

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

RESOLUTION NO. 05-78

A RESOLUTION AMENDING ARTICLE 2 (DEFINITIONS), SECTION 2-1.01 AND ARTICLE 3 (GENERAL REGULATIONS), SECTION 3-2.01S 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 Zoning Regulations of Franklin County, Kansas on August 4, 2002 as provided in K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission published a notice on June 24, 2005, 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 July 14, 2005, 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 2 (Definitions), Section 2-1.01 and Article 3 (General Regulations) Section 3-2.01.S; and

WHEREAS, after due consideration of all written reports and testimony, the Planning Commission, by unanimous vote of those members present, 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 2, Definitions, Section 2-1.01

KENNEL: Any premises, lot, tract, area, enclosure, building or structure in or on which more than five (5) dogs of at least six (6) months of age are kept, harbored or maintained for any purpose. Dogs, as used in these regulations, are defined as a member of any canine species.

Article 3, General Regulations, Section 3-2.01 General Regulations Governing All Zoning Districts:

S.#9; Radio, Television, Telecommunication and Microwave Towers.

1.Purpose. The purpose of this section shall be to establish standards for the use and construction of radio or television broadcasting towers and/or apparatus, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 100 feet or more in height from the ground, or 40 feet in height as measured to the highest point of the tower/antenna if mounted on a structure or building, or of any height if lighted; whether publicly or privately owned.

2.Development Plan Required. At the time of application for a Special Use Permit, the applicant shall submit a development plan in sufficient detail, as determined by the staff of the Planning Department, to evaluate its conformance with applicable standards and guidelines.

The development plan shall include:

a)The applicant shall provide written authorization from the property owner of the proposed tower site.

b)An application for tower approval shall include the submission of a site plan drawn to scale showing the property boundaries, tower, guy wire anchors and other apparatus, existing and proposed structures, proposed transmission buildings and/or other accessory uses, access road(s) location, access road surface material, parking area, fences, location and content of warning sign exterior lighting specifications, a landscaping plan, land elevation contours, and existing land uses surrounding the site. If any accessory building is proposed, details of the building, including elevations and proposed use of the building, is require to be submitted with the application.

c)An application for tower approval shall include a report or written information which describes the tower height and design including a cross-section of the structure; engineering specifications detailing construction of tower, base and guy wire anchorage; the proposed painting and lighting schemes; and describes the tower's capacity, including the number and type of antennas that it can accommodate.
General Provisions for Towers.

1)An effort in good faith must be made to co-locate the new antenna on existing towers, or other structures. A request for a new tower must be accompanied by evidence that an effort was made to co-locate on existing towers, with no success.

2)A proposal for a new communications tower shall not be approved unless the applicant can document that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower due to one or more of the following reasons:

a)The planned equipment would exceed the structural capacity of existing and approved towers, and existing and approved towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost;

b)The planned equipment would cause RF interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost;

c)Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonable in parity with other similar equipment in place or approved; and

d)Other reasons that make it impractical to place the equipment planned by the applicant on existing and approved towers.

3)All towers shall be designed to accommodate at least three two-way antennas for every 150 feet of tower height, or at least one two-way antenna and one microwave facility for every 150 feet of tower height. The above requirements may be modified to provide the maximum number of compatible users within the frequency emission levels.

4)The owner, at the owner's expense, shall remove any tower that is not in use for a period of two years or more.

5)A sign shall be posted on the tower or the exterior fence around the base of the tower noting the name and telephone number of the tower owner/operator.

Development Standards For Towers.

6)The location of a ground-mounted tower must be such that it is setback at least equal to the height of the tower to the nearest property line measured from the center of the tower. A ground mounted tower may be setback less than the tower height to the nearest property line if documentation from a registered engineer is submitted certifying that in the event of a tower failure or collapse, the fall zone of the tower will be contained within the proposed setback area. All guy wires, similar support devices and other apparatus shall be not closer than twenty (20) feet from any lot line.

7)Towers may be placed on the roof of a building or on top of other structures using either of the following to determine tower height and setback:

Tower height above the roof/structure may be as high as the setback distance to the nearest roof/

/s/ Shari Perry
Shari Perry
County Clerk