

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

**RESOLUTION NO. 13- 39**

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO FRANKLIN COUNTY ZONING REGULATIONS TO ARTICLE 26 TEMPORARY USES/ACCESSORY USES; SECTION 26--2 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 # 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 4<sup>th</sup>, 2022 as provided in K.S.A. 12-747; and

WHEREAS, the Franklin County Planning Commission did publish notice on June 27, 2013 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 July 18, 2013 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 26 (Temporary Uses/Accessory Uses) Section 26-2 (Temporary Uses Authorized) to limit the sale of Christmas trees not grown or produced on the premises to the Commercial and Industrial Zoning Districts; 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 the 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 26

TEMPORARY USES/ACCESSORY USES

SECTION 26-2  
26-2.01

TEMPORARY USES AUTHORIZED

The following temporary uses are permitted within the zoning districts specifically identified and subject to the regulations and time limits prescribed for such uses:

1. Christmas Tree Sales: A temporary use permit shall be permitted in any Commercial and Industrial Zoning District for the display and open-lot sales of Christmas trees not grown or produced on the premises for a period not to exceed forty-five (45) days. Display of Christmas trees need not comply with the yard and setback requirements of the Zoning District Regulations provided that no structure or trees shall be placed within the visual sight triangle of intersecting streets.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 7<sup>th</sup> day of August, 2013. This action shall become in full force and effect upon publication in the official county newspaper.

/s/Colton M. Waymire  
Colton M. Waymire  
Vice Chairman

Received and recorded this the 7<sup>th</sup> day of August, 2013.

/s/Janet Paddock  
Janet Paddock  
County Clerk