



A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO ARTICLE 3, ZONING DISTRICT AND GENERAL REGULATIONS; SECTION 3-3.01, MISCELLANEOUS REGULATIONS GOVERNING ALL ZONING DISTRICTS, SUBSECTION 3-3.01.S, ET SEQ., RADIO, TELEVISION, TELECOMMUNICATION AND MICROWAVE TOWERS TO THE FRANKLIN COUNTY ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF THE COUNTY AS PROVIDED BY K.S.A. 12-757 TO COMPLY WITH K.S.A. 16-2019.

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 February 23, 2021 that public hearing would be held to consider an amendments to the Zoning Regulations of Franklin County Kansas as required by K.S.A. 12-757; and

WHEREAS, the Planning Commission did on March 18, 2021 hold a public hearing for the consideration of adopting said amendments 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 the Franklin County Zoning Regulations Section 3-3.01S a); Section 3-3.01S b) and Section 3-3.014 a) "General Provisions for Towers" (Radio, Television, Telecommunication and Microwave Towers); and

WHEREAS, the Planning Commission, after due consideration of all written reports, public testimony, Kansas Statutes regarding changes to Zoning Regulations and the applicable criteria from the factors set forth in the Golden Case, the Planning Commission, by majority of its membership, did find the following:

1. That the amendments to the County Zoning Regulations are in compliance with the Kansas Statutes; and
2. That the amendments to the County Zoning Regulations are consistent with the County Comprehensive Plan; and
3. That the amendments are consistent with the purpose and intent of the County Zoning Regulations; and
4. That said amendments are 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, after duly reviewing the Planning Commission recommendation, together with all written reports and public comments regarding said changes to the County Zoning Regulations, does hereby approve adopting the amendments to the County Zoning Regulations as follows:

ARTICLE 3 ZONING DISTRICTS AND GENERAL REGULATIONS
Section 3-3.01 Miscellaneous Regulations Governing All Zoning Districts

S. Radio, Television, Telecommunication and Microwave Towers.

3. *General Provisions for Towers.*

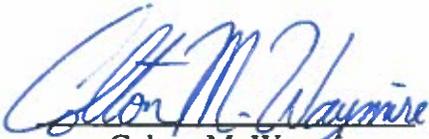
- a). *The applicant shall submit an analysis of available co-location opportunities on existing towers within the same service area only for the purpose that the applicant did review the possibility of co-location.*
- b). *Any telecommunication, radio, television or microwave tower structure approved by these regulations must be constructed or substantial construction commenced within one (1) year of final approval and shall be diligently pursued to completion. A time extension may be granted by the Planning Commission provided that said request for the time extension is submitted thirty (30) days prior to the expiration date stating justification for a time extension.*
- c). *Any tower structure approved by these regulations that is abandoned and no longer in operation for a period of two (2) or more years shall be removed by the lessee/operator of said tower structure. A time extension may be granted by the Planning Commission provided that said request for the time extension is submitted thirty (30) days prior to the expiration date stating the purpose for a time extension.*
- d). *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.*

4. *Development Standards For Towers.*

- a). *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 apparatus shall be no closer than twenty (20) feet from any lot line.*
- b). *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:*
 - i). *Tower height above the roof/structure may be as high as the setback distance to the nearest roof/structure edge; and*
 - ii). *The height of a ground-mounted tower may be used for a roof/structure-mounted tower if the required setbacks for a ground tower are satisfied.*
- c). *Additional setbacks may be required to contain icefall or debris from tower failures and/or to preserve the privacy of adjoining residential and public property. Setbacks shall apply to all tower parts and to any accessory facilities.*

- d). *The height of a tower shall meet the setback requirements as stated in this Section.*
- e). *All towers may be located in areas zoned commercial, industrial or agricultural.*
- f). *All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Towers shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA). In all cases, mono-pole towers shall be preferable to guyed towers or free standing structures. Towers should be designed and sited so as to avoid, whenever possible, application of F.A.A. lighting and painting requirements.*

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 7th day of April, 2021. This action shall become effective upon publication in the official county newspaper.

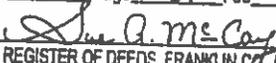

 Colton M. Waymire
 Chairman

Received and recorded this the 7th day of April, 2021.




 Janet Paddock
 County Clerk

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 TIME 9:30 am

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 Book 299 Page 72 Fee —

 REGISTER OF DEEDS, FRANKLIN CO., KS
 INSTRUMENT # 1590

(Original compared with record)