

RESOLUTION NUMBER 2019-19

**A RESOLUTION APPROVING TEXT AMENDMENTS TO THE ZONING REGULATIONS OF
MARION COUNTY, KANSAS.**

WHEREAS, a public notice calling for a public hearing by the Marion County Planning Commission on proposed text amendments to the Marion County Zoning Regulations was properly given by publication in the official County newspaper on October 2, 2019; and

WHEREAS, on the 24th day of October, 2019, the Marion County Planning Commission held a public hearing to address proposed amendments to the Marion County Zoning Regulations concerning modifications to Article 1 - Title, Purpose, Definitions, District and General Regulations; and Article 19 - Supplementary Use Regulations; Conditional Uses; Accessory Uses; Prohibited Uses; and

WHEREAS, the Marion County Planning Commission, by a majority vote of the Commission, has recommended approval of amendments to the zoning regulations concerning said Article 1 by defining the use of county, state or federal road right-of-way for uses other than road use, and Article 19 by the elimination of "electric transmission lines" as a defined conditional use.

NOW THEREFORE BE IT RESOLVED that the Marion County Zoning Regulations shall be amended as follows:

Section 1. Article 1-106, General Regulations Governing All Zoning Districts, is hereby expanded to include new subsection 1-106 (3) to read as follows:


"Notwithstanding any provision in these Regulations to the contrary and to the extent of any conflict, this sub-section 1-106 (3) controls: these Regulations shall not apply to poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, transmission lines, distribution lines, or similar equipment, for the transmission or distribution of communications, electricity, gas, oil, water or sewer, that are either: (1) located on, under or within a private easement, State or Federal right-of-way, State or Federal road easement, or other real property dedicated as road right-of-way; or (2) owned, operated, maintained, or constructed by a Kansas Corporation Commission jurisdictional entity."

Section 2. Article 19-105 (5) - Conditional Uses Enumerated, shall read as follows:

"Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, reservoirs, and utility maintenance shops and yards; but no Condition Use Permit is required for infrastructure otherwise permitted, allowed or not regulated pursuant to Article 1-106 (1) (I), Article 1-106 (3), or as expressly allowed by right in the applicable Zoning District."

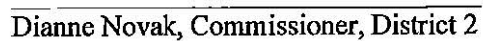
Section 3. This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas, this 4th day of November, 2019.


Kent Becker, Chairman, District 1

Attest:


Tina Spencer, County Clerk


Dianne Novak, Commissioner, District 2

Refused to sign


Randy Dillke, Commissioner, District 3

