

EXCERPT OF JUNE 16, 2022 PLANNING COMMISSION MINUTES

Consider amending the Franklin County Zoning Regulations 1) Article 4, Agricultural District, Section 4-5.02, Building Setbacks; 2) Article 5, Transitional Agriculture District, Section 5-5.02, Building Setbacks; 3) Article 6, Residential Estate District, Section 6-5.02, Building Setbacks; Article 7, Single Family Residential Three Acre District, Section 7-5.02, Building Setbacks and Article 8, Single Family Residential District, Section 8-5.02, Building Setbacks.

Staff Presentation: The Chair opened Staff Presentation.

K. Cook presented the staff report for consideration of amendments to the Franklin County Zoning Regulations regarding required building setbacks in the A-1, A-2, R-E, R-3A and R-1 Districts. This included discussion regarding the number of variances that have been issued in the past and that do not appear to comply fully with the criteria specified in State Statutes (KSA 12-759(e)(1) and Section 24-2.01.2.c of the Franklin County Zoning Regulations.

K. Cook continued to present the staff report stating at the Planning Commission's April 21, 2022 meeting, staff provided a document comparing Bulk and Area requirements of other Kansas Counties that had been attached as part of the memo.

K. Cook discussed three primary options for the Planning Commission to consider. The first option is for the Planning Commission to determine that the existing setbacks are appropriate for Franklin County and should be enforced as currently adopted. This option does not require for the Planning Commission to take any action as the existing regulations would continue. In such a case, staff suggested the Planning Commission recommend for the Board of Zoning Appeals to only approve variances when all of the criteria of the Statutes and Zoning Regulations have been met. The second option included the Planning Commission recommending amendments to the Zoning Regulations providing for specific exceptions under which the Board of Zoning Appeals is authorized to grant exceptions. KSA 12-759(e) provides the Board of Zoning Appeals with the authority to grant variances and exceptions for the zoning regulations. As mentioned above, the granting of variances may only occur when all five criteria specified in the statute have been met. The third option is to amend the existing setback requirements. Amending the setback requirements could bring the setbacks in-line with community desires, reduce the number of variances being requested, provide more uniformity in setbacks required between different districts, simplify setbacks for different types of structures within the same district and allow more consistency in the enforcement of setback requirements throughout the County. Franklin County's current setback requirements include separate setbacks for different types of structures. Staff suggested the Planning Commission consider reducing the setback requirements for each district to a single minimum setback for each yard (front, side & rear) as a way of simplifying the regulations. This could include adopting the same setbacks for side and rear property lines to simplify interpretation of what are considered side and rear property lines. The Planning Commission could keep authority to require larger setbacks for uses approved through the Special Use Permit process in order to take into consideration increased impacts that can occur with such requests. Staff does suggest the listing of setbacks for agricultural structures be removed as agricultural uses and structures are generally exempt from most zoning regulations, except for floodplain regulations and an ability to require a minimum setback from public right-of-way. Staff also suggested the Planning Commission consider amending the required setbacks to be more consistent between the various zoning district. The Planning Commission may want to consider allowing the R-3A and R-1 District to continue with slightly different setbacks in order to reduce the possibility of creating nonconforming structures if the setbacks were increased. Staff would also note that the Planning Commission could consider a combination of options #2 and #3 in that, in addition to amending the existing setback requirements, the Planning Commission could decide to also provide for the granting of certain exceptions.

K. Cook briefly addressed the front, rear and side yard setbacks recommended by Staff for each of the various zoning districts.

K. Cook had nothing further to add unless the Planning Commission had any questions. He recommended the Planning Commission open the public hearing regarding possible amendments to the setback requirements of the Zoning Regulations in order to allow any public interested to make comments regarding possible changes, for the Planning Commission to discuss possible changes and provide direction to staff regarding specific setbacks and amendments to the regulations. At this time staff suggests the Public Hearing be continued until the July 21, 2022 Planning Commission meeting to allow draft amendments to be prepared based upon the direction of the Planning Commission

The Chair closed Staff Presentation.

Public Comment: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion.

B. Livingston asked for clarification on the current front setbacks for the A-1 District?

K. Cook stated the current front yard setbacks for the A-1 District is 80 feet.

B. Livingston asked if the 80 feet is currently measured from the road right-of-way?

K. Cook stated currently the front setbacks are measured from the existing right-of-way. In the memo, Staff did suggest the front yard setback be measured from the greater of the existing right-of-way or the ultimate right-of-way width determined by the Functional Classification of Roads map included in the Franklin County Comprehensive Plan and based upon the widths defined in the Subdivision Regulations (total right-of-way width: Arterial – 100 feet; Collector – 80 feet; and, Local 70 feet). Staff suggests front yard setbacks adjacent to internal subdivision roads be measured based upon the actual width of the ROW. If the front yard setback is reduced down to 50 foot, the majority of cases would have similar setbacks and would not create a huge change. If a change was made to the road and setbacks were kept at 80 feet, there would be a greater chance of creating an issue in the future. The biggest concerns are the areas that have the R-3A Zoning that are smaller in size and that change in setback could have a bigger impact.

C. Campbell asked if these setbacks only address structures, are there any regulations regarding fencing?

K. Cook stated the County currently has no regulations regarding fencing. The only time the County would get involved with fencing issues would be if someone was proposing to install a solid fence at an intersection, there would be some line of sight issues that would need to be addressed. Or if someone was proposing to install a solid fence in the floodplain. The County does not require permits for most fencing if under 6 foot tall. Once you get above a certain height there may be some engineering requirements because of wind load that the fence would need.

C. Campbell asked how are agricultural and accessory structures defined? If someone has a fancy chicken coop, is that considered an accessory structure or an agricultural structure?

K. Cook stated if it is strictly an agricultural structure, then it is exempt from zoning. Exceptions to that would be primarily floodplain regulations. There are also provisions that allows the County to set a requirement for how far the structure is from the road. Other communities don't have a front yard setback requirement but the structure has to be located outside of the anticipated right-of-way width. If the chicken coop was an agricultural structure, as part of an agricultural operation, then it would be considered exempt and wouldn't have to meet any setback requirements. However, if the chicken coop was located on a 3.00-acre parcel, it could still be considered an agricultural structure but wouldn't be exempt and would need to meet the setback requirements. If the structure was less than 200 square feet a building permit is not required but would still need to be located outside of the setbacks.

S. Hornbuckle stated that most of Counties do require, even on agricultural structures, a setback requirement. Other Counties he has built in do come out and measure how far the postholes are from the property line to make sure the agricultural structure met the setbacks. Does Franklin County still have setback requirements for agricultural structure?

K. Cook stated that the current regulations do list setback requirements for agricultural structures. In reading State Statutes and court cases, if it is strictly an agricultural structure it is exempt from Zoning Regulations with the exception of floodplain regulations and setbacks from the anticipated road right-of-way. The County cannot regulate agricultural structures beyond those requirements. When Staff is talking to a property owner about building a structure and they state they are building a barn, he tells them the setbacks for an accessory structure. If they then state it is an agricultural use barn then he will discuss what the structure is going to be used for to ensure it is only going to be used

for agricultural purposes. Staff usually still suggests the property owner meet the setback requirements because if the structure is built in compliance with the Zoning Regulations, especially if they obtain a building permit for the structure, then it can be used for more than just agricultural purposes. If they choose to apply for the agricultural affidavit to be exempt from the building permit, then the structure is to solely be used for agricultural purposes, no storing of boats or campers. However, if they decide to start storing other items in that structure it must now be brought into compliance with regulations. The smaller setbacks would make it easier for property owners to meet and comply with other requirements and allowed more freedom of what the structure can be used for.

S. Hornbuckle stated that Johnson County was the first County that came out and measured how far the postholes were from the property line just in case someone decided to park a vehicle in that structure and it now has to meet the requirements of an accessory structure because it is no longer used strictly for agricultural purposes. It makes more sense to have all structures meet the same setbacks.

K. Cook stated Johnson County does fall under a different set of State Statutes on zoning than Franklin County. The urban counties fall under chapter 19 of the statutes and most other counties fall under chapter 12. There are small differences in the chapters on how the counties deal with zoning regulations.

C. Campbell asked if the different statutes for the counties is based on population?

K. Cook stated there is a definition in the statutes in regards to what is defined as an urban county. At first only Johnson County fell under that chapter of the statutes. Now Sedgewick County and Shawnee County fall under those separate statutes as well.

C. Campbell stated it seems when there are different setbacks for different structures, and they are different in each zoning district, it could become very confusing.

K. Singleton stated she served on the Douglas County Planning Commission for years and things are done very differently in Franklin County. She believes that the Franklin County Planning Commission considers each zoning application very specifically. For example, the application that was considered last month, the adjustments to the setbacks that were recommended, even though the specific findings that the statutes require weren't all met. However, all 5 factors were discussed thoroughly and we asked the neighbors that were adjacent to the property how they felt about the change in setbacks. She stated she believes that you can change the regulations all you want but if you try to tell a landowner in Franklin County that they can't do something, they will petition to do it anyway, which is why there have been so many variances granted. The citizens in Franklin County do not want our community to look like every single suburb in Johnson County or Douglas County where all the houses are 20 feet back and the same 3 colors. When you are driving in Franklin County you may see a farmhouse that is 120 years old and 4 acres over right next to the farmhouse is a random \$2 million house that looks completely different and that is ok with us. She believes that the consensus of the Planning Commission is that variance applications will continue to be filed regardless of whether the setbacks are amended or not.

S. Hornbuckle stated he agrees with setting a minimum setback requirement because you can still build your structure 150 feet from the property lines. When you set a minimum setback the owner knows up front when they buy the property if it will be large enough to accommodate everything they want to build and still meet setbacks. This way they know ahead of time and won't have to file for a variance and if they do they can be told no because they knew upfront what setbacks were when they purchased the property. By having the same setbacks for all structures in all zoning districts would allow someone who purchases a property that has a structure on it that was originally built strictly for agricultural purposes, and now they want to change what they store in that existing structure, from having to file for a variance or being told they either have to move that structure to meet the correct setbacks or tear it down. The closer we allow structures to be built to the property lines the better the County would be because it will allow more land to remain in farmground.

B. Livingston stated if I was building a structure in the A-1 District the current setback is 150 feet from the side yard. If that structure was built in the A-2 District the setback would be 80 feet from the side yard. What is being proposed is to change the front yard setback for the A-1, A-2 and R-E all to 50 feet. To be closer would require a variance request.

K. Cook stated the goal is to reduce the number of variance requests. If the Planning Commission feels 50 feet is the closest you feel comfortable with for front yard setbacks, then hopefully that would eliminate the variance requests.

C. Campbell asked if 50 foot would be the setbacks for front, side and rear yards?

K. Cook stated what he is proposing for front yard setback to be 50 foot in the A-1, A-2 and R-E Districts. Typically, most people in the County don't want to be closer than that to the road. The proposed side yard setback would be 25 foot, which matches what the setbacks are for septic systems.

B. Livingston stated that the proposed setbacks would be less restrictive and would still provide property owners the ability to build further back if they want.

S. Hornbuckle stated the proposed setbacks would also allow the property owner to do more with their land.

K. Cook stated he agrees that the proposed setbacks would provide the property owner more ability of where they would like to build structures and provides more consistency between zoning districts. The area that Staff does have some concern is primarily the R-3A District. Staff feels that the front yard setback should stay at 35 feet and making a change to that setback would impact a lot of people. Most of the R-3A zoned properties have the residence located in the middle of the parcel.

K. Singleton asked what is the process in amending the Zoning Regulations? Is the Planning Commission the approving authority for amendments to the Zoning Regulations?

K. Cook stated the Planning Commission holds the Public Hearing for the proposed amendments. The Planning Commission, after hearing from Staff, then has discussions amongst the board and hearing any public comments during the public hearing, would then make a recommendation to the Board of County Commissioners. The Board of County Commissioners would officially adopt the proposed changes, or they may decide to deny the proposed changes or possibly send it back to the Planning Commission for reconsideration of certain items. The Board of County Commissioners are the approving authority but a lot of times they look heavily on the Planning Commission's recommendation on these items. The proposed setbacks are similar to those used in other jurisdictions where he has worked and are also comparable to other counties.

K. Singleton asked what are Staff's proposed amendments?

K. Cook stated in the Staff Report it was suggested to amend the front yard setbacks to 50 foot and the side and rear yard setbacks to 25 foot.

K. Harris asked what happens if someone applies for a Variance and the Planning Commission denies the request and the Board of County Commissioners also denies the request, would it then go to the Board of Zoning Appeals?

K. Cook stated Variance requests go directly to the Board of Zoning Appeals. The case last month was a little different because it wasn't a variance request it was for a Planned Development District. As part of that district the Planning Commission and Board of County Commissioners have the authority to adjust the specific requirements. Usually what happens is we reduce this requirement and then make something a little bit higher to make it fit in the neighborhood. If a property owner in the County wants to build a structure within the setbacks they would make an application for a variance to the setback requirements and it would go before the Board of Zoning Appeals. The board would look at the 5 conditions in statutes and make their decision. The Board of Zoning Appeals is the approving authority for variances. If someone wants to appeal that decision, then it would go straight to District Court. In some other communities that Staff has worked the Planning Commission can also act as the Board of Zoning Appeals. The same group of people that deal with zoning issues would then adjourn and readjourn to deal with variance requests.

K. Cook stated that he believes the general consensus of the board is that the suggested amendments seem to be reasonable and that the 50-foot front yard setback and 25-foot side and rear yard setbacks in the A-1, A-2 and R-E Districts are acceptable. The R-3A District would retain the 35-foot front yard setback for all structures. Then 25-foot side and rear yard setbacks for all structures in all zoning districts. Is the Planning Commission interested in having something regarding exceptions in the R-3A District for side yard setbacks that would allow the Board of Zoning

Appeals to consider granting an exception in cases where the residence was constructed in compliance with regulations and if they wanted to do an addition to the side of the house but it would be in the setbacks?

S. Hornbuckle stated if the exceptions would be for existing structures and not new ones he would be in favor of that.

K. Harris asked if that would be strictly for side yards and not front yards?

K. Cook stated the exceptions would be for side and rear yard setbacks, not front yards. Originally, he was hoping to have discussions on setbacks during the same time we discuss how we handle rezonings and lot splits. Staff decided would have the discussion regarding setbacks first and then come back later and have discussions about what options are available for rezonings or just keep handling them the way it has been done in the past.

S. Hornbuckle asked if any of the counties do shadow platting? This is where you are subdividing a piece of ground and require that the residence be built in a certain area so it doesn't get over developed. The property owner would then have to split four other parcels in the future.

K. Cook stated that he has seen shadow platting. Miami County had extra territorial jurisdiction and in the Louisburg area they had some properties that got platted when it was under the extra territorial jurisdiction and when it was done they didn't have sewer to any of the lots. The shadow platting was done but no one enforced anything and there is a very low likelihood they would ever get developed because it would require someone to construct new roads in order to make everything work.

The Chair closed Board Discussion.

The Chair asked for a motion. B. Livingston made a motion to continue consideration of amendments to the Franklin County Zoning Regulations regarding required building setbacks in the A-1, A-2, R-E, R-3A and R-1 Districts to the July 21, 2022 Planning Commission meeting. The motion was seconded by S. Hornbuckle. The Chair called for roll call vote.

Wilkins	Yes	Livingston	Yes	Pearce	Excused
Campbell	Yes	Harris	Yes	Stottlemire	Excused
Singleton	Yes	Hornbuckle	Yes		

Motion carried 6-0.

The Chair closed Public Hearing Items.

EXCERPT OF DRAFT JULY 21, 2022 PLANNING COMMISSION MINUTES

Consider amending the Franklin County Zoning Regulations 1) Article 4, Agricultural District, Section 4-5.02, Building Setbacks; 2) Article 5, Transitional Agriculture District, Section 5-5.02, Building Setbacks; 3) Article 6, Residential Estate District, Section 6-5.02, Building Setbacks; Article 7, Single Family Residential Three Acre District, Section 7-5.02, Building Setbacks and Article 8, Single Family Residential District, Section 8-5.02, Building Setbacks.

Staff Presentation: The Chair opened Staff Presentation.

K. Cook presented the staff report for consideration of amendments to the Franklin County Zoning Regulations regarding required building setbacks in the A-1, A-2, R-E, R-3A and R-1 Districts. This included changes in where front yard setbacks are measured. The proposed changes included that 50-feet appeared to be an appropriate minimum Front Yard Setback in the A-1, A-2 and R-E Districts with the R-3A District keeping its existing 35-foot setback. The Side and Rear Yard Setbacks for each of these districts were also suggested to be changed to a minimum of 25-feet.

K. Cook stated at the last meeting discussed the possibility of including provisions for exceptions from the setback requirements. This specifically involved exceptions to allow the construction of additions onto existing structures

(constructed prior to adoption of Zoning Regulations or in compliance with previous Zoning Regulations) which encroach into a required setback, as long as such addition would not encroach further than the existing structure. While Kansas Statutes (K.S.A. 12-749(e)) provide that Zoning Regulations may allow for the Board of Zoning Appeals to grant variances and exceptions, Article 24, Board of Zoning Appeals, of the Franklin County Zoning Regulations only includes provisions for the granting of variances and does not currently include provisions for the granting of exceptions. While in publishing the notice for the proposed changes staff included references to the different Zoning Districts that would be impacted by any change, including for providing exceptions to specific requirements, a reference to Article 24, Board of Zoning Appeals was not included. An updated notice will need to be published to allow for changes to Article 21 and provide authority for the BZA to also consider exceptions. Staff's original plan regarding the listing of exceptions was for them to be included under the building setback requirements that are listed in each of the specific Zoning Districts. Upon reviewing methods other communities have used for providing exceptions, staff is suggesting the exceptions be listing directly in Article 24 for the Board of Zoning Appeals and simply provide reference to the Zoning Districts to which they apply.

K. Cook briefly addressed the front, rear and side yard setbacks recommended by Staff for each of the various zoning districts, an amendment to Article 2, Definitions, and also Article 25, Permits, to better define that the front yard would be measured from ultimate right-of-way identified in the Franklin County Comprehensive Plan. After having discussions with the County Building Official, there was one change to the recommendations for the Planning Commission to consider. Under Article 8, R-1 Zoning District, it is recommended to change the side yard setback to ten feet and then under sub-item (a) changing it to refer to Section 20.2.02 for side yard requirements for non-conforming lots.

C. Campbell asked in the past there were discussions about tiny homes and mother-in-law quarters, where would those types of structures fit within these amended regulations?

K. Cook stated he is currently working with a group in hopes to obtain some grant money to aid in amending the County Zoning Regulations to consider allowing accessory dwelling units. Since he started working for Franklin County he has received a lot of phone calls from people who want to construct a secondary unit either onto their existing residence or close to their existing residence to help take care of a family member. Those types of items would require changes to the County Zoning Regulations but wouldn't be significantly impacted by any changes to setbacks. These accessory dwelling units would have different standards that the County would look at. The County currently allows small dwellings but they have to meet the minimum requirements for how big certain rooms have to be. As long as you meet the minimum requirements you can build a pretty small house. The County Building Code requires the house be on a permanent foundation, so when people talk about tiny homes they are referring to a shed type structure on a trailer. These types of structures are not allowed by the current adopted Building Code. Other communities would have a minimum square footage for a single family residential dwelling.

C. Campbell asked if the cities minimum was 800 square feet for a single family residence?

K. Cook stated that 800 square feet sounds common for a single family residence inside city limits, but not positive on that requirement.

K. Cook stated another item that came out in the last meeting was in regards to setbacks for agricultural structures. In other communities he has worked in, the general opinion was to enforce agricultural structures to at least be outside the ultimate right-of-way. Typically, even for agricultural structures, we try to make sure they are meeting the same setbacks as other structures. When he worked in Miami County, they would try to make them meet setbacks but if they can back and provided more information showing it would only be an agricultural structure and would be a little closer to the side yard setbacks, we would consider it to be a legitimate agricultural structure and wouldn't require the side yard setback based off of State Statutes. In looking through other county regulations, such as Butler County, they have interrupted the State Statutes as requiring compliance with the front yard setbacks for agricultural structures but then have specific wording in the district regulations that allows for agricultural structures to be located within a side or rear yard setback. His personal opinion is that he tries to get everyone to meet the setbacks whether it is agricultural or not. If it really is a valid agricultural structure, according to State Statutes, they are exempt from Zoning Regulations. The reason discussing now is in case someone on the board feels that the County should be pushing harder in making sure that agricultural structures meet all setbacks.

S. Hornbuckle stated if require one structures to meet setbacks then require them all to no matter if agricultural or not.

K. Cook stated that the recommended setbacks specifically state 50-foot front yard and 25-foot side yard for all structures. If someone wants argue those setback requirements then they can appeal to the Board of Zoning Appeals that his interpretation is incorrect. Also, if the board wanted to add the number 4 that was included in the other Articles to Article 8 as well to where it specifies setbacks for uses approved as a special use that the Planning Commission can approved larger setbacks. That is specifically in the special use permit regulations that allows the Planning Commission that authority. It was rewored here so there is no confusion that the Planning Commission has that authority.

Chair stated he agrees with adding number 4 to the R-1 District to be consistent with all of the other districts.

The Chair closed Staff Presentation.

Public Comment: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. K. Harris made a motion to recommend approval of amending the Franklin County Zoning Regulations regarding required building setbacks in the A-1, A-2, R-E, R-3A and R-1 Districts with the amendments recommended by Staff to the R-1 District. The motion was seconded by R. Pearce. The Chair called for roll call vote.

Wilkins	Yes	Livingston	Excused	Pearce	Yes
Campbell	Yes	Harris	Yes	Stottlemire	Yes
Singleton	Excused	Hornbuckle	Yes		

Motion carried 6-0.

The Chair closed Public Hearing Items.



Proposed Setback Regulation Changes

Article 2 – Definitions:

Section 2-1.01

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement of right-of-way line (including the ultimate right-of-way identified in the Franklin County Comprehensive Plan) and the front building line.

Article 4 – Agricultural District (A-1)

4-5.02 Building setback requirements shall be as follows:

1. Front Yard: **Fifty (50) feet on all sides abutting a street.**
 - a) Dwelling Structures: 80 feet from the front property boundary.
 - b) Churches, chapels, temples or synagogues: 50 feet from the front property boundary.
 - c) Agricultural Structures, as defined in these regulations: 50 feet from the front property boundary.
 - d) Commercial greenhouses, nurseries and other structures associated with uses subject to the approval of a Special Use Permit shall be determined by the Planning Commission.
 - e) Non-Agricultural storage shed, shops and similar accessory structures: 80 feet from the front property boundary.
2. Side Yard: **Twenty-five (25) feet.**
 - a. Dwelling Structures: 150 feet from any side yard property boundary.
 - b. Churches, chapels, temples or synagogues: 100 feet from any side yard property boundary.
 - c. Agricultural Structures, as defined in these regulations: 35 feet from any side yard property boundary.
 - d. Commercial greenhouses, nurseries and similar structures associated with uses subject to the approval of a Special Use Permit shall be determined by the Planning Commission.
 - e. Non-agricultural storage sheds, shops and similar accessory structures: 75 feet from any side yard property boundary.
 - f. Side yards abutting a highway or road shall maintain the same setback as required for the front yard.
3. Rear Yard: **Twenty-five (25) feet.** All structures/buildings shall maintain the same building setback as the side yard requirements, except for through lots wherein the front yard setback requirements shall apply.
4. **Setbacks for uses subject to approval of a Special Use Permit: The Planning Commission shall determine if larger setbacks are required for uses allowed by approval of a Special Use Permit.**

Article 5 – Transitional Agriculture District (A-2)

5-5.02 Building setback requirements shall be as follows:

1. Front Yard: **Fifty (50) feet on all sides abutting a street.**

- a) Dwelling Structures: 80 feet from the front property boundary.
 - b) Churches, chapels, temples or synagogues: 50 feet from the front property boundary.
 - c) Agricultural Structures, as defined in these regulations: 50 feet from the front property boundary.
 - d) Commercial greenhouses, nurseries and other structures associated with uses subject to the approval of a Special Use Permit shall be determined by the Planning Commission.
 - e) Non-Agricultural storage shed, shops and similar accessory structures: 80 feet from the front property boundary.
2. Side Yard: **Twenty-five (25) feet.**
- a. Dwelling Structures: 80 feet from any side yard property boundary.
 - b. Churches, chapels, temples or synagogues: 50 feet from any side yard property boundary.
 - c. Agricultural Structures, as defined in these regulations: 35 feet from any side yard property boundary.
 - d. Commercial greenhouses, nurseries and similar structures associated with uses subject to the approval of a Special Use Permit shall be determined by the Planning Commission.
 - e. Non-agricultural storage sheds, shops and similar accessory structures: 50 feet from any side yard property boundary.
 - f. Side yards abutting a highway or road shall maintain the same setback as required for the front yard.
3. Rear Yard: **Twenty-five (25) feet.** All structures/buildings shall maintain the same building setback as the side yard requirements, except for through lots wherein the front yard setback requirements shall apply.
4. Setbacks for uses subject to approval of a Special Use Permit: The Planning Commission shall determine if larger setbacks are required for uses allowed by approval of a Special Use Permit.

Article 6 – Residential Estate District (R-E)

6-5.02 Building setback requirements shall be as follows:

- 1. Front Yard: **Fifty (50) feet on all sides abutting a street.**
 - a. Dwelling Structures: 50 feet from the front property boundary.
 - b. All other structures: 75 feet from the front property boundary.
 - c. On cul-de-sac streets or roads, the building setback shall be measured from the center of the radius of the lot frontage.
- 2. Side Yard: **Twenty-five (25) feet.**
 - a. Dwelling Structures: 75 feet from the side property boundary.
 - b. Churches, chapels, temples and synagogues: 50 feet from any side yard property boundary.
 - c. Agricultural Structures, as defined in these regulations: 50 feet from any side yard property boundary.
 - d. Commercial greenhouses, nurseries and similar structures associated with uses subject to the approval of a Special use Permit shall be determined by the Planning Commission.
 - e. Non-agricultural storage shed, shops and similar accessory structures: 50 feet from the side yard property boundary.
 - f. When a building or structures is located on a corner lot or tract, the side yard adjacent to the highway or road shall maintain the same setback as required for the front yard.
- 3. Rear Yard: **Twenty-five (25) feet.**

- a. Dwelling Structures: 50 feet from the rear property boundary.
 - b. Churches, chapels, temples and synagogues: 50 feet from the rear property boundary
 - c. Agricultural Structures, as defined in these regulations: 75 feet from the rear property boundary.
 - d. Commercial greenhouses, nurseries and other structures associated with uses subject to the approval of a Special Use Permit shall be determined by the Planning Commission.
 - e. Non-agricultural storage sheds, shops and similar accessory structures: 35 feet from the rear property boundary.
 - f. In the case of a through lot or tract, the front yard building setback shall apply.
4. Setbacks for uses subject to approval of a Special Use Permit: The Planning Commission shall determine if larger setbacks are required for uses allowed by approval of a Special Use Permit.

Article 7 – Single Family Residential Three-Acre District (R-3A)

7-5.02 Building setback requirements shall be as follows:

- 1. Front Yard: **Thirty-five (35) feet on all sides abutting a street.**
 - a. Dwelling Structures: 35 feet from front property boundary.
 - b. Churches, chapels, temples and synagogues: 50 feet from the front property boundary.
 - c. Agriculture Structures, as defined in these regulations: 50 feet from the front property boundary.
 - d. Structures associated with uses subject to approval of a Special Use Permit shall be determined by the Planning Commission.
 - e. Non-agriculture storage sheds, shops and similar structures: 35 feet from the front property boundary.
 - f. On cul-de-sac roads the setback shall be measured from the center of the radius of the lot frontage.
 - 2. Side Yard: **Twenty-five (25) feet.**
 - a. Dwelling Structures: 25 feet from the side property boundary.
 - b. Churches, chapels, temples & synagogues: 35 feet from any side property boundary.
 - c. Agricultural Structures, as defined in these regulations: 50 feet from any side property boundary.
 - d. Non-agricultural storage sheds, shops and similar accessory structures: 50 feet from any side property boundary.
 - e. When a building or structure is located on a corner lot or tract, the side yard adjacent to the road shall maintain the same setback as required for the front yard.
 - 3. Rear Yard: **Twenty-five (25) feet.**
 - a. Dwelling Structures: 35 feet from the rear property boundary.
 - b. Other structures shall maintain a building setback of 50 feet from the rear property boundary.
4. Setbacks for uses subject to approval of a Special Use Permit: The Planning Commission shall determine if larger setbacks are required for uses allowed by approval of a Special Use Permit.

Article 8 – Single Family Residential District (R-1)

8-5.02 Building setback requirements shall be as follows:

- 1. Front Yard: **Twenty-five (25) feet on all sides abutting a street.**
 - a. Residential structures: 25 feet as measured from the front property line.
 - b. Other structures: 30 feet as measured from the front property line.

- e. On cul-de-sac streets, the setback shall be measured from the center of the radius of the lot frontage.
2. Side Yard: Ten (10) Feet
 - a. There shall be a side yard setback of 10% of the width of the lot, but not less than 6 feet. The side yard setback may be reduced to 10% of the width of the lot, but not less than 3 feet.
 - b. When a building or structure is located on a corner lot, the side yard adjacent to the street shall maintain the same setback as required for the front yard except that the buildable lot width shall not be reduced to less than 50% of the total lot width.
 3. Rear Yard
 - a. There shall be a rear yard setback of 15 feet as measured from the rear lot line.
 - b. In the case of a through lot (double frontage), the front yard building setback shall apply regardless of which is used as the rear yard.
 4. Setbacks for uses subject to approval of a Special Use Permit: The Planning Commission shall determine if larger setbacks are required for uses allowed by approval of a Special Use Permit.

Article 25 – Permits

- 25-1.02 Conformance with Zoning Regulations: No building permit shall be issued for any building or structure unless the same is in conformance with all provisions of these Zoning Regulations and, where applicable, the County Subdivision Regulations and Comprehensive Plan. All building or structure setbacks along roads shall be measured from the ultimate right-of-way identified in the Franklin County Comprehensive Plan.