

**ARTICLE 3
GENERAL PROVISIONS**

1. Jurisdictional Area: The provisions of these regulations shall apply to all structures and land in the incorporated area of the City of De Soto, Kansas. The jurisdictional area shall be shown on the Official Zoning District Map.

2. Establishment of Districts: The jurisdictional area is hereby divided into *thirteen* zoning districts which are designated as follows:
 - “R-A” Rural Agriculture District (Ord. #2237)*
 - “R-0” Residential Suburban District
 - “R-1” Residential - Low Density District
 - “R-1A” Residential - Medium Density Single-Family District (Ord.2055)*
 - “R-2” Residential - Medium Density District
 - “R-3” Multifamily Dwelling District
 - “R-H” Residential – Historic “Old Town” District
 - “C-1” Business - Central District
 - “C-2” Business - General District
 - “O-I” Office - Institutional District
 - “M-1” Industrial - Light District
 - “M-2” Industrial - Heavy District
 - “P-D” Planned Development District
 - “UDOD” Uptown De Soto Overlay District (Ord. 2195)*

3. Zoning District Map: The boundaries of the districts are shown on the Official Zoning District Map, which is filed in the office of the City Clerk. Each of the said zoning maps, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein. Such map shall be marked, “Official Copy of City of De Soto, Kansas Zoning Map.”

4. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, incorporated herein, the following rules apply:
 - A. The district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of a street, alley, waterway, or railroad right-of-way, the centerline of such street, alley, waterway or railroad right-of-way shall be construed to be the boundary line of such district.

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- B. Where the district boundaries do not coincide with the location of streets, waterways, or railroad rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
 - C. Where none of the above rules apply, the district boundaries shall be determined by the use of the scale shown on the zoning map.
5. Exemptions: The following structures and uses shall be exempt from the provisions of these regulations: (*Section F deleted by Ord. 2248*)
- A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility, but not including substations located on or above the surface of the ground.
 - B. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
 - C. Agriculture as defined by these regulations. In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall be subject to the applicable regulations of these regulations.
 - D. Retaining walls on public property.
 - E. Public signs.
6. Application of Regulations: The following general requirements shall apply to all zoning districts:
- No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.
7. Annexed Land: All land which may hereinafter be annexed to the City of De Soto shall retain its existing rural (Johnson County or Township) zoning district classification *upon annexation*. *The owner of the annexed land may request a rezoning of the property to an official city zoning district at any time within the first three months after the date of the annexation. If at the end of this time the property owner has not initiated a change in zoning classification to a City zoning district, the City shall initiate such action. Reclassification of annexed land shall take place only after a public hearing by the Planning Commission and recommendation to the Governing Body as provided in these regulations for*

zoning district amendments. The public hearing by the Planning Commission to *consider a zoning request* may be held prior to annexation of the subject parcel of land to the City. (**Amended by Ord. 2248**)

8. **Separability:** It is hereby declared to be the intention of the City that the several provisions of these regulations are separable, in accordance with the following rules:
 - A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
 - B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.
9. **Reservations and Repeals:** Upon the adoption of these regulations by the City Council, Ordinance 710 establishing zoning regulations in the City of De Soto, and all ordinances amending zoning regulations, shall be repealed.
10. **Vested Rights:** (**Section Revised Ord. 2077**)
 - A. *For the purpose of single-family residential development, development rights for land shall vest upon recording of the final plat for such land. If construction has not begun within five years of recording the plat, the development rights created thereby shall expire and become null and void unless an extension of the development rights is granted as provided for herein below. Whenever development rights created by a final plat expire pursuant to this subsection -- and no extension of the same is granted -- then no development shall take place on the land until a replat of the development is approved and recorded or the existing final plat is shown to conform to the Zoning and Subdivision Regulations as amended.*
 - B. *For all non-single-family development, development rights for land shall vest upon the final approval of a site plan pursuant to Article 11 of these Regulations. If all permits required for such development have not been issued and the start of construction and the completion of substantial amounts of work under the validly issued permits has not begun within 18 months of final approval of the site plan, the site plan and development rights created thereby shall expire and become null and void unless an extension of the site plan and development rights is granted as provided for herein below. Whenever a site plan expires pursuant to this subsection -- and no extension of the same is granted -- then no development shall take place on the land until a new site plan has been approved.*
 - C. *The Planning Commission may for good cause as presented by the applicant grant a single extension of vested rights. Vested rights for single-family development shall not be extended for more than one year. For all non-single-family development, an extension of not more than 6*

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months may be granted. Applicants seeking an extension shall submit a statement in writing justifying the extension, and such statement shall be timely submitted to allow for consideration of the extension by the Planning Commission prior to expiration of the development rights at issue. Consideration of an extension for vested rights shall be at the sole discretion of the Planning Commission.

- D. *For any development that was approved prior to the effective date of this ordinance, the following guidelines shall apply:*
1. *Any approvals issued more than a year prior to the effective date of this ordinance shall be deemed abandoned and null and void unless an application for extension of such approval is submitted by the property owner and approved by the Planning Commission within 6 months of the property owner receiving “actual notice” of this ordinance. A property owner is deemed to have been provided “actual notice” if the city sends the notice by certified mail to the last known address of the property owner or their authorized agent as indicated in the city’s files and/or Johnson County, Kansas land records, and—if the certified mail is undeliverable or not picked up—the notice is published once in the city’s official newspaper. Nothing herein shall be construed as waiving the Planning Commission’s authority to require conformance of such development to the provisions of the Zoning and Subdivision Regulations as amended.*
 2. *Any approvals that are accompanied by the issuance of all permits required for the development, and substantial amounts of work completed pursuant to such permits, shall remain valid through the completion of the development. The burden of establishing substantial amounts of work on the development shall be on the property owner and should equate to no less than 10% of the total expected cost of the development. If a development is indicated on the final site plan as being completed in phases, this subsection shall only apply to the particular phase under construction.*
 3. *For single-family residential development, approval shall remain valid through the completion of the project so long as construction of such development is commenced within 5 years of the recording of the final plat.*
- E. *Nothing in this subsection shall be construed to exempt development from the provisions of Zoning and Subdivision Regulations except to the extent that the construction or development is expressly shown on the approved final plat or site plan. For example, the right to complete a building in accordance with previously-approved site plans shall not include the right to erect signs or make other site improvements in accordance with such site plan unless such signs or improvements were expressly shown on the plans and cannot, as shown, be revised to conform to the provisions of the Zoning Regulations as amended.*