

**Sections:****3-101 Purpose****3-102 Use Regulations****3-103 Performance Standards****3-104 Parking Regulations****3-105 Off-Street Loading Regulations****3-106 Sign Regulations****3-107 Height, Area and Bulk Regulations****3-108 Supplementary Height, Area and Bulk Regulations****3-109 Homestead Agricultural Lot Splits**

**3-101 Purpose:** The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "AG-40" Agricultural District. The purpose of this District is to zone those areas of Dickinson County that are presently agricultural in nature, but which are located such that the conversion of those lands to non-agricultural uses, particularly residential uses, are more appropriate and in conformance with the intent of the Comprehensive Plan of Dickinson County. In general, the AG-40 zone is restricted to those lands located along and within ½-mile of the paved county roads, and those state and federal highways that permit direct access from said highways. (Note: most of the frontage of I-70 would not qualify for the AG-40 designation because direct access from I-70 is not permitted.)

Land within the AG-40 District is eligible for the Agricultural Lot Split process found in the Dickinson County Subdivision Regulations as a means to provide for the gradual conversion of such lands to non-agricultural residential uses. It is also deemed to be the most prime for development from the perspective of location; however proposals for development must prove compliance with all the other rules, regulations, codes and resolutions of Dickinson County for further development to occur. This includes the provision of adequate utility infrastructure to support the proposed development.

**3-102 Use Regulations:** In District "AG-40", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Agricultural purposes.
2. Grain storage structures.
3. Wellhead stations, well separators, tank batteries or other similar above ground facilities used merely for distribution, transmission or temporary storage of oil or natural gas.
4. Oil and/or gas well drilling operations, and temporary on-site storage of oil and gas field-related equipment and supplies, but not a junk yard.
5. Single-family dwellings.
6. The creation of one (1) additional lot on lands used for agricultural purposes shall be permitted without requiring a rezoning, including those divisions of agricultural lands because of mortgage or lending requirements; provided said additional lot is created in conformance with the requirements of the Dickinson County Subdivision Regulations; and further provided that the lot so created shall not be permitted to have anything but a single-family dwelling as defined in these Regulations.

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 21 of these Regulations.

**3-103 Performance Standards:** The Performance Standards for permitted uses are contained in Article 15 of these Regulations.

**3-104 Parking Regulations:** The Parking Regulations for permitted uses are contained in Article 16 of these Regulations.

**3-105 Off-Street Loading Regulations:** The Off-Street Loading Regulations for permitted uses are contained in Article 17 of these Regulations.

**3-106 Sign Regulations:** The Sign Regulations are contained in Article 18 of these Regulations.

**3-107 Height, Area and Bulk Regulations:** In the "AG" Agricultural District, the minimum dimensions of yards required along designated major roads and highways in Dickinson County shall be as follows:

1. **Lot Area:** Every lot shall be a minimum of 40 acres. A lot described as a quarter/quarter (i.e. 1/4 of 1/4 of a section) shall be deemed to meet the lot size requirements even though said lot may net less than a full 40 acres. The lot size shall not apply to those lots created through an approved Agricultural Lot Split in accordance with the Dickinson County Subdivision Regulations and which are subject to the Agricultural Lot Split Agreement filed with the Dickinson County Register of Deeds as provided therein.
2. **Lot Dimensions:** The minimum width of a lot shall be 660 feet. The minimum depth of a lot shall be 660 feet. There shall not be a lot depth to lot width ratio greater than 4:1 (i.e. the depth of the lot cannot be greater than 4 times the width of the lot). In the event of unusual lot configurations, the Zoning Administrator shall determine whether the lot dimensions meet the spirit and intent of this requirement. If a parcel of land is located within 3 (three) miles of a city limit that contains an active School: The minimum lot width of a lot shall be 360 feet and the minimum depth of a lot shall be 360ft.
3. **Front Yard:** The depth of the front yard shall be 70 feet from the centerline of the right-of-way or 30 feet from the front property line, whichever is greater.
4. **Side Yard:** The depth of the side yard shall be at least 50 feet.
5. **Rear Yard:** The depth of the rear yard shall be at least 50 feet.

The Area and Bulk Regulations are also set forth in the chart of Article 19. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**3-108 Supplementary Height, Area and Bulk Regulations:** The Supplementary Height, Area and Bulk Regulations are contained in Article 20 of these Regulations.

**3-109 Homestead Agricultural Lot Splits:** : The creation of one (1) homestead agricultural lot, for a total of two (2) lots including the original parent tract, in the unincorporated portion of Dickinson County on properties zoned and used as agricultural shall be permitted without requiring either a rezoning or a plat. Unlike Agricultural Lot Splits authorized herein, the intent of this provision is to accommodate those divisions of agricultural lands for creation of a non-compliant lot surrounding an **existing** homestead area that may not have direct frontage on an existing public road, and which may only be accessible by reason of an access easement. In all other respects, the provisions regarding Agricultural Lot Splits as established herein shall apply.

A Homestead Agricultural Lot Split shall be subject to the following requirements:

1. Existing shall mean the following: The ability to prove that a site once or currently does contain a residential dwelling by means of existing dwelling and/or existing sanitary sewer system. Validity of existing sanitary sewer system shall be determined by the Dickinson County Sanitarian.
2. All lots established shall be brought into compliance with the Dickinson County Sanitation Code with respect to all on-site water and/or wastewater systems associated therewith.
3. A recordable survey shall identify and establish all necessary easements for access and appropriate utility services and appropriate documentation shall be provided regarding responsibilities of the owners of the lots regarding ownership, maintenance and all other associated aspects regarding the use of these easements.
4. A recordable covenant or agreement between the owner and Dickinson County for the entire original tract, executed by the owner and/or owners and the County, restricting further division of the original tract without rezoning of all the original tract and platting of the remaining portion of the original tract. The covenant or agreement shall include the requirements that rezoning and platting shall be in conformance with the then applicable Zoning and Subdivision Regulations of Dickinson County, Kansas, shall be binding on all heirs and assigns of all lots, and shall provide binding consent from all lot owners for the County to take subsequent action to rezone the property as noted below. Said covenant or agreement shall be recorded with the Register of Deeds of Dickinson County prior to the approval of the Homestead Agricultural Lot Split.

In the event any of the lots or tracts created by this provision are subsequently divided for any reason, including for mortgage purposes, the subject lots and tracts are subject to the Zoning and Subdivision Regulations then in effect.
5. Lot and Easement Dimensions: The minimum width of the newly created lot shall be 470 feet and the minimum depth of the newly created lot shall be 470 feet. The minimum width at all points of the access easement shall be 30ft.