

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

RESOLUTION NO. 12-32

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN AMENDMENT TO ARTICLE 4 AGRICULTURAL ZONING DISTRICT (A-1); SECTION 4-4 LOT SIZE AND ARTICLE 5 TRANSITIONAL AGRICULTURE ZONING DISTRICT (A-2); SECTION 5-4 LOT SIZE 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 14th, 2002 as provided in K.S.A. 12-747; and

WHEREAS, the Franklin County Planning Commission did publish notice on August 29th, 2012 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 September 20th, 2012 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 4 (Agricultural District; A-1) Section 4-4 (Lot Size) and Article 5 (Transitional Agriculture; A-2) Section 5-4 (Lot Size) to clarify the minimum lot size; 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 4 Agricultural (A-1) Zoning District

Section 4-4. Lot Size

4-4.01 Minimum lot area:

1. 40 acres or an aliquot division of a Quarter (1/4) Section.
2. Churches, Temples or synagogues, public and private schools or parks requiring on-site sanitation are exempt from the lot size provided such uses maintain a minimum lot area to comply with the County Sanitation Code.
3. Public utilities, substations, pumping stations, water, communication and microwave transmission towers and related facilities minimum lot size shall be as approved by the Planning Commission.

4-4.02 Minimum lot width: 660 feet

4-4.03 Minimum lot depth: 660 feet

4-4.04 The lot length to width ratio shall not exceed 4:1 except for aliquot divisions of a Quarter (1/4) Section.

Article 5 Transitional Agriculture (A-2) Zoning District

Section 5-4. Lot Size

5-4.01 Minimum lot area:

1. 20 acres or an aliquot division of a Quarter (1/4) Quarter (1/4) Section.
2. Churches, temples or synagogues, public and private schools and parks requiring private on-site sanitation are exempt from the lot size provided they maintain a minimum lot area to comply with the County Sanitation Code.
3. Public utilities, substations, pumping stations, water, communication and microwave transmission towers and related facilities minimum lot size shall be as approved by the Planning Commission.

5-4.02 Minimum lot width: 330 feet.

5-4.03 Minimum lot depth: 330 feet.

5-4.04 The lot length to width ratio shall not exceed 4:1 except for aliquot divisions of a Quarter (1/4) Quarter (1/4) Section.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 3rd day of October 2012. This action shall become in full force and effect upon publication in the official county newspaper.

/s/ David J Hood
David J. Hood
Chairman

Received and recorded this the 3rd day of October 2012.

/s/ Shari Perry
Shari Perry
County Clerk