

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 18- 10

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN AMENDMENTS TO ARTICLE 2, DEFINITIONS, SECTION 2-1.01 TO INCLUDE A DEFINITION FOR AGRICULTURAL STRUCTURES AND CLARIFYING THE DEFINITION OF ACCESSORY STRUCTURES; ARTICLE 4, AGRICULTURAL DISTRICT, SECTION 4-5.02, BUILDING SETBACKS; ARTICLE 5, TRANSITIONAL AGRICULTURE DISTRICT, SECTION 5-5.02, BUILDING SETBACKS; 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 TO THE FRANKLIN COUNTY ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF THE COUNTY AS PROVIDED BY K.S.A. 12-757

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

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

WHEREAS, the Franklin County Board of County Commissioners did adopt the Zoning Regulations of Franklin County Kansas on August 4th, 2002 as provided in K.S.A. 12-747; and

WHEREAS, the Franklin County Planning Commission did publish notice on January 23, 2018 that public hearing would be held to consider an amendment to the Zoning Regulations of Franklin County Kansas as required by K.S.A. 12-757; and

WHEREAS, the Planning Commission did on February 15, 2018 hold a public hearing for the consideration of adopting said amendment to the Zoning Regulations as prescribed by K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission did review in detail the amendments to Article 2, Definitions, Section 2-1.01 to include a definition for Agricultural Structures and clarifying the definition of Accessory Structures; Article 4, Agricultural District, Section 4-5.02, Building Setbacks; Article 5, Transitional Agriculture District, Section 5-5.02, Building Setbacks; 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; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission and considering all written reports, public comments, Kansas Statutes regarding changes to Zoning Regulations and the applicable criteria from the factors set forth in the Golden Case, the County Commissioners, by majority of its membership, did find the following:

1. That the amendment to the County Zoning Regulations is in compliance with the Kansas Statutes; and
2. That the amendment to the County Zoning Regulations is consistent with the County Comprehensive Plan; and
3. That the amendment is consistent with the purpose and intent of the County Zoning Regulations; and

4. That side amendment is in the public interest and will further provide for the public health, safety and general welfare.

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 2

Section 2-1.01 Definitions

ACCESSORY STRUCTURE: A building/structure detached from but located on the same lot or tract as the principal building/structure wherein the use of such building/structure is incidental and an accessory to that of the principal building/structure or use.

ACCESSORY USE: A use that is clearly incidental to and customarily found in connection with the principal building/structure or use; is located on the same lot or tract as the principal use and serves the principal use.

AGRICULTURAL STRUCTURE: A building/structure that is used exclusively for the storage, containment, raising, housing or processing and sale of agricultural products raised or produced on the premises including farm equipment, seed and fertilizer necessary for farming operations.

AGRICULTURAL USE: The use of land for the raising of hay and other crops, orchards, berries, groves, timber, poultry, goats, sheep, swine, cattle, fish and bees. Uses shall include dairying operations, animal husbandry, pasturage, general farming, truck farming and activities directly related to such uses including the storage, processing and sale of such products. For purposes of these regulations, agricultural shall not include the following:

1. The operation or maintenance of commercial greenhouses, nurseries or hydroponic farms operated at retail.
2. Breeding, boarding or training of kennel operations.

ARTICLE 4 AGRICULTURAL DISTRICT

SECTION 4-5.02.

Building setback requirements:

1. Front Yard
 - 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
 - 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: 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.

ARTICLE 5 TRANSITIONAL AGRICULTURAL DISTRICT

SECTION 5-5.02.

Building setback requirements:

1. Front Yard
 - 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
 - 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: 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.

ARTICLE 6 RESIDENTIAL ESTATE DISTRICT

SECTION 6-5.02

Building setback requirements:

1. Front Yard
 - 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
 - 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
 - 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.

ARTICLE 7 SINGLE FAMILY RESIDENTIAL THREE ACRE DISTRICT

SECTION 7-5.02.

Building setback requirements:

- 1. Front Yard
 - 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. Commercial greenhouses, nurseries and other 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
 - 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
 - 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.

ARTICLE 8 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 8-5.02.

Building setback requirements:

- 1. Front Yard
 - a. Dwelling Structures: 25 feet from the front property boundary.
 - b. All other structures: 30 feet from the front property boundary.
 - c. On cul-de-sac roads, the setbacks shall be measured from the center of the radius of the lot frontage.
- 2. Side Yard
 - a. There shall be a side yard setback of 10% of the width of the lot, but not less than 6 feet.
 - b. When a building or structure is located on a corner lot, the side yard adjacent to the road 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. All structures shall maintain a rear yard setback of 15 feet from the rear property boundary.
 - b. In the case of a through lot, the front yard building setback shall apply regardless of which is used as the rear yard.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 7th day of March, 2018. This action shall become in full force and effect upon publication in the official county newspaper.



Randall L. Renoud
Chairman

Received and recorded this the 7th day of March, 2018.



Janet Paddock
County Clerk

