

APPLICATION FOR A ZONING COMPLIANCE CERTIFICATE

This is an application for a compliance certificate in order to determine the agricultural exemption status for a building or structure or use of land including a farm dwelling, modular home, residential-design manufactured home or all types of manufactured or mobile homes as an accessory use for individuals or families owning and/or operating the premises.

The definition of "Agriculture" in Article V, Section 1, Number 8 of the Zoning Regulations is stated as follows:

AGRICULTURE: The use of a tract of land 5 acres or larger, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, and cattle or other wildlife habitats, forest preserves, arboretums and similar agriculture related uses. Structures necessary for carrying out the operation are permitted as well as accessory buildings and the dwelling(s) of those owning and/or operating the premises, including single-wide manufactured homes on permanent foundations. The retail sale of items produced as part of the farming operation is permitted excluding commercial greenhouses or similar uses which are primarily retail commercial in nature.

So long as such land, related structures and accessory dwelling(s) are used for such bona fide agricultural purposed, these regulations do not require a zoning permit or occupancy certificate, nor do they establish any other rule or regulation contrary to the provisions fo K.S.A. 12-758. To assist the Zoning Administrator in determining if a proposed building, structure or use meets the definition of agriculture, any applicant seeking agricultural exempt status may be asked to complete a certificate of compliance. Any person aggrieved by a decision of the Zoning Administrator in interpreting the definition of agriculture may appeal to the Board of Zoning Appeals for a determination. Surrounding nonagricultural landowners should be aware that Kansas is a "right-to-farm" state under K.S.A 2-3201, et seq. which limits nuisance suits and injunctions if an agricultural activity is being conduction in conformity with federal, state and local laws.

~Feed lots are subject to the licensure and operational requirements of the State including the minimum sanitation and odor practices in order to maintain a healthful environment.

While there is no one criteria which determines whether the use of the land is defined as agriculture, the important concept is that it be used in good faith for a "bona fide" farm activity with the expectation of producing commercial income. This would eliminate the so-called "hobby farm" from consideration where the primary goal is not the production of income, but enjoyment for the residents. Depending upon the type of agricultural activity proposed, it could be a large farming operation or several acres devoted to intensive and specialized farm use.

The following questions may assist the applicant in providing a description below on which the exemption status will be determined by the Zoning Administrator.

Please answer YES or No:

1. Has the land been farmed before or is it being farmed now? _____
2. Does the land possess some unique features or resources which make the farm proposal feasible? _____
3. Has the applicant prepared himself or herself with specialized knowledge or skills to conduct a particular farm activity? _____
4. Has the applicant assembled certain equipment or particular financing to undertake the proposed activity? _____
5. Will several members of the household participate in the activity? _____
6. Was the land bought at a price which anticipated farming activities as distinguished from a possible speculative venture? _____
7. Is the land in a cooperative program with the County Conservation District? _____
8. What proportion of the land would be used for the proposed activity? _____
9. Would there be any retail sales of farm products on the land? _____
10. What farm products will be produced for commercial sale? _____
11. Is it anticipated that the income produced would result in regular reporting of farm income to the Internal Revenue Service on Schedule F? _____

Describe Type of Structure of Use Proposed: _____

Ground Surface Area of Proposed Structure: _____ square feet

Total Area: _____ Acres

Setback Information from nearest road:

Front yard (feet) _____

Front / side yard (feet) _____

Side Yard (feet) _____

Rear Yard (feet) _____

Estimated Cost of Project: \$ _____

Water Supply _____

Sewage Disposal _____

Is this building in an officially identified floodplain area? _____

Plot Plan of lot, structure(s) attached? _____ (yes or no)

The undersigned hereby certifies that the information given herein is correct and to the best of their intentions they will carry out the proposed agricultural activity on the land as described above, and further understands any certificate issued upon false statement of any fact which is material to the issuance hereof shall be void. Certificates, when issued, do not nullify any deed restriction validly filed of record.

(Printed name of landowner or agent)

(Signature of landowner or agent)

Date: _____

ZONING COMPLIANCE CERTIFICATE

The Zoning Administrator has advised the applicant of desirable setback lines and the effect, if any, of the National Flood Insurance Program upon the land.

Compliance Certificate is (approved) (not approved) for the agricultural exemption status on _____

Cc: Sanitation Officer, Kyle Clark
County Appraiser's Office

By _____
Zoning Administrator

KINGMAN COUNTY, KANSAS

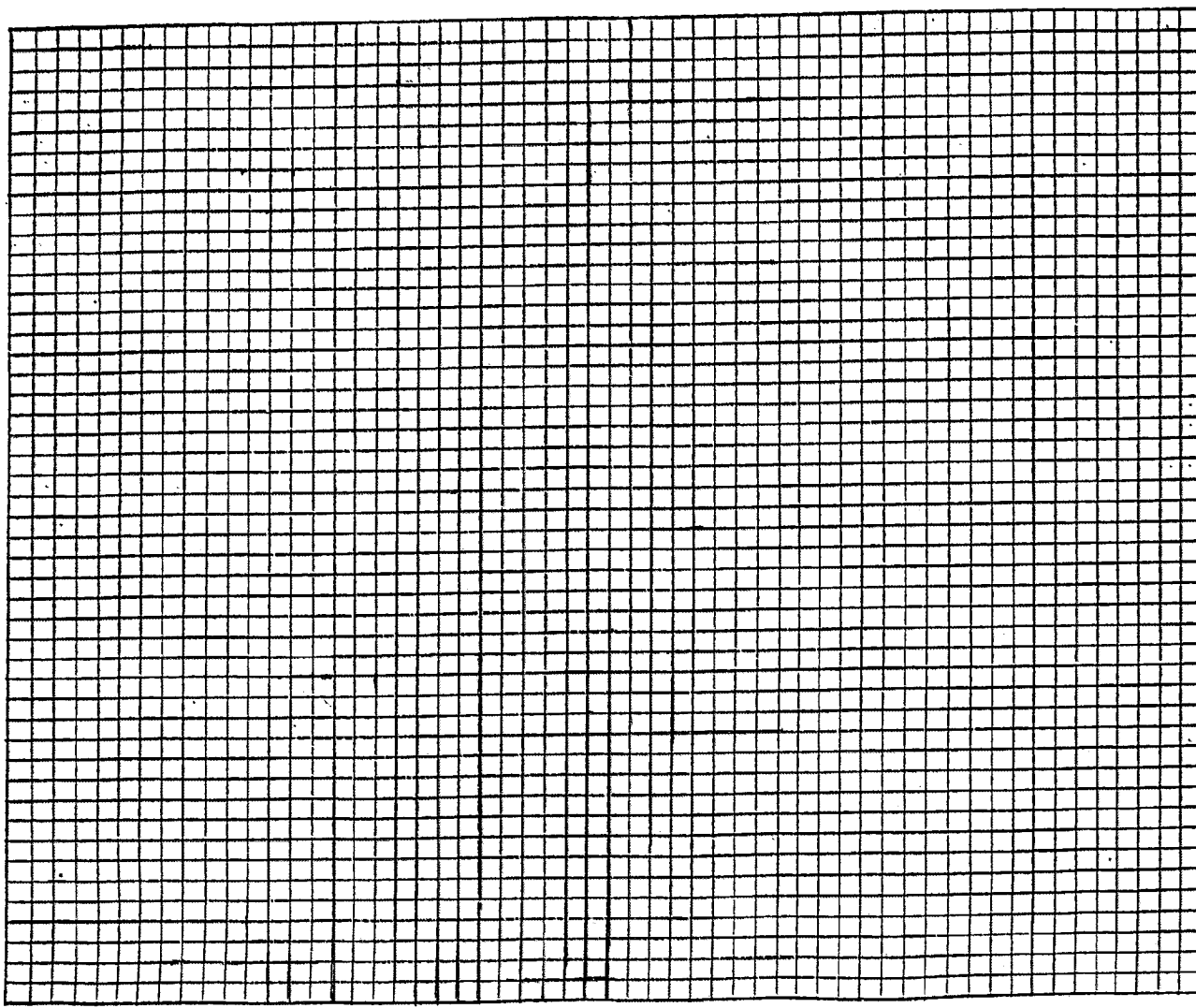
PLOT PLAN

This Plot Plan is to accompany the application for a Certificate of Zoning Compliance of _____ (Owner) (Contractor) dated _____, 20___. In addition to data required by Number 2 of the Instructions to the Applicant for a Certificate of Zoning Compliance, the applicant must show on the Plan below the adjacent street names and scale. **Setbacks for yards must be measured from the lot lines of the property.** Eight lines on the grid equal one inch.

Scale: _____
North

W
E
S
T

E
A
S
T



South

Filing Information

AGRICULTURAL EXEMPTION AFFIDAVIT

NAME of Property Owners			
ADDRESS			
TELEPHONE			
Address, legal description, and/or Parcel # of property for which exemption is being requested :	Section _____	Township _____ South	Range _____, 6 th P.M. Kingman County, Kansas
PLEASE MARK THE APPROPRIATE ANSWER		YES	NO
I file a Farm Income Tax Form for property indicated above.			
<p>I/We understand the above information will be used to determine my/our qualification for an Agricultural Exemption from zoning and sub-division regulations on the above property located in the unincorporated areas of Kingman County. I/We certify the information given is true and correct to the best of my/our knowledge. Furthermore, I/We understand that it is my/our responsibility to notify the Planning-Zoning Office, in writing, and in a timely manner should my/our agricultural status change.</p> <p>An exemption from zoning and sub-division regulations will be granted/issued if an individual can prove that the use of land and buildings is used exclusively for agricultural purposes and not otherwise. Leasing of agricultural land, in and of itself, may not grant an exemption from zoning and sub-division regulations. This Exemption DOES NOT apply to Airport or Floodplain Regulations, Environmental Codes, or setbacks from public right of way and property lines (front, side, & rear).</p>			
Signature of Property Owner	Date	Signature of Property Owner	Date
FOR OFFICE USE ONLY			
An Exemption from Zoning and Sub-division Regulations is being granted for: _____			
_____ at the following location:			
Parcel # _____			
_____		_____	
Date		Planning-Zoning Office	

When tract splitting, the following is required to accompany Affidavit: A survey showing the location of all structures, wastewater systems, and water wells. ORIGINALS MUST BE FILED AT REGISTER OF DEEDS:
 Filing Fee = \$8.00 for the 1st page, and \$4.00 for each additional page.
 Copy to Planning Office.