

BOARD OF COUNTY COMMISSIONERS OF

FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 11-05

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO FRANKLIN COUNTY ZONING REGULATIONS ARTICLE 2 (DEFINITIONS) SECTION 2-1.01 CLARIFYING TERMS "ACCESS" AND "FRONTAGE"; AMENDING ARTICLE 9 (MOBILE HOME PARK DISTRICT) ADDING NEW SECTIONS 9-8.01.5 SPECIAL REQUIREMENTS AND SECTION 9-9.01 DEVELOPMENT WITHIN DESIGNATED FLOODPLAIN; MODIFYING ARTICLE 16 (FLOODPLAIN OVERLAY DISTRICT) ADDING CHANGES REQUIRED BY FEMA IN ORDER TO MAINTAIN ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM AS REQUIRED BY TITLE 44; CHAPTER 1, PART 60.3(d) AND THE AMENDMENTS TO THE FLOOD INSURANCE RATE MAPS (FIRM) PREPARED BY FEMA AND THE NATIONAL FLOOD INSURANCE ADMINISTRATION DATED MAY 3rd, 2011 AS PROVIDED IN K.S.A. 12-757.

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to Kansas Statutes K.S.A. 19-101 et seq; 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 Planning Commission published a notice on December 29th, 2010 that a public hearing would be held to consider amending the Franklin County, Kansas Zoning Regulations, as required by K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission did, on January 20th, 2011, hold a Public Hearing for the consideration of adopting said amendments 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; to Article 9 (Mobile Home Park District) Section 9-8.01.5 (Special Requirements) and 9-9.01 (Development Within Designated Floodplain); and Article 16 (Floodplain Overlay District); 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 and evidence of the need to remain eligible to participate in the National Flood Insurance Program made available, the Planning Commission finds such Amendments to the County Zoning Regulations for the unincorporated territory of Franklin County are necessary to promote and protect 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:

1. Amend Article 2 Definitions

Section 2-1.01

Access: A physical entrance to a lot or tract of real property or building from an abutting public street, road or highway.

Frontage: that portion of a lot or tract of land having the narrowest dimension abutting a public street, road or highway right-of-way.

2. Amend Article 9 Mobile Home Park District
Section 9-8 **Special Requirements**

9-8.01.5A mobile home park shall not be permitted within any A, AE or AH Zone shown on the 100 Year Flood Hazard Boundary Map (FHBM) adopted for Franklin County except for areas used for recreation or permanent open space. Such recreational areas or permanent open space shall be included within a non-building drainage easement and filed with the development plan. The boundaries of the drainage easement shall be certified by a licensed surveyor or professional engineer.

9-9 **Development Within Designated Floodplain**

9-9.01 Any manufactured home that is placed or substantially improved within any A, AE or AH Zone shown on the 100 Year Flood Insurance Rate Map (FIRM) adopted for Franklin County shall be elevated on a permanent foundation system such that the lowest floor is a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Where base flood elevations have been established as part of the Flood Insurance Rate Maps, said base flood shall be certified by a licensed engineer. The elevations of the lowest floor shall be certified by a licensed surveyor or professional engineer.

3. Article 16 Floodplain Overlay District (FP)

a. Amending Sections 16-2.02, 16-2.04, 16-6.02, 16-7.03, 16-7.05 and 16-8.01 to include reference to the Flood Insurance Rate Maps (FIRM) prepared by FEMA and the National Flood Insurance Administration dated May 3rd, 2011.

b. Amending Section 16-4.01 to include modifications to the definition of terms consistent with the requirements of FEMA included in Title 44, Chapter 1, Part 60.3(d) of the National Flood Insurance Program and K.A.R. 5-44.

c. Modifying Section 16-6.01 requiring Development Permits to include provisions for units of government to obtain permits prior to any construction within an area of special flood hazard.

d. Amending Section 16-7.01, 16-7.02 and 16-7.03 to add provisions that licensed engineers may perform elevation verifications for residential and non-residential structures.

e. Amending Section 16-7.05 "Special Standards" to clarify that until floodway data is established, no new construction, improvements, etc. shall be permitted within any zone shown on the FIRM that said development or construction will not increase the water surface elevation more than one (1) foot at any point within the community.

f. Modifying Section 16-8 to include provisions regarding subdivisions and manufactured home parks to ensure they are reasonably safe from flooding.

g. Amending Section 16-9 to require any replacement of existing water and sewer systems to be protected from flooding.

h. Adding new Section 16-14 Floodwater Retarding Dam Breach Areas (BA) and Section 16-15 Areas of Shallow Flooding (AO and AH Zones).

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 9th day of Feb ruary 2011. This action shall become effective upon publication in the official county newspaper.

/s/ John E Taylor
John E. Taylor
Chairman

Received and recorded this the 9th day of February 2011.

/s/ Shari Perry
Shari Perry
County Clerk