



**Franklin**  
COUNTY KANSAS

**Board of County Commissioners  
Franklin County, Kansas**

Resolution 23- **36**

FILED FOR RECORD  
09/06/2023 10:11 AM  
VICKI HUGHES  
REGISTER OF DEEDS  
FRANKLIN COUNTY, KANSAS  
INSTRUMENT # 2023-02884

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO ARTICLE 2, SECTION 2-1.01, DEFINITIONS; ARTICLE 3 ZONING DISTRICTS AND GENERAL REGULATIONS, SECTION 3-3.01 MISCELLANEOUS REGULATIONS GOVERNING ALL ZONING DISTRICTS; ARTICLE 4 AGRICULTURAL DISTRICT (A-1) AMENDING SECTION 4-2.01 PERMITTED USES; ARTICLE 5 TRANSITIONAL AGRICULTURAL DISTRICT (A-2) AMENDING SECTION 5-2.01 PERMITTED USES; ARTICLE 6 RESIDENTIAL ESTATE DISTRICT (R-E) AMENDING SECTION 6-2.01 PERMITTED USES; ARTICLE 26 TEMPORARY USES/ACCESSORY USES AMENDING SECTION 26-2.01 TEMPORARY USES AUTHORIZED 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 # 29-91 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 4<sup>th</sup>, 2002 as provided in K.S.A. 12-747; and

WHEREAS, the Franklin County Planning Commission did publish notice on July 26, 2023 that public hearing would be held to consider amendments to the Zoning Regulations of Franklin County Kansas as required by K.S.A. 12-757; and

WHEREAS, the Planning Commission did on August 17, 2023 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 Franklin County Planning Commission did review in detail the amendments to Article 2, Section 2-1.01, Definitions; Article 3 Zoning Districts And General Regulations, Section 3-3.01 Miscellaneous Regulations Governing All Zoning Districts; Article 4 Agricultural District (A-1) Amending Section 4-2.01 Permitted Uses; Article 5 Transitional Agricultural District (A-2) Amending Section 5-2.01 Permitted Uses; Article 6 Residential Estate District (R-E) Amending Section 6-2.01 Permitted Uses; Article 26 Temporary Uses/Accessory Uses Amending Section 26-2.01 Temporary Uses Authorized; 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, Section 2-1.01, Definitions:**

**DWELLING, ACCESSORY:** The phrases "Accessory Dwelling Unit" and "Accessory Dwelling" shall be considered to be interchangeable.

**DWELLING UNIT, ACCESSORY:** An additional, self-contained, subordinate dwelling unit located within, attached to, or detached from a single-family principal dwelling unit and having independent access. An accessory dwelling unit shall be secondary to a principal dwelling unit. The following type of accessory dwelling unit (ADU) is referred to in these regulations:

"Detached Accessory Dwelling Unit" – A dwelling unit standing apart and detached from the principal dwelling unit and located on the same lot, tract, or parcel of land.

**DWELLING UNIT, PRINCIPAL:** When the principal use conducted on a lot, tract or parcel of land is a single-family dwelling unit, then the principal use shall also be known as the principal dwelling unit (aka primary dwelling/residence). In the case of a lot, tract or parcel of land containing only one (1) dwelling unit, the dwelling unit is the principal dwelling unit. In the case of a lot, tract or parcel of land containing a principal dwelling unit and an accessory dwelling unit, the principal dwelling unit is the larger of the dwelling units.

**DWELLING, SINGLE-FAMILY:** A detached dwelling designed for or occupied by one (1) family. For purposes of these Zoning Regulations, manufactured homes and modular homes shall be considered single-family dwellings. For purposes of allowed accessory dwelling unit, single-family dwelling is the same as the principal dwelling unit.

**Article 3, Zoning Districts and General Regulations, Section 3-3.01 Miscellaneous Regulations Governing All Zoning Districts:**

**W. ACCESSORY DWELLING UNIT (ADU'S):**

One (1) accessory dwelling unit (ADU) shall be allowed on a lot, tract or parcel of land that is a minimum of 5.00 acres in size and subject to the performance standards listed in paragraph B of this section:

- A. Purpose. Accessory Dwelling Unit are allowed in certain situations to:
  - i. Create new housing units while respecting the appearance and scale of single-family dwellings;
  - ii. Support more efficient use of existing housing stock and infrastructure; and
  - iii. Provide housing that responds to changing family needs, smaller households and increasing housing costs, accessible housing for seniors and persons with disabilities.

Allowing an ADU is not intended to replace duplex and other multi-family zoning districts and dwellings. An ADU is different from a duplex in that typically the two (2) units that make up a duplex are attached to each other, are relatively equal in size and height, and one (1) unit usually does not dominate the other. In contrast, an ADU may or may not be attached and is subordinate in size, location, and appearance to the principal dwelling unit (PDU) that it accompanies. Additionally, both duplex units may be rented while an ADU or its accompanying PDU shall be owner-occupied.

**B. Performance Standards:**

1. The ADU shall be constructed and detached from an existing PDU;
2. The ADU shall use the same driveway entrance as the PDU. A second driveway entrance accessing the ADU shall not be allowed.
3. The ADU shall have a continuous driveway access provided to the ADU for fire, ambulance, and police safety;
4. The property owner shall reside in either the PDU or the ADU. A deed restriction shall be signed by the property owner and recorded with the Franklin County Register of Deeds Office, providing notice that the ADU is located on the property and must be used in compliance with the requirements of the Franklin County Zoning Regulations and that the lawful existence of the ADU is subject to the occupancy of the property owner in either the PDU or the ADU. Violation of the ADU regulations may result in the property owner being responsible for the removal of the ADU.
5. The minimum required square footage shall be 500 square feet.
6. The maximum required square footage shall be 1,200 square feet.
7. No basements are allowed however storm shelters are permitted.
8. The ADU is limited to two (2) bedrooms.
9. One attached 24' x 24' garage is allowed.
10. A detached ADU shall be located a minimum of 10 feet from the PDU and shall not be greater than 75 feet from the PDU.
11. The ADU may have to be served with an on-site wastewater system separate from that of the PDU if the existing on-site wastewater system is inadequate per code to serve the ADU.
12. The ADU shall meet all applicable development, ICC Codes, and adopted regulations of Franklin County.
13. An ADU shall be located on a lot, tract, or parcel of land no smaller than 5.00 acres in size unless both the ADU and the PDU are able to connect to public sewer and meets all septic requirements needed for additional use.
14. The proposed ADU must gain approval from the appropriate utility companies, including but not limited to electric, gas, water, and sewer/wastewater for the additional use.
15. Separate sale or ownership of the ADU is prohibited unless the lot, tract or parcel of land is subdivided in accordance with the County Zoning and Subdivision Regulations, creating a separate lot, tract, or parcel of land for each dwelling.
16. No portion of the ADU shall be located within the floodplain as determined by the Flood Insurance Rate Maps done by FEMA.
17. A building permit application for the ADU shall be filed with the Planning and Building Department and approved by both the Planning Director and Building Official. The following information shall be submitted with the application:
  - a. A site plan showing the location of both the ADU and PDU
  - b. The distance between the ADU and the property boundaries to ensure compliance with adopted setbacks;
  - c. The distance between the ADU and other structures on the property
  - d. Location of the access/driveway
  - e. Location of the wastewater/sewer system and well if applicable.

**Article 4 Agricultural District (A-1) amending Section 4-2.01 Permitted Uses:**

15. Accessory Dwelling Unit (ADU) subject to the standards set forth in Section 3.3.01.W.

**Article 5 Transitional Agricultural District (A-2) amending Section 5-2.01 Permitted Uses:**

15. Accessory Dwelling Unit (ADU) subject to the standards set forth in Section 3.3.01.W.

**Article 6 Residential Estate District (R-E) amending Section 6-2.01 Permitted Uses:**

10. Accessory Dwelling Unit (ADU) subject to the standards set forth in Section 3.3.01.W.

**Article 26 Temporary Uses/Accessory Uses amending Section 26-2.01 Temporary Uses Authorized:**

7. Temporary Use of Camping Trailers, Recreation Vehicles, Existing Homes, Mobile Homes:
8. Temporary Concrete/Asphalt Batch Plants:
9. Fireworks Sales:
10. Jackpot Rodeos/Roping Events/Outdoor Concerts or Music Festivals:
11. Auctions:

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 6<sup>th</sup> day of September, 2023. This action shall become in full force and effect upon publication in the official county newspaper.



Ianne Dickinson  
Chairman

Received and recorded this the 6<sup>th</sup> day of September, 2023.



  
Janet Paddock  
County Clerk