

BOARD OF COUNTY COMMISSIONERS

**OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 08-046

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO ARTICLE 16, SECTION 16-2.02, SECTION 16-4.01 AND ADDING SECTION 16-14 OF THE FRANKLIN COUNTY ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF THE COUNTY IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 12-757

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to Kansas Statutes K.S.A. 19-101; and

WHEREAS, the Franklin County Board of County Commissioners did by Resolution #23-91 create the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Board of County Commissioners did adopt an update of the County Zoning Regulations of Franklin County, Kansas on August 4, 2002 as set forth in K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission published a notice on August 27th, 2008, that a public hearing would be held to consider said revision of the Franklin County, Kansas Zoning Regulations, as required by K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission did, on September 18th, 2008, hold a Public Hearing for the consideration of adopting an amendment to the County Zoning Regulations as prescribed by K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission has reviewed in detail the Amendment to Article 16 (Floodplain Overlay District) Section 16-2.02 (Applicability, Enforcement, Interpretation and Conflict), Section 16-4.01 (Definitions) and Section 16-14 (Floodwater Retarding Dam Breach Areas); and

WHEREAS, after due consideration of all written reports and testimony, the Planning Commission, by unanimous vote of its membership, finds such Amendment to the County Zoning Regulations to be in the public interest and necessary to promote the health, safety, convenience, prosperity and general welfare of the citizens of Franklin County, Kansas; and

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby approve the adoption of an Amendment to the County Zoning Regulations as follows:

Article 16, Floodplain Overlay District

Section 16-2.02 Applicability, Enforcement, Interpretation and Conflict.

Basis for Establishing Areas of Special Flood Hazard: The Board of County Commissioners hereby designates the current "Flood Hazard Boundary Map Franklin County, Kansas (Unincorporated Area)", prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration and dated June 3, 1991, and amendments thereto, as the official maps to be used in determining those areas of special flood hazard in the unincorporated territory of

Franklin County, Kansas. Said maps are incorporated herein by reference as part of these Zoning Regulations.

Section 16-4.01 Definitions

Floodwater Retarding Dam Breach Impact Area: Is the land located below a floodwater-retarding dam that is subject to flooding in the event of a failure or breach of the dam, which could result in the loss of life and property. The boundaries of the Floodwater Retarding Dam Breach Impact Area shall be determined by the Planning Director using the FIRM maps prepared by FEMA and the U.S.G.S. Map Elevations until the detailed Breach Impact Studies showing the exact location of such boundaries have been completed. In cases where the interpretation of the boundary by the Planning Director is contested, the Planning Commission will determine the boundaries.

Section 16-14 Floodwater Retarding Dam Breach Areas (BA)

Section 16-14.01 Special Regulations for Floodwater Retarding Dam Breach Areas

In addition to the limitations and restrictions set forth in Floodplain Management Regulations, only uses having a low flood damage potential and not obstructing a flood flow are permitted as follows:

- a. Agricultural uses excluding structures
- b. Residential uses such as lawns, gardens, parking, play and yard areas excluding any structures.
- c. Nonresidential uses such as loading areas, parking and landing strips.
- d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks and wildlife and nature preserves.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 1st day of October 2008
8. This action shall become effective upon publication in the official county newspaper.

/s/ Karen S Farrell
Karen S. Farrell
Chair

Received and recorded this the 1st day of October 2008.

Shari Perry

/s/ Shari Perry

County Clerk