

ORDINANCE NO. 2193

AN ORDINANCE DEFINING AND AMENDING THE CURRENT ZONING DISTRICTS IN THE CITY OF COUNCIL GROVE, KANSAS AND ESTABLISHING A NEW AGRICULTURAL ZONING DISTRICT AND ZONING THE AREAS THREE MILES OUTSIDE THE CITY LIMITS OF THE CITY OF COUNCIL GROVE, KANSAS AND ESTABLISHING A PROCEDURE TO DOCUMENT NON-CONFORMING USES IN THE AGRICULTURAL DISTRICT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. PURPOSE. The purpose of this ordinance is to define zoning districts; to rename the semi-business and industrial zoning district as “industrial district”; to prohibit residences in the business and industrial district; to create an agricultural zoning district which shall be applicable within three miles outside the city limits of the City of Council Grove, Kansas; establish permitted and impermissible land uses within the agricultural zoning district and providing for a procedure to establish non-conforming uses in the agricultural district on the effective date of this ordinance.

Section 2. CURRENT ZONING DISTRICTS. Currently the City of Council Grove has three zoning districts, being “residence district”, “business district” and “semi-business and industrial district.”

Section 3. SEMI-BUSINESS AND INDUSTRIAL DISTRICT RENAMED. From and after the passage of this ordinance, the “semi-business and industrial district” shall be known as the “industrial district.” All references to semi-business and industrial currently in the ordinances of the City of Council Grove, Kansas or on zoning maps shall be renamed industrial district.

Section 4. DEFINITIONS. The following terms shall have the definitions set forth herein:

A. *Residence District*. Areas occupied by and suitable for single family dwellings. Upon request and approval by the Planning and Zoning Board and governing body of the City of Council Grove, non-residential uses may be permitted which support the primarily single family neighborhood with proper safeguards to assure compatibility with the general intent of the district. Multifamily housing may also be permitted on request and approval of the Planning and Zoning Committee and governing body of the City with a special exception to encourage investment and growth in these areas with standards to assure compatibility.

B. *Business District*. This district is composed of land and structures occupied by or suitable for uses furnishing a wide range of retail goods and services required by residents of the regional trade area. Located at the convergence of principal arterial streets, the business district is the focus of commerce, professional service and administrative business of the trade area.

C. *Industrial District*. This district is composed of land and structures occupied by or suitable for manufacturing, wholesaling, warehousing and similar uses. Located for convenient access to present and future arterial streets and railway lines, these districts are usually separated from residential areas by commercial districts or by natural barriers.

D. *Agricultural District*. Designed for family agricultural land use and single family dwellings. Activities conducted in the agricultural district should not be detrimental to residential and urban land uses. Industrial agriculture is expressly prohibited.

E. *Industrial Agriculture*. Mass production of livestock, poultry, fish and crops using economies of scale and intended for wide distribution of trade. Usually reliant on a wide spread labor pool and corporate in nature.

F. *Family Agriculture*. Production of livestock, poultry, fish and crops on

grounds owned or operated by an individual or family for the individual or family's economic gain. Primarily reliant on family labor.

Section 5. RESIDENCES IN BUSINESS AND INDUSTRIAL DISTRICTS PROHIBITED. From and after the passage of this ordinance, there shall be no new single family dwellings allowed in the business district and industrial district. However, a single structure with mixed occupancy is allowed if the structure is suitable for such use.

Section 6. NEW AGRICULTURAL DISTRICT. A new zoning district, known as the "agricultural district", is hereby created. The Agricultural District shall include all areas outside the City limits which are within three (3) miles of the City limits. It is designed for family agricultural land use and single family dwellings. The activities conducted in the agricultural district should not be detrimental to residential and urban land uses. Industrial agriculture is expressly prohibited.

Section 7. PERMITTED USES IN AGRICULTURAL DISTRICT. The following are permitted uses in the agricultural district.

- A. Family agricultural land use including farm dwellings.
- B. Public utilities, such as electrical and telephone substations, that are not owned or operated by a municipality where employees are generally not present and that are in or near the area they are designed to serve.
- C. Bed and breakfast and guest ranches.
- D. Riding stables, riding arenas and rodeo arenas.
- E. Animal hospitals or kennels.
- F. Schools.
- G. Public water and waste water facilities including water tower sites.
- H. Radio, television, microwave transmitting and communication tower sites.
- I. Cemeteries and mausoleums.
- J. Churches, chapels, temples, synagogues, cathedrals and houses of worship.
- K. Greenhouses and nurseries.
- L. Hospitals, rest homes and nursing homes.
- M. Residences, with a minimum lot size of two (2) acres. The minimum lot width is 200 feet and minimum lot depth is 200 feet. Minimum setbacks are 20 feet from each lot boundary. Only one residence may be on any two acre tract.

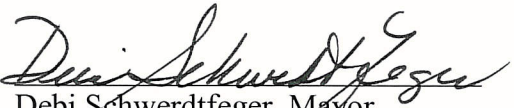
Section 8. GRANDFATHER CLAUSE. Any land use in the agricultural district which is not a permitted use as set forth in this ordinance as of the date of passage of the ordinance, is permitted to continue. However, if any non-conforming use is abandoned for six months, it shall not be permitted to continue.

Section 9. NON-CONFORMING USE CERTIFICATE. Although not required by this ordinance, within six months after the passage of this ordinance, any person owning land within the agricultural district being used in a manner which is not permitted by this ordinance, may apply to the City to obtain a Non-Conforming Use certificate. The application will be on a form developed by the City and shall be accompanied by a fee of \$20.00 payable to the City. After investigation, if a non-conforming use certificate is appropriate, the issuance of such certificate shall be conclusive proof of the non-conforming use preceding the effective date of this ordinance.

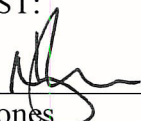
Section 10. REPEAL. Any and all ordinances in conflict herewith are hereby repealed.

Section 11. EFFECTIVE DATE. This Ordinance shall be effective upon its publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY COUNCIL
ON THIS 16 day of January, 2018.


Debi Schwerdtfeger, Mayor

ATTEST:



Nick Jones
City Clerk
(SEAL)

