third Party Review

Due to the complex analysis required to review an application for a communication facility, the applicant is required to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Riley County shall be responsible for selecting the third party reviewer. Based on the results of the expert review, the Board of Zoning Appeals may require changes to the applicant's submittals. The application will not be deemed complete until such third party review has been received by Riley County. Third party review shall not apply to ham radio communication facilities.

Design Standards

1. Since the monopole design has been found to be more visually acceptable near residential districts, lattice-type towers shall not be permitted within 500 feet of a residential district unless it can be demonstrated by the applicant that the use of a monopole design will prohibit the provision of service.
2. The applicant shall minimize potential adverse visual impact on surrounding property by the use of stealth measures acceptable to the Board of Zoning Appeals.

3. Every communication facility shall be designed to provide for colocation, excluding ham radio communication facilities, in accordance with the recommendations outlined in the third party review.
4. Nighttime lighting of communication facilities is not permitted unless necessary to comply with FAA lighting requirements. Such lighting shall consist of dual lighting structures with daytime strobe lights on medium intensity and night time red lights only. No high intensity strobes or night time strobes shall be permitted. Further, all towers requiring lighting shall provide battery backup or other alternative power source to assure lighting operations during times of power outages. Lighting for security purposes shall be permitted only at the base of communication facilities.
5. All communication facilities must be made secure by fencing of at least eight (8) feet in height with a locking gate.
6. All free-standing communication facility towers shall be setback from adjoining property lines, recorded rights-of-way, habitable structures and public utilities/facilities a distance equal to 100% of the tower height. All guy-supported communication facility towers shall be setback from adjoining property lines and recorded rights-of-way, habitable structures and public utilities/facilities a distance equal to 70% of the tower height or the distance from the tower base to the guy-wire anchors, whichever is greater. Guy-wire anchors shall be located on the same parcel as the tower. No guy-wire anchors or towers shall be located in an easement.
7. No conditional use authorization shall be required to install antennas on existing communication facility towers or other existing structures such as elevated water storage structures, church steeples, silos, and other buildings, provided no structure height is added. When such antennas are installed on an existing structure other than an existing communication facility tower, a building permit shall be required. The information submitted for the building permit by the applicant shall include a report from a structural engineer, registered in the state of Kansas, indicating the existing structure is capable of supporting the additional antenna. Such report shall be obtained by and at the expense of the applicant.
8. Portable or mobile towers or other mobile communication facilities shall be permitted only on a temporary basis for the purpose of restoring cellular communications to an area after a major disaster or in an emergency situation; testing a potential site for a permanent fixed tower; or temporarily increasing the capacity of an existing site for a special event. Such facilities shall be permitted for no more than a 90-day period unless a conditional use is authorized. Under no circumstances shall such facilities be utilized on a permanent basis.
9. Siting of communication facilities shall be in accordance with the siting alternatives hierarchy identified in the following table. If the proposed facility /structure type is less than “ideal”, a detailed written explanation must be provided as to why a more desirable facility/structure type was not selected.

Abandonment

Communication facilities shall be considered abandoned when operations have ceased for a period of 90 or more consecutive days.

The facility owner(s) shall submit to the Riley County Planning & Development Department a copy of its notice to the Federal Communications Commission (FCC) of intent to cease operations. When the County determines a facility has been abandoned, the facility owner(s) and/or property owner(s) shall perform site reclamation within 90 days at their own expense.

Site reclamation shall include the removal of all communication facilities, including the tower, above-ground and below-ground ancillary structures, fencing, etc. as shown on the approved site plan. The facility foundation and associated systems shall be removed to a depth of at least three feet to allow for cultivation of crops or restoration of pasture.

AA. Wind Energy Conversion System, Small**Setbacks**

Turbines shall be setback from property lines, overhead utility lines and public rights-of-way a distance equal to the total height of the wind turbine or two and one half (2.5) times the rotor diameter, whichever is greater.

Density

The number of turbines on a property shall be limited by spacing. Turbines shall be spaced from each other no closer than five (5) times the rotor diameter of the larger turbine.

Noise

Noise produced by a turbine under normal operating conditions, as measured at the property line of any adjacent property, shall not exceed 55 decibels (A-weighted) at any period of time. The level of noise shall be calculated by determining the difference between the ambient sound level (i.e. with the turbine shut down) and the sound level with the turbine operating. Since, the ambient sound level is rarely found to be constant over time and is usually quite variable, the ambient sound level is considered to be the level that is exceeded 90% of the time when the noise measurements are taken. The 55 decibel level may be exceeded during short-term events out of the owner's control, such as utility outages and severe wind storms. Prior to the issuance of a building permit, a manufacturer's decibel rating must be submitted to the Planning & Development Department to determine the feasibility of meeting the above standard.

Appearance, Color and Finish

The turbine shall remain painted or finished in non-reflective, non-obtrusive color and shall not be altered from the factory finish. Bright, luminescent or neon colors are prohibited.

Clearance

The blade tip shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades.

Lighting

Illumination of a turbine shall be prohibited. If the FAA requires a turbine to be illuminated due to height and/or location, the turbine shall not be permitted.

Utility Notification

No turbine shall be installed until evidence has been submitted to the county that the relevant electric utility company has been informed of either (a) the customer's intent to install an interconnected customer-owned turbine; or (b) the property owner's intent to install a turbine that will not be connected to the grid.

Abandonment

If a wind turbine is inoperable for 90 consecutive days the owner shall be notified they must, within 90 days of receiving the notice, restore their system to operating condition. If the owner(s) fail(s) to restore their system to operating condition within the 90-day time frame, the owner shall be required, at his or her expense, to remove the wind turbine and associated structures. If the owner(s) fail(s) to remove the wind turbine, the county may pursue legal action to have the turbine removed at the owner's expense.

Amend Section 18 as follows: (Deletions are shown as strikethroughs and additions are shown in italics)

SECTION 18 – NONCONFORMITIES

2. Buildings for permitted uses within districts other than residential districts may be created upon a lot that does not meet the minimum size requirements stated herein provided that conditions in 1-a, 1-b, 1-c and 1-e above are met and further provided that:
 - a. All other applicable requirements within the zoning district are met;
 - b. *AG zoned lots of twenty (20) acres or larger do not qualify for construction of a residence unless they are determined to be exempt for agricultural use as outlined elsewhere in these regulations or the lot was created by deed between the enactment of the 20-acre minimum lot size on July 10, 1980 and the effective date of these regulations;*
 - c. *AG zoned lots of less than twenty (20) acres may qualify for construction of a residence if they are determined to have been legally established under all previous zoning regulations, were not created as a result of an agricultural exemption, and meet all requirements listed within this nonconformities section.*

Amend Section 20 as follows: (Deletions are shown as strikethroughs and additions are shown in italics)

SECTION 20 – BOARD OF ZONING APPEALS

Variances may be granted only:

- ~~g. To increase the maximum height of a non-commercial wind energy conversion system (as defined herein) by not more than 33%.~~

Insert new Section 21A as follows:

SECTION 21A - AGRICULTURAL PROTECTION EASEMENT (APE)

Any property owner requesting a rezoning of AG district zoned land or the creation of a residential use in the AG district as outlined elsewhere in these regulations, shall provide an easement, to be filed of record with the Riley County Register of Deeds in favor of surrounding agricultural uses, as follows:

This indenture, made this _____ day of _____, 20____, by and between _____, hereinafter referred to as Grantors, and all surrounding property owners within one mile of the perimeter of the described tract who are currently or who may in the future conduct an agricultural use on their property, hereinafter referred to as Grantees, witnesseth:

1. Whereas, Grantors are the owners of land within an agriculturally zoned area of Riley County in which surrounding property owners (Grantees) may desire to undertake or continue an agricultural use which may generate certain conditions, including, but not limited to: dust, odor, noise, smoke, lighting, chemical drift, etc. and Grantees desire to retain the right to produce such conditions across Grantors' land without threat of suit by Grantors for nuisance; and
2. Whereas, Grantors acknowledge they have met and talked with the surrounding property owners and are familiar with the existing agricultural uses of such properties;

Now, therefore, for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt whereof by the Grantors is hereby acknowledged, the Grantors do hereby grant, bargain, sell and convey unto the Grantees, their successors and assigns for the benefit of those surrounding property owners conducting agricultural uses, an easement for the free use of the air space for the conditions identified above, by whomsoever shall own and conduct agricultural uses now or in the future (except those uses considered not exempt from zoning) on such properties and across the Grantors' property which is bounded and described as follows:

(Insert Legal Description Here)

TO HAVE AND TO HOLD this easement and all rights appertaining thereto unto the Grantees, their successors and assigns, until all Grantees release the easement.

And the aforesaid easement shall run with the land of the Grantors, as hereinbefore described, for the benefit of the Grantees, and their successors and assigns, for the continuation of agricultural uses in Riley County, Kansas.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Insert new Section 21B as follows:

SECTION 21B – SITE PLAN REVIEW

1. PURPOSE

The purpose of the site plan review process is to ensure compliance with the development and use-specific standards of the Riley County Zoning Regulations. It is designed to encourage quality development reflective of the goals, policies, and objectives of VISION 2025, A Comprehensive Plan for Riley County, Kansas.

2. APPLICABILITY

Site plan review shall apply to the following:

- a. Residential use designators for Isolated Homesite and Country Estate categories;
- b. All uses subject to the Development Standards in Section 21C; and
- c. All conditional uses.

3. STANDARDS

- a. All land uses requiring a site plan review shall be permitted only following approval of a site plan in accordance with the procedures and requirements of this section;
- b. All requirements established by a site plan shall run with the land and shall apply to any owner, subsequent owner, or occupant;
- c. All land uses must remain in conformance with the site plan at all times or be subject to enforcement action; and
- d. If a site is required to be platted, the site plan and the preliminary plat may be combined. The final plat and the site plan shall be consistent.

4. PROCEDURES

A. Pre-application Conference

A pre-application conference is not required but an applicant may request a pre-application conference with the Planning & Development Department.

B. Application Submittal

The applicant shall submit a complete application, which shall include the application form, a legal description of the site and any required supplemental materials. Incomplete applications shall not be accepted by the county and shall be returned to the applicant.

C. Site Plan Criteria

A site plan shall be prepared and submitted at the time of application that includes the following:

- 1. The location of the proposed zoning or conditional use boundary lines and their relation to established property lines;

2. The location of all existing and proposed structures, trails and parking areas, outdoor storage areas, areas proposed to remain undeveloped, etc., with approximate dimensions, labeled according to their use;
3. The name and address of the applicant and property owner;
4. The True north point, scale and date;
5. Names of adjacent roads, streets or highways;
6. The location and size of any existing or proposed signs; and
7. The location and dimensions of any features or restricted areas that may be required by the use-specific standards or the development standards.

D. Review and Approval

Board Review

The Board review process shall be utilized for residential use designators (Isolated Homesite and Country Estate only) and all conditional uses. The site plan shall be submitted at the time of application. Review and approval of the site plan shall be conducted by the Manhattan Urban Area Planning Board, the Riley County Planning Board or the Riley County Board of Zoning Appeals, whichever is applicable. The appropriate board shall review the site plan application for:

1. Consistency with VISION 2025-A Comprehensive Plan for Riley County;
2. Compliance with all applicable development and use-specific standards set forth in these regulations; and
3. Evidence that services supporting the development are adequate, including but not limited to roads, water, wastewater, fire protection, and emergency services.

Administrative Review

The administrative review process shall only be utilized for legal non-conforming lots, as outlined in Section 18-Nonconformities. The site plan shall be submitted at the time of application for a building permit. Review and approval of the site plan shall be conducted by the Director of Planning & Development or designee. The Director shall review the site plan application for compliance with all applicable development and use-specific standards set forth in these regulations.

E. Expiration

An approved site plan shall expire if the site remains undeveloped two years following the approval date.

F. Enforcement

Approved site plans shall be binding upon the property owner(s) and their successors and assigns. No permit shall be issued for any building, structure or use that does not conform to an approved site plan. No building, structure, use or other element of the approved site plan shall be modified without amending such plan. All buildings, structures and uses shall remain in conformance with the approved site plan or be subject to enforcement action.

Insert new Section 21C as follows:

SECTION 21C – DEVELOPMENT STANDARDS

1. PURPOSE

The purpose of these standards is to promote harmonious and orderly development and protect the natural resources of Riley County.

2. STANDARDS

A. Riparian Buffer

Intent

The riparian buffer standard is intended to minimize erosion, stabilize stream banks, ameliorate flood damage, protect and improve water quality, preserve fish and wildlife habitat, and preserve the natural aesthetic value of streams, creeks, rivers and wetlands in Riley County.

Applicability

All new development shall be required to provide a riparian buffer along any perennial, intermittent or ephemeral stream in Riley County.

Buffer Zones

Riparian buffer zones are hereby established and are described in Table 1: Riparian Buffers by Stream Order. The width of each buffer zone shall vary in accordance with the stream ranking. As illustrated in Figure 1. Riparian Buffer Zones, Buffer Zone I consists of the area along a water body extending from the bank. Buffer Zone II consists of the area along a water body extending from the outer boundary of Buffer Zone I. These distances shall be measured horizontally and perpendicular from the bank.

Table 1: Riparian Buffers by Stream Order		
Stream Ranking	Zone I	Zone II
First Order (< 3 ft. bank height)	50'	n/a
First Order (> 3 ft. bank height)	50'	n/a
Second Order	50'	25'
Third Order	50'	50'
Fourth Order	100'	100'

Permitted Uses and Activities

The permitted uses and activities within each buffer zone are listed in the table below.

Table 2: Uses and Activities		
	Zone I	Zone II
Agricultural uses, structures, and activities, such as soil preparation, irrigation, grazing, planting, and harvesting.	P	P
Construction, maintenance or repair of public roads, bridges, utilities and storm drainage facilities.	P	P
Construction, maintenance and repair of private crossings over a water body.	P	P
Maintenance and repair of flood control structures; and activities in response to a flood emergency.	P	P
Restoration, construction, stabilization or enhancement that improves or restores wildlife habitat or water body functions, provided that the proposed activity is approved by the appropriate agency such as the U.S. Army Corps of Engineers.	P	P
Unpaved trails, greenways, open space, passive parks and other similar public private recreational uses.	P	P
Outdoor horticulture, forestry, wildlife sanctuary, and other similar uses.	P	P
Removal of undesirable trees and shrubs, as identified in Table 3, and selective removal of other species for harvest or management purposes, provided they are replaced with native riparian trees or shrubs if needed to maintain proper stocking/density/canopy cover.	P	P
Removal of trees and shrubs and replacement with native grasses on first order streams with less than 3-ft. bank height.	P	--
Lawns, gardens, play areas and other similar uses.	N	P
Golf course fairways, greens and tee boxes, play fields, and other areas.	N	P
Archery ranges, picnic structures, playground equipment, and other similar public and private recreational uses.	N	P
Sidewalks.	N	P
Land-disturbing activities ordinarily associated with residential uses, such as utility service lines, sewage treatment systems and similar uses.	N	P
Non-mechanized or hand-held chainsaw removal of dead branches, fallen trees or branches, or hazardous leaning trees.	P	P
Lakes, ponds, dams and associated infrastructure authorized by applicable local, state or federal regulations.	P	P

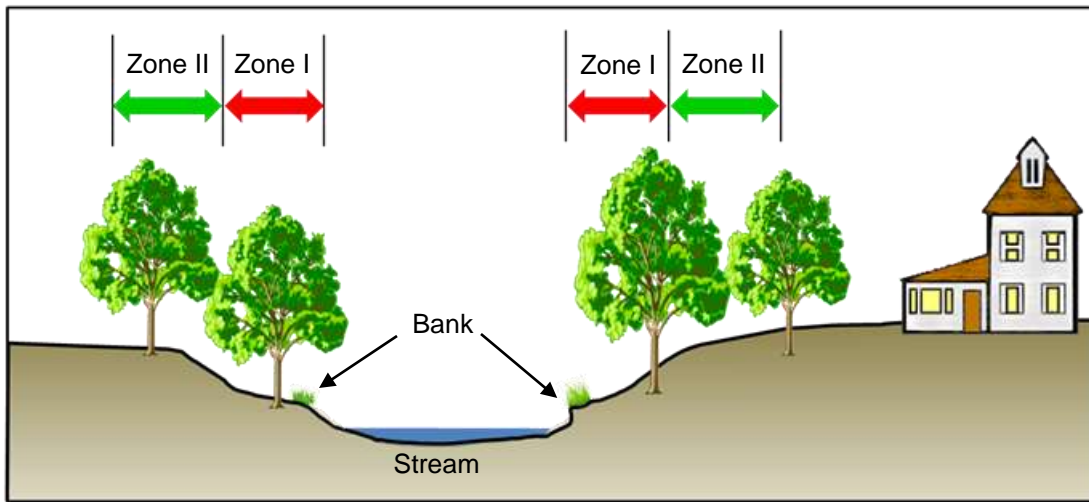
P = the activity is permitted by right; N = the activity is prohibited.

Table 3: Undesirable Trees & Shrubs

	Common Name	Scientific Name
1	Amur Maple	<i>Acer ginala</i>
2	Amur honeysuckle	<i>Lonicera maackii</i> (Rupr.) Herder
3	Bella honeysuckle	<i>Lonicera x bella</i> Zabel [morrowii x tatarica]
4	Morrow's Honeysuckle	<i>Lonicera morrowii</i> Gray
5	Tartarian Honeysuckle	<i>Lonicera tartarica</i> Linnaeus
6	Autumn Olive	<i>Elaegnus umbellate</i>
7	Black Locust	<i>Robinia pseudoacacia</i> *
8	Boston Ivy	<i>Parthenocissus tricuspidata</i>
9	Burning Bush	<i>Euonymus alata</i>
10	Callery Pear	<i>Pyrus calleriana</i>
11	Eastern Red Cedar	<i>Juniperus virginiana</i> *
12	Goldenrain Tree	<i>Koelreuteria paniculata</i>
13	Honeylocust	<i>Gleditsia triacanthos</i> *
14	Japanese Honeysuckle	<i>Lonicera japonica</i>
15	Lacebark elm	<i>Ulmus parvifolia</i>
16	Multiflora Rose	<i>Rosa multiflora</i>
17	Paper Mulberry	<i>Broussonetia papyrifera</i>
18	Porcelainberry	<i>Ampelopsis brevipedunculata</i>
19	Oriental Bittersweet	<i>Celastrus orbiculatus</i>
20	Osage Orange	<i>Maclura pomifera</i> *
21	Tree of Heaven	<i>Ailanthus altissima</i>
22	Tamarisk	<i>Tamarix</i> spp.
23	Russian Olive	<i>Elaegnus augustfolia</i>
24	Siberian Elm	<i>Ulmus pumila</i>
25	Sweet Autumn Clematis	<i>Clematis terniflora/paniculata</i>
26	White Mulberry	<i>Morus alba</i>
27	Winterberry Euonymus	<i>Euonymus alata</i>

* It is acceptable to leave established trees in riparian areas, but these species are not recommended for planting. All other species on the above list are invasive exotics that are documented as "severe pests" capable of spreading and destroying the biodiversity of Kansas Woodlands

Figure 1: Riparian Buffer Zones



Prohibited Activities

The following activities are prohibited within the riparian buffer zones, unless associated with a permitted use in Table 2:

1. Dumping, including leaves, wood chips and lawn clippings;
2. Filling;
3. Excavating;
4. Clear-cutting; or
5. Storage of equipment, vehicles, or materials.

B. AGRICULTURAL BUFFER

Intent

Agricultural buffers are intended to provide “space”, or other physical separation, between typical farming/ranching practices and residential development. Buffers serve to protect farming/ranching operations from nuisance complaints and to protect the health and safety of the general public from noise, dust, odor, spraying and other normal activities that are part of the art and business of farming and ranching.

Buffer Benefits

Buffers can reduce land use conflict in the following ways:

1. Pesticide/Herbicide Use
 - a. Provides for a margin of safety for the public and sensitive non-target areas.
 - b. Reduces the need for spray buffers or other governmental restrictions, which negatively impact agriculture.
 - c. Helps maintain the feasibility of pesticide/herbicide use as a tool for agriculture.

- d. Reduces local neighbor conflict and complaints.
- 2. Noise and Nighttime Lighting
 - a. Reduces the potential for nuisance from a variety of agricultural sources, such as bird frightening devices, pumps, heavy equipment, wind machines, etc.
 - b. Reduces local neighbor conflict and complaints to governmental agencies.
 - c. Reduces the disturbance from noise and light associated with night harvesting.
- 3. Dust
 - a. Creates distance or screening for dust to settle out before affecting homes or people.
- 4. Trespass/Vandalism/Theft/Litter/Liability
 - a. Helps reduce the potential negative impact that people and pets can have on agricultural property.
 - b. Helps reduce the impact that stray livestock can have on neighbor's property.
- 5. Agricultural Burning
 - a. Helps maintain agricultural burning as a rangeland management tool. Otherwise, burning may be prohibited or further regulated if dwellings are built too close to agricultural property.
 - b. Protects the public health and safety.
- 6. Beekeeping
 - a. Helps preserve the use of bees for honey production and pollination. Otherwise, beekeepers may be forced to move hive sets away from developed areas.
 - b. Protects the public's health and safety from bees searching for food and water.
- 7. Erosion and Development Impacts
 - a. Reduces the sources of soil erosion in agricultural areas from development activities on adjacent lands.
 - b. Reduces impacts on agriculture from flooding and siltation.

Buffer Types

Three types of buffers may be acceptable to provide separation between agricultural activities and non-agricultural development in Riley County. The separation must consist of one or more of the following:

- A setback buffer through use of an increased setback requirement;
- An existing vegetative, topographical or other physical buffer that provides adequate separation of uses; and/or
- A constructed buffer created by sufficient vegetative plantings, earthen berms or fences that provides adequate separation of uses.

Applicability

The agricultural buffer standard shall apply to all new non-agricultural residential or commercial lots (excluding Extraneous Farmstead and Reconversion Lot residential use designator lots).

Setback Buffer Standard

The minimum setback for a residence or a structure for animal habitation shall be 200 feet from all property lines adjoining an existing agricultural use. The Planning Board may allow a reduction to no less than 50 feet from the property line by considering the following:

1. The nature of the agricultural use and the potential for conflict between the agricultural use and the residential use due to noise, dust, odor, chemical drift, fire/smoke, etc; and
2. Whether or not (a) there is an adequate existing buffer; (b) a sufficient constructed buffer is proposed; or (c) a combination of the two will be provided, that will achieve the buffer benefits described above.

Adequate Existing Buffer

An adequate existing buffer means the presence of physical features, such as topography, water bodies, roadways, trees, hedgerows or similar vegetation, sufficient to reduce noise, spray drift and dust, diffuse light, and act as a physical separation to reduce conflict between non-farm and agricultural uses. These features must be depicted on the submitted site plan.

Constructed Buffer

Constructed buffers shall consist of a mix of trees, shrubs, berms, walls, and/or fences sufficient to reduce noise, spray drift and dust, diffuse light, and act as a physical separation to reduce conflict between non-farm and agricultural uses. All constructed buffers shall incorporate a vegetative screening component and may incorporate a solid, architectural, landscaped wall or fence. Constructed buffers shall be described on a landscape plan prepared by a professional landscape architect or landscape designer. The landscape plan shall either be incorporated into or accompany the site plan and shall include a profile view and plan view.

Permitted Uses

The following uses and/or features are permitted within the agricultural buffer and/or setback:

- a. Landscaping;
- b. Lawns and gardens;
- c. Roads;

- d. Trails;
- e. Drainage channels;
- f. Stormwater retention ponds;
- g. Natural areas such as creeks or drainage swales;
- h. Utilities; or
- i. Accessory structures not used for human or animal habitation.

Maintenance

Property owner(s) shall be responsible for all aspects of continuous maintenance of buffer areas and for maintaining landscape plants in a healthy and attractive condition and for maintaining fences in good repair. Dead or dying plants shall be replaced with a similar variety within 90 days, weather permitting.

Amend Section 22 as follows: (Deletions are shown as strikethroughs and additions are shown in italics)

~~WIND ENERGY CONVERSION SYSTEMS, NON-COMMERCIAL: A wind driven machine, less than 150 feet in height, that converts wind energy into electrical power for the primary purpose of on-site use and not for commercial power production.~~

RILEY COUNTY SUBDIVISION REGULATIONS

SECTION 2 – DEFINITIONS

Delete the definition of AGRICULTURE USES and replace it with the following:

AGRICULTURE USE: The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursing, floral, ornamental and greenhouse products. Agriculture use shall not include commercial greenhouses and those lands which are used for recreational purposes, suburban residential acreages, rural home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Amend Section 6 as follows: (Deletions are shown as strikethroughs and additions are shown in italics)

SECTION 6 – PROCEDURE FOR PLAT APPROVAL

2. PRELIMINARY PLAT:

- a. ~~At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit to the Zoning Office for review and transmittal to the Planning Board, two (2) copies of the preliminary plat plan of the proposed subdivision drawn to a scale of not less than one inch equals one hundred feet (1"=100') on an appropriate size sheet. The subdivider shall submit an application, on forms provided by the Planning & Development Department, for the review, and approval, of a Preliminary Plat. The Planning & Development Department may administratively provide for submission deadlines for materials required in support of such application. Included with such application materials shall be three (3) 24x36 paper copies and one (1) 11x17 paper copy of the preliminary plat.~~

4. SHORT FORM PLAT

- a. ~~For all subdivisions containing for (4) lots or less, a short form plat may be submitted. The submission of a preliminary plat shall not be required as a prerequisite for short form plat approval.~~
- b. ~~A short form plat must be drawn with waterproof black ink on 0.0004 inch mylar Cronoflex engineering photographic film, or its equivalent, as may be approved by the RCPB. The plat must be drawn to a scale of either one inch equals fifty feet (1"=50'), one inch equals one hundred feet (1"=100'), or one inch equals two hundred feet (1"=200'), whichever is appropriate.~~

4. APPLICATION, REVIEW, AND APPROVAL OF CONCURRENT PLAT

Application Requirements and Approval Procedure

Whenever a subdivision will consist of five (5) or fewer lots, the subdivider may submit an application for the concurrent approval of a Preliminary and Final Plat. Such application shall be on forms provided by the Planning & Development Department. The application shall contain all the documents required for both Preliminary Plats and Final Plats and shall be reviewed, simultaneously, in the same manner required for Preliminary and Final Plats.