



A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO ARTICLE 2, DEFINITIONS, SECTION 2-1.01 TO INCLUDE CLARIFYING THE DEFINITION OF YARD, FRONT; 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, ARTICLE 8, SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 8-5.02, BUILDING SETBACKS AND ARTICLE 25, PERMITS, SECTION 25-1.02, CONFORMANCE WITH ZONING REGULATIONS 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 May 24, 2022 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 June 16, 2022 hold a public hearing for the consideration of adopting said amendments to the Zoning Regulations as prescribed by K.S.A. 12-741 et seq, as amended; and

WHEREAS, the Planning Commission continued the public hearing to allow staff to make updates to the proposed amendments and said continued public hearing was held on July 21, 2022; and

WHEREAS, the Franklin County Planning Commission did review in detail the amendments to Article 2, Definitions, Section 2-1.01 to include clarifying the definition of Yard, Front; 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, Article 8, Single Family Residential District, Section 8-5.02, Building Setbacks And Article 25, Permits, Section 25-1.02, Conformance With Zoning Regulations; 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 amendments to the County Zoning Regulations is in compliance with the Kansas Statutes; and
2. That the amendments to the County Zoning Regulations is 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 the 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 does hereby approve the adoption of an Amendment to the County Zoning Regulations as follows:

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 or 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.
2. Side Yard: Twenty-five (25) feet.
3. Rear Yard: Twenty-five (25) feet.
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.
2. Side Yard: Twenty-five (25) feet.
3. Rear Yard: Twenty-five (25) feet.
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.
2. Side Yard: Twenty-five (25) feet.
3. Rear Yard: Twenty-five (25) feet.
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.
2. Side Yard: Twenty-five (25) feet.
3. Rear Yard: Twenty-five (25) feet.
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)

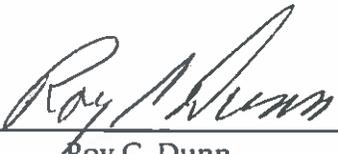
8-5.02 Building setback requirements shall be as follows:

1. Front Yard: Twenty-five (25) feet on all sides abutting a street.
2. Side Yard: Ten (10) Feet
 - a. 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.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 10th day of August, 2022. This action shall become in full force and effect upon publication in the official county newspaper.



Roy C. Dunn
Chairman



Received and recorded this the 10th day of August, 2022.



Janet Paddock
County Clerk