

BOARD OF COUNTY COMMISSIONERS OF

FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 10-30

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO ARTICLE 1 (GENERAL PROVISIONS), SECTION 1-3.02 (ZONING DISTRICT AND GENERAL REGULATIONS), SECTION 3-1.01 AND 3-3.01 H AND L; ARTICLE 15 (PLANNED DEVELOPMENT OVERLAY DISTRICT) SECTION 15-2.01D; ADDING A NEW ARTICLE 17 (HIGHWAY CORRIDOR OVERLAY DISTRICT); ARTICLE 18 (SPECIAL USE PERMITS), SECTION 18-3.01; RENUMBERING ARTICLE 18 THROUGH ARTICLE 27; ARTICLE 22 (AMENDMENT PROCEDURE), SECTION 22-1.04; ARTICLE 23 (BOARD OF ZONING APPEALS), SECTION 23-2.01; ARTICLE 24 (PERMITS), SECTION 24-1.02 OF THE FRANKLIN COUNTY ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF THE COUNTY IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 12-757.

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to Kansas Statutes K.S.A. 19-101; 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 Board of County Commissioners did adopt the Zoning Regulations of Franklin County, Kansas on August 4, 2002 as provided in K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission published a notice on May 27th, 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 June 17th, 2010 hold a public hearing for the consideration of adopting said amendments to the County Zoning Regulations as prescribed by K.S.A. 12-747; and

WHEREAS, the Franklin County Planning Commission has reviewed in detail the Amendment to Article 1 (General Provisions), Section 13.01; Article 3 (Zoning Districts and General Regulations), Section 3-1.01 and 3-3.01 H and L; Article 15 (Planned Development Overlay District), Section 15-2.01D; Adding a new Article 17 (Highway Corridor Overlay District); Article 18 (Special Use Permits), Section 18-3.01; Renumbering Articles 18 through Article 27; Article 22 (Amendment Procedure), Section 22-1.04; Article 23 (Board of Zoning Appeals), Section 23-2.01; Article 24 (Permits), Section 24-1.02; 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 regarding the developments standards for manufactured housing, the Board of County Commissioners finds that said amendments to be in the public interest and necessary to 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 1 General Provisions

Section 1-3.02 ***Intent: These regulations are intended to serve the following purposes:***

I.To facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public improvements and services and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas, the Comprehensive Plan for Franklin County Kansas and any adopted area or corridor plan.

2.Amend Article 3 Zoning Districts and General Regulations

Section 3-1 ***Zoning Districts and Zoning District Map Established***

3-1.01Zoning District: In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location of buildings in designated "Zoning Districts", there shall be fourteen (14) Zoning Districts known as:

- 1.Agriculture (A-1)
- 2.Transitional Agriculture (A-2)
- 3.Residential Estate (R-E)
- 4.Single Family Residential Three Acres (R-3A)
- 5.Single Family Residential (R-1)
- 6.Mobile Home Park (MH-P)
- 7.Neighborhood Commercial (C-1)
- 8.Highway Commercial (C-2)
- 9.Business Park (B-P)
- 10.Light Industrial (I-1)
- 11.Heavy Industrial (I-2)
- 12.Planned Development Overlay (PD)
- 13.Floodplain Overlay Zoning (F-P)
- 14.Highway Corridor Overlay (H-C)

Section 3-3 ***Miscellaneous Regulations Governing All Zoning Districts***

3-3.01The following are miscellaneous requirements for uses, structures and lots/tracts governed by these Zoning Regulations:

H. Average Setback in Existing Platted Residential Districts.

1.On streets where a front yard more than that required by these Zoning Regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two (2) intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the existing structures, provided that these Zoning Regulations shall not be interpreted to require a front yard setback of more than fifty (50) feet.

2.On streets where a front yard less than that required by these Zoning Regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two (2) intersecting streets, the front yard setback need not be greater than the average setback of the existing structures, provided that these Zoning Regulations shall not be interpreted to permit a front yard setback of less than twenty-five (25) feet.

L.Protection of Sewers, Utility Lines and Rights-of-Way.

No building or addition thereto shall be erected over or across any public sewer or utility line, nor upon any platted or recorded easement, unless permission is granted in writing by the County and the public utility whose lines are involved, if any.

No utility facilities shall be located within the area shown on the Highway Corridor Management Plan as future rights-of-

way for Highway improvements.

3. Amend Article 15 Planned Development Overlay District (PD)

Section 15-2 **Objectives**

15-2.01 In order to insure the effective management of land and its environmental resources within Franklin County while recognizing the economic constraints and limitations inherent in all types of development, the following objectives are established:

D. Promote a development environment that is in harmony with the character of the developments in the surrounding community and in a manner consistent with the County Comprehensive Plan and any adopted area or Highway Corridor Management Plan.

4. Amending by Adding a new Article 17 entitled
Article 17 Highway Corridor Overlay District (H-C)

Section 17-1. **Purpose**

17-1.01 The purpose of the Highway Corridor Overlay District is to encourage the implementation of adopted Highway Corridor Management Plans by protecting future right-of-way needs from conflicting development and to facilitate orderly growth consistent with future highway improvements.

Section 17-2. **Applicability, Enforcement, Interpretation and Conflict**

17-2.01 Land to which this Article applies. This Article shall apply to all properties within one (1) mile North and South of K-68 Highway extending easterly from I-35 Highway to the Franklin/Miami County line.

17-2.02 Enforcement: The Planning Director hereby has this responsibility after review and recommendation of the Kansas Department of Transportation that any development within the Highway Corridor Overlay District is consistent with the Highway Corridor Management Plan.

17-2.03 Conflict: In the event of conflict between any zoning requirements in the Zoning Regulations and any other adopted standard or regulation in a Highway Corridor Management Plan, the more stringent limitation or requirements shall govern and prevail.

Section 17-3. **Height and Yard Regulations**

17-3.01 No building or structure shall exceed a height that will be deemed to limit or otherwise conflict with highway improvements identified in the adopted Highway Corridor Management Plan.

17-3.02 No building or structure shall encroach into any front, side or rear yard setback identified as required for the projected right-of-way projected for improvements to the highway as shown on the adopted Highway Corridor Management Plan.

Section 17-4.

5. Amend Existing Article 17, Special Use Permits through existing Article 26, Miscellaneous, shall be renumbered as Article 18, Special use Permits, through Article 27, Miscellaneous.

6. Amend to change Article number and procedures Article 18 Special Use Permits

Section 18-3 **Approval Procedure**

18-3.01 All applications for a Special Use Permit shall be submitted to the Planning Commission for recommendation and report, and no Special use Permit shall be approved without a hearing before the Planning Commission. If an application for a Special Use Permit for lands within the Highway Corridor Overlay District has been filed, notice of that application shall be submitted to KDOT at least twenty (20) days prior to the Planning Commission meeting. The Planning Commission shall cause an accurate written summary to be made of the proceedings. Public notice of such hearing shall be published by the Planning Director not less than twenty (20) days prior to the date of said hearing in the official County newspaper. Said notice shall notify the public that such a hearing will take place; fix the time and place of the hearing; describe the nature of the application which will be presented; and state that the public may attend and be heard.

Proof of publication of such notice shall be filed with the Planning Commission in advance of said hearing.

7. Amend to change Article number Article 19 Nonconforming Uses

8. Amend to change Article number Article 20 Parking & Loading

9. Amend to change Article number Article 21 Sign Regulations

10. Amend to change Article number and procedures Article 22. Amendment Procedure.

Section 22-1 **General Authority and Procedure**

22-1.04 All proposed amendments to the Zoning Regulations or change of zoning shall first be submitted to the Planning Commission for recommendations and report, and no amendment or change shall be approved without a hearing before the Planning Commission. If an application or proposal for an amendment to the Zoning Regulations or a change in zoning affects lands within the Highway Corridor Overlay District has been filed, notice of such request shall be submitted to KDOT at least twenty (20) days prior to the Planning Commission hearing.

11. Amend to change Article number and consideration for Variances

Article 23. Board of Zoning Appeals

Section 23-2 **Powers and Jurisdictions**

23-2.01.2 Variance.

b. Variances may include intensity of use, yard and height regulations only and are limited to the following:

3. No variance to any yard or height requirements shall be granted which would allow for an encroachment into the setbacks necessary to preserve the projected right-of-way and improvements as shown in the Highway Corridor Management Plan.

12. Amend to change Article number and conformance with Comprehensive Plan

Article 24 Permits

Section 24-1 **Building Permits**

24-1.02 Conforming with Zoning. 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.

13. Amend to change Article number Article 25 Temporary Uses

14. Amend to change Article number Article 26 Use Prohibited

15. Amend to change Article number Article 27 Miscellaneous

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 21st day of July 2010.
This action shall become effective upon publication in the official county newspaper.

/s/ David J Hood
David J. Hood
Chairman

Received and recorded this the 21st day of July 2010.

Shari Perry

/s/ Shari Perry

County Clerk