

Johnson County Zoning Regulations

Contents: Excerpts of interest and related to rural uses from the following listed Articles found in the Johnson County Subdivision and Zoning Regulations in effect in 1998. The complete copy of the adopted Johnson County Regulations (circa 1998) is available for inspection at the De Soto Planning and Zoning office.

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ARTICLE 2. DEFINITIONS

Section 3. DEFINITIONS OF BASIC TERMS:

Unless otherwise specifically provided for herein, or unless clearly required by the context, the phrases, terms and words defined in this Section shall have the meaning indicated in this Section when used in these regulations. Phrases, terms, and words underlined in the list of definitions are those which are themselves defined in this Section.

(Selected terms related to adopting a rural zoning district.)

"Agricultural Building or Structure" A building or structure used solely for an agricultural use.

"Agricultural Use" The use of land, building(s), or structure(s) for the raising of crops; animal husbandry; dairying; pasturage; general farming; truck farming; cultivation of field crops; orchards; groves; raising fish, birds or poultry, wholesale tree farms, wholesale shrub farms and wholesale plant nurseries; & accessory uses, necessary for the carrying out of farming operations, including structures for storage, processing & sale of products raised on the premises. For purposes of these regulations, the processing and sale of products raised on the premises shall not include the following:

1. The operation or maintenance of commercial greenhouses, nurseries or hydroponic farms operated at retail.
2. Wholesale or retail sales as an accessory use unless the same are permitted by these regulations.

"Change of Use" The act of altering the use of land, building(s), or structure(s) to a use which substantially differs in quality or nature from the previous use.

"Commercial Greenhouse" Any structure in which plants, vegetables, flowers, or similar growth, are grown for sale.

"Composting Yard" A special type of salvage yard where a controlled process of degrading organic matter by microorganisms by one or a combination of methods such as follows: 1) a mechanical method in which the compost is continuously and mechanically mixed and aerated; 2) a ventilated cell method in which the compost is mixed and aerated by being dropped through a vertical series of ventilated cells; 3) a windrow, open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed.

"Conditional Use" A use permitted only upon showing that such use in a specified location will comply with all the conditions & standards for the location or operation of such use as specified in the regulations & authorized by the Board.

"Construction Contractor's Shop" "Construction Contractor's Yard" Except for site(s) on which permitted construction is underway, any land area, building, building and adjacent yard, or portion thereof which is used for the storage of construction equipment, tools, vehicles, supplies, or materials or any combination of such items and including places employees or workers, other than agricultural employees or workers, arrive at on more than an occasional basis for dispatching to off-site construction work site(s).

"Correctional Care Institution" Any residential institution occupied by individuals a) assigned to a community corrections program or a diversion program, b) on parole from a correctional institution or on probation for a felony offense, or c) assigned to or in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto.

"Day-Care Center" An agency, organization, or individual providing daytime care to (i) children not related by blood, marriage or adoption and not the legal wards or foster children of the attendant adult, or (ii) adults not related by blood or marriage and not the legal wards of the attendant adult.

"Demolition Landfill, Construction Landfill" The use of a lot for the disposal and burial of trash, refuse, rubble, junk, discarded materials solely from the demolition or construction of buildings, structures, or pavement in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the completion of landfill within each approved layer and landfill cell area within the boundaries of the landfill.

"Dustless Surface" A concrete or hot mix asphalt surface or a compacted stone or gravel base treated with oil, a chip and seal, calcium chloride or a similar dust-inhibiting chemical & maintained in good condition at all times or any other such surface specified upon development plan approval.

"Dwelling" A building or portion thereof, with dwelling unit(s) designed exclusively for human habitation, including One-Family, Two-Family and Multiple-Family dwelling structures or complexes, Manufactured Home, Boarding and Lodging Houses, Apartment Houses and Townhouses but not Hotels.

"Dwelling, Accessory" A dwelling without a kitchen.

"Easement" The right which one person has to use the land of another for a specific purpose.

"Family" One or more individuals who are occupying and living together in and occupying a single housekeeping unit with common kitchen facilities.

"Farm" A place, with or without buildings or structures, where an agricultural use is conducted.

"Farm Stand" A booth or stall located on a farm from which produce or other products of the farm are sold to the general public and operated only by person(s) who reside on or operate the farm.

"Farmer's Market" A place, with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who do not reside on the property. Any flea market where perishable food products are sold.

"Farmhand" An individual who works primarily on the farm on which they reside.

"Feed Lot" A confined area of land, structure, pen or corral relatively small in proportion to the number of animals kept thereon and used for fattening farm animals or for holding temporarily for shipment.

"Fence" An unroofed barrier or unroofed wall other than a retaining wall which encloses, partially encloses or screens and which is built of any materials or combination of materials erected to enclose, partially enclose, or screen areas of land but shall not including barriers around sites where construction is actively underway.

"Front Building Line" A line extending across a lot, parallel to the street and defining the minimum distance back from street which any building may be located. The front building line is established by zoning regulations or by covenant if greater than the setback required by these regulations.

"Frontage" The side of a lot abutting on a street or way and ordinarily regarded as the front lot line and including the street side lot line of a corner lot.

"Garage" A building or part of a building used or intended to be used for the parking and storage of motor vehicles for ground transportation on highways, streets or roads.

"Group Home"

Type 1: Any dwelling occupied by not more than 10 individuals including a) 8 or fewer individuals with a disability who need not be related by blood or marriage and b) not to exceed 2 staff residents who need not be related by blood or marriage to each other or to the 8 or fewer other said individuals, who are occupying & living together in a single-family dwelling licensed by a regulatory agency of the State of Kansas as a group home. For purposes of this definition, the term "disability" means, with respect to an individual:

- A. A physical or mental impairment which substantially limits one or more of such individual's major life activities;
- B. A record of having such an impairment; or
- C. Being regarded as having such an impairment.

Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Type 2: Any dwelling occupied by not more than ten individuals including a) 8 or fewer individuals who need not be related by blood or marriage and who are:

- A. assigned to a community corrections program or a diversion program, or
- B. on parole from a correctional institution or on probation for a felony offense, or
- C. in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto, or
- D. mentally ill individuals who have either not been evaluated by a licensed provider or who have been evaluated by a licensed provider and such provider has determined that the mentally ill individual is dangerous to others or such provider has determined that the mentally ill individual is unsuitable for placement in a Group Home Type 1;

and b) not to exceed 2 staff residents who need not be related by blood or marriage to each other or to the residents of the home.

"Guest House" Accessory dwelling residential accommodations for temporary or occasional guests:

- 1. in a detached accessory building located on the same premises as a main residential building,
- 2. primarily for use by temporary guests of the occupants of the premises,
- 3. without kitchen facilities,
- 4. without separate utilities, and
- 5. not rented or otherwise used as a separate dwelling.

"Highest Adjacent Grade" The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Home Occupation" Any profession, other occupation, or activity carried out for gain, or carried out for benefit of a nonprofit organization and by a resident conducted as an accessory use which is clearly incidental and secondary to the use of the premises as a dwelling.

"Individual On-Site Sewage Disposal System" Any system for the disposal of wastewater in the ground, which is so designed and constructed as to treat wastewater in a manner that will retain most of the settleable solids in a septic tank and discharge the liquid portion to an adequate disposal field or any other on-site wastewater sewage treatment device or disposal method approved by either the County or the State Board of Health in accordance with applicable regulations.

"Inoperable Vehicle or Equipment or Parts" A motor passenger vehicle, truck, bus, aircraft or other motorized equipment or machine which is not then in condition to be operated in a normal or customary manner, or any major parts thereof such as body, chassis, engine, frame or the trailer portion of a tractor-trailer rig.

"Kennel" Any place, area, building, or structure on any tract smaller than 20 acres where more than an aggregate total of 4 adult cats or dogs, more than 1 year old, are kept, boarded, bred or trained, whether or not for commercial gain or as pets; or, any place, area, building, or structure on any tract 20 acres or more where more than an aggregate total of 7 adult cats or dogs, more than 1 year old, are kept, boarded, bred or trained, whether or not for commercial gain or as pets.

"Limited Garden Use" A garden use such as a vegetable garden, berry patch, orchard, or grove for the cultivation of crops:

1. For consumption solely by the occupants of the premises on which the crops are cultivated, or
2. In an area which is not larger than 50% of the tract on which the crops are cultivated, if some of the crops are not consumed solely by the occupants of the premises on which the crops are cultivated.

"Lot" A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by a main building and its accessory building or a complex of buildings, including the open spaces and parking required by these regulations and having its principal frontage on a street.

"Lot Area, Nominal" For purposes of compliance with the minimum lot area requirements in the RUR, Rural District, and the PRLD, Planned Residential Low-Density District, the sum of the lot area and the area of abutting street rights-of-way between the front lot line and the land Section Line or the front centerline of the street, whichever is the case, adjacent to the property.

"Lot Improvement" Any building, structure, work of art, or such other object or improvement of the land which constitutes a physical betterment of real property, or any part of such betterment.

"Lot, Interior" A lot without a side lot line abutting any street.

"Lot Line, Rear" The lot line which is opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots or when the side lot lines meet in a point, the rear lot line shall be assumed to be a line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

"Lot Split" The division of a lot into not more than two lots or portions thereof as provided in these regulations.

"Lot Width" The least horizontal distance between the side lot lines, measured at the minimum front yard setback required for the applicable zoning district.

"Manufactured Home" A structure transportable in one or more sections, which is designed to be used as a dwelling, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and which is constructed to meet the National Manufactured Home Construction and Safety Standards (HUD, June 15, 1976). For floodplain management and for flood insurance purposes, the term "manufactured home" does not include a vehicle which is: 1) built on a single chassis; 2) 400 s.f. or less when measured at the largest horizontal projection; 3) designed to be self-propelled or permanently towable by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

"Mobile Home" A transportable structure designed to be used as a dwelling, built on a permanent chassis before June 15, 1976, which contains plumbing, heating, air conditioning and electrical systems, which is installed and used with or without a permanent foundation, and which is not subject to HUD standards.

"Model Home " A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

"Modular Home" A transportable structure designed to be used as a permanent dwelling, which is not built on a permanent chassis but is designed and built to be placed on a permanent foundation, contains plumbing, heating, air conditioning & electrical systems installed primarily at the place of manufacture & is constructed in accordance with the building codes adopted by the County.

"Net Site Area" The land area of a lot or tract after all public street and alley rights-of-way as are required by the provisions of these regulations have been subtracted.

"Outdoor Storage" The storage of goods, materials, junk, merchandise, or vehicles outside of any building or structure for more than 24 continuous hours, but not including storage of an emergency nature.

"Package Sewer Treatment Plant" Small, self-contained wastewater collection and treatment facilities built to serve development in an outlying area beyond the service area of sanitary sewers.

"Poultry" Domesticated poultry commonly associated with farming in the County and including only chickens, ducks, or geese.

"Public Facilities or Public Facilities Project" Any or all of the following, and including acquisition of land, construction, improvements, equipping, and installation of same and all other work auxiliary thereto,:

1. Parks and recreational facilities.
2. Street and highways, including such ancillary facilities such as sidewalks, street lighting, curbs, gutters, signalization, signage, and landscaping.
3. Sanitary sewers and sewage collection, treatment, and disposal facilities.
4. Water supply facilities.
5. Storm sewers, drains, and drainage retention facilities.
6. Schools and school sites.
7. Police, fire, sheriff, and similar public safety and protection facilities.
8. Libraries.
9. Other necessary governmental services which require facilities in designated development areas.

"Quarry" Any place where minerals, ore, rock, soil, stone or similar materials are excavated for sale or for off-site use.

"Recreation Facility" Any place designed or equipped for the conduct of recreational sports, leisure time activity or other customary and usual recreational activities.

"Recreational Vehicles" Vehicles such as boats and boat trailers, travel trailers, pick-up campers, buses or trucks converted into a camper, motor homes, or camping trailers.

"Rule Exception" Permission to depart from a specific requirement of the Subdivision Regulations, as applied to a specific piece of property, where such action would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, literal enforcement of these regulations would result in an unnecessary and undue hardship.

"Salvage Yard" An area of land, with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as waste paper, rags or scrap material; or used building materials, house furnishings, machinery, vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same; the deposit, parking or storage on a tract of one or more wrecked or inoperable vehicles, or parts of one or more such vehicles, for one week or more in a residential district, or for three weeks or more in any other district except for open storage as allowed by [Article 16, Section 4](#) of these regulations.

"Sanitary Landfill" The use of a lot for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste in accordance with applicable governmental regulations, standards, and permits and in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day and upon completion of landfilling within each approved layer and landfill cell area within the boundaries of the landfill but not including a solid waste transfer station.

"Sanitary Sewer" A system which collects untreated or partially treated sewage from individual establishments or premises or areas and transports it from the establishment, premises or areas by means of pipes or conduits to a plant or location for treatment, and which is available for use by any person within the geographic area served by such system. This includes, 1) systems built, served, or operated by public sewer districts and municipal sewer systems; and 2) systems which are privately owned and operated but which are required to obtain a permit under the National Pollution Discharge Elimination System (NPDES).

"Setback" The distance between a building or structure and the street easement or right-of-way line nearest thereto.

"Signable Wall Area" The surface area of the "elevation-view" of the facade(s) of a building or the similar exterior surface of structures. For purposes of these regulations, the "elevation-view" shall consist of the entire, continuous plane view of the building or structure facade(s) or exterior surface(s) bounded by the top of the wall, the ground line and the outer ends of the building or structure facade(s) or exterior surfaces. Such elevation-view areas shall be used in the calculation of the maximum allowable sign area for each building or structure facade or exterior surface. For buildings or structures with multiple facades or exterior surfaces which would be shown in an overall, elevation-view, the signable wall areas is the

total areas visible in that overall, elevation-view or fifty percent (50%) of the area of the facade or surface on which the sign would be located, whichever is less.

- "Stable, Boarding" and "Stable, Training" A structure and related premises designed or used for the feeding, housing and exercise of horses not owned by the owner of the premises and where instruction in riding, jumping or showing may be offered or provided.
- "Stable, Private" An accessory and related premises designed or used for the keeping of horses, ponies, mules, or cows, owned by the occupants of the premises, and not kept for hire, rental or for the sale of more than six (6) stabled animals per year.
- "Stable, Riding" A structure and related premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.
- "Thematic Use" As provided in these regulations, uses which express a distinct theme and provide a real and measurable public value and purpose with respect to meaningful social, artistic, cultural, historic, educational, religious, or other values. Thematic uses shall include but not be limited to the following: museums; historic sites; cultural sites; artistic talents; scenic or geographic attractions; dude ranches; historic, cultural or religious festivals or pageants; unusual or exotic animal farms; unusual or exotic plant farms; or self-awareness facilities.
- "Tract" A single unit of real property under unified ownership whether platted or unplatted and whether or not title is publicly or privately held by an owner.
- "Tract or Lot Split" The dividing or re-dividing of a lot or tract of land into not more than two (2) tracts or lots subject to the standards and requirements within these regulations.
- "Wholesale Nursery" Any land or building used to raise trees, shrubs, flowers or other plants for wholesale or bulk distribution but not retail.
- "Yard" An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided for herein. In measuring a yard for the purpose of determining the width of a side yard, or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated as a major or minor arterial street on the Long-Range Road Network Plan all yards abutting the street shall be measured from the lot line, or from the Official Street Line, whichever provides the greater setback. On other lots all yards abutting a street shall be measured from a line twenty-five feet from the centerline, or from the lot line, whichever provides the greater setback.
- "Yard, Front" A yard across the full width of the lot extending from the front line of any building to the front line of the lot, the road easement along the property, or the Official Street Line as adopted by the County, if applicable.
- "Yard, Open Residential Front" Open and unobstructed ground area of the tract from the front line of the main dwelling to the front line of the lot or road easement along the property or the Official Street Line as adopted by the County, if applicable, and extending the full width of the main dwelling plus the width of the required side yards.
- "Yard, Rear" A yard between the rear lot line and the rear line of the main building.
- "Yard, Required" Open and unobstructed ground area of the tract extending inward from a lot line the distance specified in the regulations for the district in which it is located.
- "Yard, Side" A yard between the main building and the adjacent side lot line and extending entirely from the front yard to the rear yard.

ARTICLE 9. RURAL DISTRICTS

Section 1. INTENT AND GENERAL PROVISIONS:

The zoning of property as RUR, Rural District, is intended to maintain and enhance agricultural operations including crop production and the raising of livestock, and to preserve and protect agricultural areas in unincorporated Johnson County utilized for crop production or the raising of livestock, and to serve as a holding zone for lands where the efficient provision of public facilities and services needed for development in the County is not viable at present. The preservation of agricultural land also is intended to prevent urban sprawl, contribute to the efficient provision of the facilities and services necessary for development at greater densities, and reduce urban/rural conflicts which arise from premature development of rural areas. The district is further intended to preserve open space and natural resource areas. The regulations for this district are designed to provide protection for existing development while allowing new construction in accordance with current development and performance standards and density objectives.

The use permitted and development regulations are set forth in Section 2 below.

The Rural District is exclusive in that commercial or industrial land uses are not permitted therein except under limited circumstances allowed by conditional use Permit, or as a permitted home occupation accessory use.

Section 2. RURAL DISTRICT (RUR):

- A. Permitted Uses: In the Rural District, no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:
1. Agricultural uses.
 2. Agricultural buildings and structures.
 3. Permanent single-family dwelling.
 4. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
 5. Accessory buildings and uses customarily incidental to the uses listed above, as set out in [Article 18](#).
 6. Home occupations as set out in [Article 18](#).
 7. Supplementary Uses as set out in [Article 16](#).
 8. Passive open space, nature preserve, arboretum, and park areas owned by the public.
- B. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See [Article 23](#).
- C. Height, Area and Bulk Regulations:
1. Height Regulations:
 - a. Maximum height of agricultural buildings and structures: No restriction if height complies with airport overlay district and overlay zone height and hazard regulations.
 - b. Maximum height of residences: 35’.
 - c. Maximum height of accessory structures and uses other than farm structures: 25’.
 2. Yard Regulations:
 - a. Front Yard: The depth of the front yard shall be at least 50’. The required front yard setback shall be provided and maintained from all street frontages. A front setback of 100’ is recommended for residential structures if adjoining road does not have a dust-free surface.
 - b. Side Yard: There shall be a side yard of at least 25’ on each side of a lot.
 - c. Rear Yard: There shall be a rear yard of at least 25’.
 3. Minimum Lot Dimensions: The minimum depth of a lot shall comply with the provisions in the subdivision regulations. The minimum width of a lot shall be 300’.
 4. Minimum Lot Area: Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a Nominal Lot Area of not less than 10 acres per dwelling except as provided in [Article 24](#), Nonconforming Lots and Uses.
 5. Supplementary Height, Area and Bulk Regulations: As set out in [Article 17](#).
- D. Parking Regulations: 2 off-street parking spaces shall be provided on the premises for each dwelling unit. See [Article 19](#), Off-Street Parking Requirements.
- E. Sign Regulations: See [Article 20](#), Sign Regulations.
- F. Minimum Infrastructure: Within this zoning district, it is recommended that all Minimum Infrastructure Requirements specified in [Article 31](#) be met prior to rezoning or development of any site. Compliance with certain Minimum Infrastructure Requirements as specified in [Article 31](#) also is required at least for the phase being developed on any site in this district. See Minimum Infrastructure Requirements in [Article 31](#).

ARTICLE 16 - SUPPLEMENTARY USE REGULATIONS

Section 2. FENCES:

Fences are allowed in all districts, and may be placed along property lines as provided for herein. Except as expressly allowed by other County codes and regulations, if any, the following restrictions shall apply to the construction of solid and see-through fences:

- A. Solid Fences: Shall mean fences obscuring more than fifty percent of the view through the fence as observed on lines of sight perpendicular to the line of the fence.
 - 1. A solid fence shall not exceed 6' in height measured from the adjacent ground elevation when constructed on lot lines, but may exceed 6', but not more than 12' in height, if the fence is constructed within all building setback lines.
 - 2. A solid fence may be located in a required rear or side yard of any lot, except that a solid fence must not be in the front yard and must be setback from any street abutting any side or rear lot line a distance at least equal to 1/2 the required front yard setback, unless (i) solid screening is required by these regulations or (ii) where approved as part of a development plan approval in any zoning district.
- B. See-through Fences: shall mean fences obscuring fifty percent or less of the view through the fence as observed on lines of sight perpendicular to the line of the fence.
 - 1. A see-through fence shall not exceed 6' in height measured from the average adjacent grade when constructed on lot lines other than front lot lines, but may exceed 6', but not more than 12', if the fence is constructed within all building setback lines.
 - 2. A see-through fence four feet or less in height measured from the average adjacent grade may be constructed on the front lot line or in the required front yard in a Rural, ... District, except within the visual sight triangle at intersections. See [Article 17, Section \(1\)](#)
- C. General Provisions:
 - 1. No fence shall be constructed or maintained, if constructed after the effective date of these regulations, in a manner which will constitute a traffic hazard.
 - 2. No fence shall be constructed in such a manner, or be of such design that it is hazardous or dangerous to persons or animals. Furthermore:
 - a. No fence shall be constructed of barbed wire or any other such damage inflicting material except when:
 - 1) Fencing land, in the Rural District; and
 - 2) Fencing land that is legitimately being used for agricultural purposes even if the adjoining property is not also being used for agricultural purposes; or,
 - 3) Located along the top of a fence at least 6' above the ground in all planned retail business/employment center districts.
 - b. Electrical fences shall only be allowed in the Rural, ... Districts.
 - 3. No fence, except those:
 - a. erected upon public/parochial school grounds;
 - b. in public parks;
 - c. in public playgrounds;
 - d. on other public lands; or
 - e. Solid fences as allowed by [Section 2\(A\)\(1\)](#) or by [Section 2 \(A\)\(2\)](#) of this Article, or
 - f. See-through fences as allowed by [Section 2\(B\)\(1\)](#) of this Article.shall be constructed at a height greater than twelve feet when measured from the average adjacent gradient; unless, however, a variance is obtained and approved as provided in these regulations.
 - 4. No visually opaque fence shall, under any circumstances, be constructed within the visual sight triangle of intersections. See [Article 17, Section 1.](#)
 - 5. For emergency purposes, a gate or other access shall be provided to all rear yards that are totally enclosed by a fence higher than four feet.
- D. Enclosures:

1. In all Residential ... Districts, fenced enclosures shall be provided for swimming pools, outdoor whirlpool tubs and hot tubs with a depth of eighteen inches or more, and the enclosures shall be subject to the following requirements:
 - a. All outdoor whirl-pool tubs, hot tubs and swimming pools shall be completely enclosed as required by the applicable Johnson County Building Code. Such fence may enclose the entire yard or may enclose an area immediately around the use being fenced. This provision shall not apply to water tanks used for agricultural purposes.
 - b. All gates and doors opening through an enclosure shall be equipped with latches as required by the applicable Johnson County Building Code. The Building Codes Official may permit other protective devices or structures to be used so long as the degree of protection offered by the substitute device or structure is not less than the protection afforded herein.
2. In all Residential ... Districts, fenced enclosures shall be provided for dog pens or runs, and the enclosures shall be subject to the following requirements:
 - a. Dog pens or runs, when constructed, shall be enclosed by a fence of sufficient height and construction to contain the dog(s) at all times.

Section 4. OPEN STORAGE:

The outside storage of salvage or scrap materials, house-hold goods or furniture, or business equipment or materials for more than forty-eight consecutive hours shall not be allowed in any district, unless a conditional use permit for a salvage yard or demolition landfill has been approved for the property. This Section shall not apply to the storage of scrap materials on land which is legitimately being used for agricultural purposes, if:

- A. The materials are stored for purposes of maintaining, repairing, or fabricating agricultural equipment or agricultural facilities owned and operated by the property owner and utilized by the owner of subject property; and
- B. The storage areas comply with the adopted health and sanitation regulations; and
- C. They are not visible from or are fully screened from view from any residential lot zoned or used for smaller than 3-acre residential lots. Such screening may be provided by a visually solid fence or wall, berms or other landforms with rounded slope intercepts, or similarly dense landscape plantings.

Section 5. INOPERABLE MOTOR VEHICLES OR VEHICLE TRAILERS:

- A. Intent: To prevent the repair, restoration, assembly, disassembly, storage or standing of any inoperable vehicle where it is visible from surrounding property or roads.
- B. A motor vehicle shall be determined to be inoperable either when it is disassembled or wrecked in part or in whole or is unable to move or it has not been moved under its own power within a continuous period of ten days or more or for which the motor vehicle registration has been expired for six months or more.
- C. Inoperable motor vehicles or vehicle trailers shall not be stored, nor shall they be allowed to stand, in any zoning district in any manner except as follows:
 1. In a legally established and conforming wrecking or salvage yard; or
 2. In a fully enclosed storage structure such as a garage or barn.

Section 6. TEMPORARY USES:

- A. Intent: It is the intent of the following regulations to provide for and govern the operation of certain transitory or seasonal uses.
- B. Permits for Temporary Uses: Applications for a temporary use permit shall be made to the Zoning Administrator at least ten days prior to the starting date of the temporary use requested, and shall contain the following:
 1. The commonly known street address of the property to be used, rented or leased or the temporary use, including all information necessary to accurately describe the property and the proposed use; and
 2. a description of the proposed use including dates and time schedules for the use; and
 3. name, address, phone number of the applicant and the property owner and the person(s) responsible for the use if different than applicant; and

4. statement describing provisions which will be made for sanitation facilities, utility services, parking, traffic control, security, fire safety, medical emergency and first aid, noise control and clean up and restoration.
- C. General Requirements: Temporary use permits shall be issued by the Zoning Administrator, unless otherwise specified by these regulations. Said permit shall be issued only if the Zoning Administrator is satisfied that all the following criteria shall be met:
1. Adequate off-street parking shall be provided for customer vehicles outside the roadway area.
 2. Signs shall not larger than ten square feet and must comply with the sign regulation provisions of these regulations.
 3. Structures or product displays shall not be placed inside the visual sight triangle at intersections.
 4. Adequate sight distances and adequately dimensioned driveway aprons shall be available for vehicles entering and leaving the temporary use site.
 5. Noise, odor or light emissions from site shall not present an interference with the enjoyment or use of property or a hazard to adjoining properties or public ways. Artificial lighting shall not illuminate any nearby dwellings and sound from public address systems shall not exceed 60 dBA at the property line of residences.
 6. Adequate provision for sanitary waste trash disposal shall be provided by the applicant. Trash, rubbish and debris shall be collected and temporarily stored in closed containers or shall be removed from the premises daily.
 7. Utility services provided shall comply with applicable building, electrical, plumbing, fire, safety, sanitation, public health, and other codes, laws or regulations applicable to the use and shall be installed only under permits obtained as required by such codes.
 8. Upon expiration of the temporary use permit, the site shall be cleaned up and restored to its condition before the temporary use began.
 9. Any and all applicable provisions of the County's Code of Regulations for Special Events and Activities have been complied with.
- D. Specific Temporary Uses and Regulations: The following are considered temporary uses & are subject to the following specific regulations and time limits, in addition to the regulations in any zone where they are located.
1. Christmas Tree Sales: A temporary use permit may be issued for the display and open-lot sale of Christmas trees for a period not to exceed forty-five days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no structures or trees shall be placed within the visual sight triangle as provided in [Article 17, Section 1](#) of these regulations. The site shall be cleaned and returned to its previous condition within 2 weeks after Christmas.
 2. Contractor's Office: A temporary use permit may be issued for a contractor's temporary office, watchperson's quarters and equipment sheds incidental to construction project. The office or shed shall not containing sleeping or cooking accommodations. The permit shall be valid while construction work is in progress for no more than one year, but may be renewed. The office or shed shall be removed upon completion of the construction project.
 3. Real Estate Project Sales Office: A temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Board. The permit shall be valid for no more than one year, but is renewable. The office shall be closed upon completion of the development in the subdivision. The office shall contain no sleeping or cooking accommodations unless located in a model home.
 4. Temporary Storage: A hauling trailer or temporary structure may be used for storage during construction on site.
 5. Temporary Manufactured Home: In accordance with the Board of County Commissioner's Resolution 051-94, and any amendment thereto, if any, a temporary placement and occupancy of a manufactured home upon property used for residential purposes. The application for a temporary use permit for a manufactured home shall be in writing and shall at least state the name of property owner, address of property, emergency circumstances which necessitate a temporary use permit, and manner in which the property owner will satisfy all code requirements for habitation of manufactured home, including

but not limited to water hook-up, sanitary sewage disposal, electrical power. The application shall be accompanied by payment of the temporary use permit fee as required by the BOCC. A certified statement that each and all owners of adjacent and abutting property have been notified of intention to temporarily place and occupy a manufactured home on the property shall also accompany the application for the temporary use permit. Each application for a temporary use permit for a manufactured home shall be reviewed to determine whether the permit is warranted with respect to the following criteria:

- a. The subject property zoned for or has been occupied for residential uses;
- b. The property contains at least 3 acres or more;
- c. The permanent residence on property has been (i) damaged by fire, wind, flood or other natural disaster; (ii) resulting in partial or total destruction of the permanent residence; and (iii) thereby making it uninhabitable;
- d. The owner of the subject real property has applied for and obtained a building permit to allow repair or rebuilding of permanent residence; and
- e. The owners of the adjacent and abutting properties have consented to the temporary use, or the manufactured home placed so impact upon other properties is minimal.

All temporary use permits which allow the placement of a manufactured home upon property shall be limited to a term not to exceed (i) the length of time necessary to allow for the repair or rebuilding of the permanent residence; or (ii) the length of time necessary to allow for the property owner to apply for and seek if granted, a conditional use permit for a manufactured home; whichever is less; but in no event shall the permit be issued for a term exceeding 180 days.

Each temporary use permit for a temporary manufactured home shall contain printed terms and conditions requiring compliance with all applicable building, fire and safety codes; and specifying the requirements deemed reasonably necessary to mitigate potential detrimental impacts to adjacent and abutting properties; and stating the expiration date for the term of the permit.

Any property owner who has applied for a temporary use permit as provided in this subsection, which has been denied by the Zoning Administrator, or such person's designee, may request, in writing, that the BOCC reconsider the decision of the Zoning Administrator, or such person's designee, and grant the permit. The BOCC may, with or without hearing, review the decision and either grant or deny the permit, under the requirements as provided in this subsection. The decision of the BOCC shall be final and not reviewable.

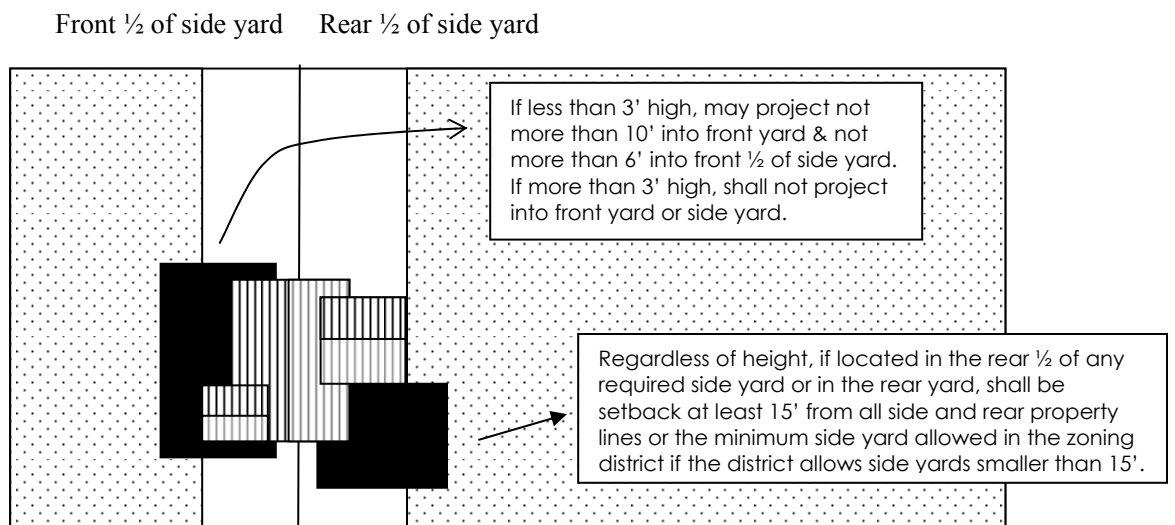
Any person who knowingly falsifies an application or any statement related to any application or who fails to fully comply with any permit issued as provided in this subsection or who fails to completely remove any manufactured home prior to the expiration of the permit shall be deemed to have committed a Class H Infraction as provided in [Article 6](#) of these regulations.

ARTICLE 17. SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS

Section 1. VISUAL SIGHT TRIANGLE: On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow to significantly impede vision at an intersection. For purposes of this Section, visual obstructions more than fourteen inches in horizontal dimension below ten feet in height and above two feet in height measured above the elevation of the edge of street driving surface at a point nearest the obstruction shall be deemed to significantly impede vision at an intersection. A visual sight triangle free of visual obstructions shall be provided and maintained on all corner lots. The visual sight triangle shall be bounded by centerlines of intersecting streets and points on centerlines of each street and ninety feet from the point of intersection of street centerlines. At intersections of or with arterial streets, the ninety foot distance shall be increased to 120 feet.

Section 3. ARCHITECTURAL PROJECTIONS: BEGIN HERE

- A. Open-walled, roofed structures such as porches, canopies, balconies, platforms, carports, covered patios, decks and similar architectural projections attached or adjacent to a main structure or building shall be considered part of the building to which these features are appurtenances and shall not project into the required minimum front, side or rear yards.
- B. Open-walled, unroofed structures such as porches, balconies, platforms, decks and similar architectural projections attached or adjacent to a main structure or building:
 - 1. If not more than three (3') feet in height above average adjacent grade, shall not be considered part of the main structure or building to which they are appurtenances and may project not more than ten (10') feet into the required minimum front yard and may extend not more than six (6') feet into the front one-half (1/2) of any required minimum side yard.
 - 2. If more than three (3') feet above the average adjacent grade, shall be considered part of the main structure or building to which they are appurtenances and shall not project into the required minimum front yard or the front one-half (1/2) of any required minimum side yard.
 - 3. Regardless of the height above the average adjacent grade, if located in the rear one-half (1/2) of any required side yard or in the rear yard, shall not be considered part of the main structure or building to which they are appurtenances and shall be setback at least fifteen (15') feet from all side and rear property lines or the minimum side yard allowed in the zoning district if the district allows side yards smaller than 15 feet.
 - 4. Regardless of the height above average adjacent grade, if the structure is an integral part of a ramp for access to main structure or building by the physically impaired, shall not be considered part of the main structure or building to which they are appurtenances and may extend into the inner 1/2 of required front, side and rear yards.



Section 4. EXCEPTIONS TO HEIGHT REGULATIONS:

- A. The height limitations contained in these regulations shall not apply to grain bins or similar agricultural facilities in the Rural District nor in any district to electrical power transmission lines, building-mounted appurtenances such as belfries, chimneys, cupolas, elevator head-houses, fire towers, ventilators, water tanks, antennas less than 60 feet in height used for domestic purposes (i.e., television or radio antennas for single family dwellings), or other appurtenances usually required to be placed above roof level and not used for human occupancy, except where the height of such appurtenant structures could constitute a hazard to the safe land and take-off of aircraft at an established airport as provided in **Article 21** of these regulations. Structures other than as indicated in this section, shall not exceed 60 feet in height unless approved by a Conditional Use Permit as provided in **Article 23** of these regulations.
- B. Towers for wind-powered generators or pumps may be allowed and may extend above the height requirements in the district regulations if approved by a Conditional Use Permit as provided in **Article 23** of these regulations.

C. Communication Antennas and Communication Towers:

- 1. Communication antennas and towers may be installed and maintained in all locations upon the subject real property other than in required front yards.
- 2. Communication towers shall be approved as a Conditional Use Permit as provided in **Article 23** of these regulations, unless they satisfy the criteria allowing them to be approved by following alternate procedure:
 - a. Administrative Approval of Communication Towers:
 - 1) Newly Constructed Communication Towers: Administrative approval of Newly Constructed Communication Towers which are proposed to be less than or equal to sixty (60') feet in height and which extend less than or equal to twenty (20') feet above the ridge elevation of a roof or structure if building or structure-mounted, shall be subject to and may receive the approval of the Zoning Administrator in accordance with **Article 5, Section 5** of these regulations, unless otherwise specifically prohibited from such approval by the terms of an existing Conditional Use Permit, in which case approval may only be received by an amendment to the Conditional Use Permit. A lightning rod less than or equal to 10' in height shall be excluded from the height limitation.
 - 2) Modification or Replacement of Existing Communication Towers: Any legally existing communication tower may be relocated, replaced, and increased in height, subject to and with the approval of the Zoning Administrator in accordance with **Article 5, Section 5** of these regulations, unless specifically prohibited from such approval by the terms of an existing Conditional Use Permit, (in which case an amendment to the Conditional Use Permit shall be required) and provided that:
 - a) A replacement communication tower must be located within 100 feet of the base of the original tower, provided setback and easement requirements are satisfied (see paragraph 'd' below). The original tower must be removed within 90 days of completion of construction of the replacement tower, at no cost to the County. The height of the replacement tower may be increased a maximum of 20 feet above the height of the original tower if setbacks and easement requirements are fully satisfied (see paragraph 'd' below). A lightning rod less than or equal to 10 feet in height shall be excluded from the height limitation.
 - b) The height of an existing communication tower may be increased a maximum of 20 feet above the original height if setback and easement requirements are fully satisfied (see paragraph 'd' below). A lightning rod less than or equal to 10 feet in height shall be excluded from the height limitation.
 - c) If waivers are granted from the requirements of **Article 23, Section 6 (B)(4)** of these regulations, in conjunction with an existing Conditional Use Permit, then said waivers shall apply to the modification or replacement of an existing communication tower. However, if additional waivers are necessary, then an approved Conditional Use Permit in accordance with **Article 23** of these regulations shall be required to modify or replace an existing communication tower.

- d) The setback and easement requirements of **Article 23, Section 6 (B)(4)(a)(2)** of these regulations shall apply to any modification or replacement of communication tower as allowed within this subsection. If there is a change to height or location of tower, the setback area and easement requirements of communication tower shall be determined by the revised location and height.
 - e) The Zoning Administrator shall grant only one administrative approval in accordance with **Article 5, Section 5** of these regulations, to allow for the modification or replacement of an existing communication tower as provided in this subsection. Additional modifications or replacements of an existing communication tower will require an approved Conditional Use Permit.
 - 3) Associated equipment structures may also be permitted by administrative approval so long as they are screened from view and conform to the setback requirements of the zoning district.
3. Communication antennas, including associated antenna support structures, shall be approved as a Conditional Use Permit as provided in **Article 23** of these regulations, unless they satisfy the criteria allowing them to be approved by the following alternate procedure:
- a. Administrative approval of communication antennas to be mounted on existing communication towers, water towers, or other structures:
 - 1) Communication antennas, and associated antenna support structures, may be attached to or incorporated within any legally existing communication tower, water tower, or other structure (such as a building, streetlight, or church steeple), and associated equipment structures may also be constructed on the site, unless specifically prohibited by the terms of an existing Conditional Use Permit.
 - 2) The communication antenna and antenna support structures shall not be higher than 20 feet above ridge elevation of the structure. A lightning rod less than or equal to 10 feet in height shall be excluded from the height limitation.
 - 3) Administrative approval of the communication antennas, associated support structures, and associated equipment structures referred to in this subsection, shall be subject to and may receive the approval of the Zoning Administrator in accordance with **Article 5, Section 5** of these regulations, unless otherwise specifically prohibited from such approval by the terms of an existing Conditional Use Permit, in which case approval may only be received by an amendment to the CUP.
 - 4) Associated equipment structures may also be permitted by administrative approval for the roof or other areas of the property, and shall be screened from view and conform to the setback requirements of the zoning district.

Section 5. FRONT YARDS:

Official Street Line: On all lots and tracts along all Major Arterial Streets and along all Minor Arterial Streets there shall be an Official Street Line for the future widening or opening of a street or road at 60 feet from the section line, or half-section line, or centerline along Major Arterial Streets and along all Minor Arterial Streets in unincorporated Johnson County as indicated in the Long-Range Road Network Plan. The setback for the front yard or side yard shall be measured from such Official Street Line to the nearest line of the building.

If a street is not located in a dedicated right-of-way, the required minimum front yard shall be measured from the nearest edge of street easement or the other strip of land within which the street is located.

Section 7. REAR YARDS:

In computing the depth of a rear yard for any lot abutting an alley, one-half ½ of such alley width may be included as part of the required rear yard.

ARTICLE 18. ACCESSORY STRUCTURES, BUILDINGS AND USES

Section 2. GENERAL GUIDELINES FOR INTERPRETATION OF ACCESSORY STRUCTURES, BUILDINGS AND USES:

- A. An accessory structure, building or use shall be commonly associated with or generally necessary to the normal operations of the principal structure, building or use. To be "commonly associated" or "generally necessary" it is not necessary for an accessory to be connected with such principal more times than not, but only that the association of such accessory with such principal takes place with sufficient frequency or is so interrelated yet incidental and insubstantial that there is common acceptance of their relatedness.
- B. A structure or building shall be considered an integral part of the main structure or building when it has any major physical part or a wall in common with the main structure or building, or is under an extension of the main roof and designed as an integral part of the main structure or building.
- C. Structures, buildings or uses that would be accessory to main structures, buildings or uses under some situations may by themselves be main structures, buildings or uses in situations where they are not integral part of or incidental or insubstantial to a main use on a lot.

Section 3. ACCESSORY STRUCTURES, BUILDINGS AND USES PERMITTED:

Structures or buildings may be erected and used and land may be used for purposes which are clearly accessory to the principal or main structure, building or use permitted on the premises. Such accessory structures, buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination or from reflection of natural light and shall be on the premises of the principal or main use, structure, or building except as may be specifically provided herein. Accessory uses, structures and buildings shall have an appearance consistent with the character of the neighborhood in which they are located and shall have an appearance consistent with the character of the main structure, building or use on the property. In the RUR, Rural District, new accessory structures or buildings may be built and used without a primary structure on the property....

Section 4. ELIGIBILITY FOR ACCESSORY STRUCTURES, BUILDINGS AND USES:

Determinations of whether a proposed structure, building or use would be an appropriate accessory shall be made by the Zoning Administrator. Such determinations may be appealed to the Board of Zoning Appeals as provided in [Article 3, Section 5](#) of these regulations.

Section 5. HOME OCCUPATIONS:

Home occupations shall be permitted accessory uses in all Rural, Residential and Planned Residential Districts and shall be subject to the following:

D. Restrictions and Limitations:

- 1. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence.
- 2. No display or storage of equipment or material outside of building or structure shall be permitted.
- 3. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.
- 4. Only one (1) non-illuminated ground or wall sign, not more than two square feet in sign area, may be used to identify the home occupation.

5. In zoning districts with a minimum lot size of less than one (1) acre, employees or other assistants shall be limited to immediate members of the family residing on the premises.
In zoning districts with a minimum lot size of one (1) acre or greater; employees or other assistants shall be limited to immediate members of family residing on premises and one (1) other person.
 6. No equipment or machine may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
 7. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used.
 8. Vehicular or pedestrian traffic or parking demand shall not exceed twelve (12) two-way vehicular or pedestrian trips per day or parking of greater than four (4) customer vehicles at any one time during any 24-hour period.
 9. Home occupations shall use no more than 20% of the total dwelling unit floor area. Those home occupations which require occasional meetings using more than 20% of the floor space may be permitted providing such meetings do not occur more frequently than once a month.
 10. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.
 11. A home occupation may attract patrons, students, or any business related individuals only between the hours of 6 A.M. and 9 P.M. At any time during the day or evening, the parking standards of these regulations shall apply to the activity generated by the home occupation. A home occupation shall not generate more than twelve (12) business related visitations per day which shall constitute twelve (12) arrivals and twelve (12) departures by vehicle. Home occupation Day-Care Centers and Preschools shall not generate more than twelve (12) arrivals and twelve (12) departures per day by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.
 12. Any published advertising for the home occupation shall not include the residential street address unless the advertisement states that customers shall be received by appointment only.
- E. Particular Home Occupations Permitted: Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:
1. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.
 2. Preschools or day-care centers for not more than six (6) children or adults per day, when properly approved by the Johnson County Health Dept or other such agencies as may be required by law.
 3. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
 4. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
 5. Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.
 6. Tailoring, alterations, and seamstresses.
 7. Beauty shops.
 8. Medical offices such as physicians, dentists, chiropractors' offices.

9. Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.

F. Particular Home Occupations Prohibited:

1. Retail sales and services such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations such as the Code of Regulations for Special Events and Activities.
2. Equipment rental.
3. Automobile & other motor vehicle repair services.
4. Tourist homes including bed & breakfast facilities.

Section 6. ACCESSORY BUILDINGS AND STRUCTURES IN GENERAL:

In all districts, accessory structures shall comply with the following standards except as may be otherwise specifically provided for in these regulations:

- A. Location: Accessory buildings and structures shall not be located in the front yard or the exterior side yard of a corner lot.
- B. Accessory Building Size Limitations: Unless otherwise approved by Conditional Use Permit as provided for in [Article 23](#) of these regulations, accessory buildings and structures shall comply with the following standards on all tracts smaller than 10 acres except in the Planned Retail Business Districts and the planned Employment Center Districts:
 1. Floor Area: The accessory building or structure ground floor area shall not exceed the following:
 - a. For any lots one (1) acre or smaller, the total main floor area of all accessory buildings and structures shall not exceed 2% of the lot area or 750 square feet, whichever is greater, provided that such buildings or structures shall not cover more than 30% of the required rear yard.
 - b. For any lots larger than one (1) acre, the maximum allowed total main floor area for all accessory buildings and structures shall increase from 750 square feet by 275 square feet for each full acre of lot size greater than one (1) acre and the maximum allowed total main floor area for accessory buildings and structures shall be determined on a pro-rata basis for fractions of a full acre.
 - c. For lots with a nominal lot area of ten (10) acres or larger, the total main floor area of accessory buildings and structures shall not be limited if the structures comply with all setback requirements of these regulations.
 - d. Notwithstanding items a, b, & c, of [Section 6 \(B\)\(1\)](#) above, tool sheds and pool houses shall be permitted as follows: Tool sheds and pool houses smaller than 200 square feet are permitted in the Rural, Residential and Planned Residential Districts. Tool sheds & pool houses are not permitted in the front yard or in the exterior side yard of corner lots.
 - e. Notwithstanding the cumulative “total main floor area” limitation for all accessory buildings and structures set forth within this section, an additional three hundred (300) square feet of floor area shall be allowed for open-walled accessory buildings and structures including, but not limited to, 1) unattached carports and picnic shelters, and 2) open-walled, lean-to-roofed areas such as equipment sheds, boat or recreational vehicle shelters.
 2. Height: The maximum height of accessory buildings or structures shall not exceed 2 stories or 25 feet unless specifically excepted from this height restriction by [Article 17](#) of these regulations or unless the buildings or structures are accessory to an agricultural use.
- C. Number of accessory buildings or structures: For lots smaller than 10 acres, no property shall have more than 3 accessory buildings or structures unless approved by a Conditional Use Permit as provided in [Article 23](#) of these regulations.
- D. Special Yard Setbacks in (Planned) districts: ...
- E. Satellite Antennae: Ground-mounted satellite dish receiving or transmitting antennae are permitted. If the antennae dish is larger than forty-two (42”) inches in any dimension, in any residential district or in the RUR Rural District, on any lot smaller than 10 acres, ... the following performance standards shall be met:

1. Ground-mounted satellite dish antenna shall not exceed 13 feet in height from the grade where it is mounted.
 2. Any satellite dish antenna shall be located within the rear yard or in any side yards which does not abut a street, and satellite dish antenna shall be located at least fifteen (15') feet inside the property lines.
 3. All cables and lines serving the satellite dish antenna shall be located underground.
 4. Satellite dish antennae shall only be ground mounted and the above provisions shall apply unless otherwise approved as to location or ground mounting by a Conditional Use Permit as provided in [Article 23](#) of these regulations.
 5. Nothing contained herein shall relieve a person from the necessity of satisfying any and all governmental licenses or permits required for operation, if any.
- F. Solar Collectors: Solar collectors shall be permitted provided that the following performance standards are met:
1. Roof-mounted residential building solar collectors located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than 24" as measured perpendicularly to the roof at the point where it is mounted.
 2. Roof-mounted residential building solar collectors located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than four feet as measured perpendicularly to the roof at the point where it is mounted.
 3. Ground-mounted solar collectors shall not exceed 8 feet in total height and shall be located within the rear yard at least 12 feet inside the property lines.
 4. All utility service lines serving a ground-mounted solar system shall be located underground.
 5. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building shall not be permitted.
 6. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in [paragraphs F\(1\) and F \(2\)](#) above. No freestanding panels or panel racks shall be allowed.
 7. If an active solar or photovoltaic solar system is utilized, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, and the like.
 8. All exposed metal, including the framework of active collector panels or exposed mullions and framework of passive systems shall be colored to visually blend into the surroundings.
- G. Additional Accessory Structures: Such additional accessory structures as private swimming pools, television and radio antennae used for domestic purposes, flagpoles, and play equipment are permitted under the following conditions:
1. Television and radio antennae are not permitted in the required front yards.
 2. No additional accessory structure allowed by this subsection shall exceed 60' in height unless approved by Conditional Use Permit as provided for in [Article 23](#) of these regulations.
 3. Above ground structures of the type listed in this subsection shall be setback from property lines a distance at least equal to the height of the accessory structure.
 4. Swimming pools are not permitted in the required front or side yards. Swimming pools, hot tubs, whirlpools, etc. shall be setback from rear and side property lines at least 10feet and shall be fenced as required by the applicable Johnson County Building Code, (See also [Article 16, Sec 2 & 3](#) of these regulations).

H. Fences: Allowed as provided in [Article 16, Sections 2, 3, and 4](#) of these regulations.

Section 7. ACCESSORY USES IN GENERAL:

- A. Animals: The keeping of common, ordinary household pets such as dogs, cats, fish, birds or hamsters in quantities less than those which would require a Conditional Use Permit for an animal boarding, breeding or raising facility shall be permitted as an accessory use in any district. Hogs, ruminants, or other similar such animals shall not be kept in the Residential or Planned Residential Districts or in any district on tracts with a nominal lot area smaller than ten (10) acres. However, the keeping of animals or poultry in Residential or Planned Residential Districts or in any district on tracts with a nominal lot area smaller than ten (10) acres as an accessory use shall be permitted in accordance with the following provisions:
1. Horses, ponies, poultry or small domesticated animals other than those commonly kept as household pets may be kept and the total number of such animals or poultry allowed on any lot shall be determined by use of the following formulae:
 - a. One (1) horse or pony on lots no smaller than two (2) acres, and one (1) additional adult horse or pony for each additional one and one-half (1.5) acres of lot area. At least one (1) acre of open lot area shall be made available for each horse or pony kept on any property subject to this provision.
 - b. For lots less than ten (10) acres and not smaller than three (3) acres, fifteen (15) poultry or small domesticated animals other than those commonly kept as household pets for the first three (3) acres of lot area and five (5) additional poultry or small animals other than household pets for each additional one (1) acre of lot area.
 2. Barns, stables, or other such accessory structures sheltering permitted horses or poultry shall not be located in the required front yard nor less than 25 feet from side or rear lot lines.
 3. Any 4-H Project is permitted in accordance with the provisions in [Section 7 \(A\)\(1\)& \(2\)](#) above and may be otherwise permitted by Conditional Use Permit as provided in [Article 23](#) for situations that would not comply with the above referenced formulae.
 4. The keeping of animal(s) in any manner other than as provided above shall not be allowed in the Residential or Planned Residential Districts or in any other district on tracts with a nominal lot area smaller than ten (10) acres unless a Conditional Use Permit is approved in accordance with the provisions of [Article 23](#) of these regulations.
- B. Storage of Recreational Vehicles: In the Rural, Residential and all Planned Residential Districts, storage of recreational vehicles is permitted only in accordance with the following provisions:
1. Recreational vehicles shall not be stored except:
 - a. Within an enclosed building; or
 - b. In the rear yard behind the principal structure or in a side yard other than the street side yard of a corner lot behind the front setback line and at least ten (10') feet from all lot lines.
 2. Such storage shall be permitted for only those recreational vehicles owned by occupants of the premises.
 3. No travel trailer, pick-up camper, bus or truck converted into a camper, or motor home, whether owned by the occupant of the premises or owned by others, shall be utilized for living, sleeping or housekeeping purposes for longer than 2 weeks total during any twelve (12) month period when parked in any location not zoned and approved for such use.
 4. No more than one (1) boat and boat trailer and no more than one (1) travel trailer, pick-up camper, bus or truck converted into a camper, or motor home may be stored outside a building.
 5. Temporary Parking in the Customary Driveway: A boat, a camping trailer, a pickup camper, a motor home or a recreational vehicle may be parked in the customary driveway for purposes of loading or unloading or trip preparation for a period of time not to exceed 48 hours total cumulatively within a thirty-day period.
- C. Vehicle and Equipment Storage:
Storage of Utility Trailers, Farm Equipment, or Vehicles Larger Than Light-Duty Trucks shall be governed by special requirements in certain zoning districts:

1. In the RUR Rural District, **on any lot larger than 3 acres**, in the... Districts, such storage shall not have special requirements.
2. In all other districts, such storage shall be permitted only in accordance with the following special requirements: **(This would include RUR Rural Districts on tracts less than 3 acres.)**
 - a. Utility trailers or vehicles larger than light-duty trucks shall not be stored except:
 - 1) Within an enclosed building; or
 - 2) In the rear yard behind a building or similar structure or behind the front setback line in a side yard other than the street side yard of a corner lot.
 - b. No such utility trailer or vehicle larger than light-duty truck may be used for storage purposes unless a temporary permit is obtained as provided in **Article 16, Section 6** for temporary storage use during construction on the lot.
 - c. Parking for utility trailer/light-duty truck(s) shall not be allowed except that not more than one (1) such vehicle may be parked at any residential property regardless of whether the vehicle is a business-owned vehicle, if it is typically used to commute to work sites at least four (4) times each week.
 - d. In all Residential or Planned Residential Districts no more than two (2) utility trailers may be stored provided that only one such trailer may have a box length greater than eight (8) feet in length or be a utility trailer not normally towable behind a passenger car. Such trailers shall be either stored in an area not visible from nearby roads or residences or stored in an area screened from nearby roads or residences by a visually opaque fence or densely planted landscaping.
 - e. Farm equipment shall not be stored except:
 - 1) Within an enclosed building; or
 - 2) In the rear yard behind a building or similar structure or behind the front setback line in a side yard other than the street side yard of a corner lot.
 - f. Construction equipment shall not be stored on such lots except during permitted construction on the lot.
 - g. No vehicle with dimensions exceeding ten (10') feet in height or twenty (20) feet in length or eight (8) feet in width shall be stopped, left to stand or be parked for longer than 24 hours total within any 30-day period on any street or alley within any Residential District or Planned Residential District except when necessarily loading or unloading property or when in the performance of a service to or upon property in the block where the vehicle is parked.
 - h. Storage areas for utility trailers or vehicles larger than light-duty trucks are not required to be paved.
 - i. Except as allowed by this Article, no other equipment, material, trailer, motor vehicle shall be stored for more than 24 hours in any 30-day period in any Residential District or Planned Residential District or residential area.
 - j. Exceptions from **Section C (2)(a-i)** above may be granted by the Board upon approval of plans indicating appropriate screening to be installed and appropriate setbacks to be used. Such plans shall meet established standards for protecting surrounding property prior to approval and shall clearly describe the proposal and provide information which the Board shall need in order to review, evaluate and make a decision about the application.

Section 8. RURAL DISTRICT:

A. Permitted Accessory Uses:

1. On properties being used for agricultural purposes, the storage of equipment and machinery as necessary to raise crops and livestock, to conduct farming activities, and to maintain the property.
2. Sale of products raised on the premises, fruit stands, orchard sales, and the like.
3. Accessory buildings such as barns, agricultural equipment sheds, other exclusively agricultural structures, roadside stands, and the like provided that such structures are set back at least 50 feet from any street right-of-way or the Official Street Line.
4. Private Stables which are subject to the requirements of **Section 7 (A) of this Article**.

- B. Home Occupations: as provided in [Section 5 of this Article](#).
- C. Accessory Buildings and Structures: as provided in [Section 6 of this Article](#) and on tracts larger than 20 acres, one secondary farm residence for farmhands if it is placed on the property in a location and manner that would enable a legal, separate lot or tract to be created for the secondary farm residence in the future.
- D. Accessory Uses in General: as provided in [Section 7 of this Article](#).

Section 9. RESIDENTIAL, PLANNED RESIDENTIAL DISTRICTS, AND PLANNED RURAL DISTRICT:

- A. Permitted Accessory Uses: Home Occupations as provided in [Section 5 of this Article](#) and guesthouses.
- B. Accessory Buildings and Structures in General: as provided in [Section 6 of this Article](#).
- C. Accessory Uses in General: as provided in [Section 7 of this Article](#).
- D. On lots not smaller than one (1) acre, Limited Garden Uses, and on lots not smaller than two (2) acres the keeping of animals as provided in [Section 7 of this Article](#).

ARTICLE 19. OFF-STREET PARKING REQUIREMENTS

Section 1. OFF-STREET PARKING SPACES REQUIRED:

For all buildings or structures hereafter erected, constructed, reconstructed, moved or remodeled, off-street parking spaces in the form of garages or areas made exclusively for that purpose shall be provided as required herein. Such off-street parking shall be located entirely on private property with no portion except necessary drives extending into any street or other public right-of-way.

Section 2. NUMBER OF OFF-STREET PARKING SPACES REQUIRED:

Table A below indicates the number of off-street parking spaces required for the uses listed. When the table requires a greater or lesser number of parking spaces for any particular use than are required in Art 7-14, the requirements in Table A shall control.

TABLE A. NUMBER OF OFF-STREET PARKING SPACES REQUIRED (excerpt)

General Use or Category:	Parking Space Required per Measuring Unit	Additional Requirements:
Dwelling Unit	2 per dwelling unit	(None)
Church, Temple, place of Assembly, college or High School, funeral home	1 per 3 seats in main assembly room, main auditorium, or chapel	Or 8 per classroom, whichever is greater
Elementary or nursery school	1 per 10 seats in main assembly room	Or 1 per classroom, whichever is greater

Section 3. IMPROVEMENT AND DESIGN REQUIREMENTS:

- A. In all districts except the Rural District (RUR), the Residential Low-Density District, ... all off-street parking and loading spaces shall be improved in accordance with the following requirements for paving, size, curbing and lighting.
- B. In the Rural, Residential and all Planned Residential Districts requiring lots 1-acre or larger, driveways shall not be wider than 25 feet and all main driveways shall be surfaced within the street right-of-way with not less than a 4 inch thick layer of compacted rock or gravel or AB-3. Where such driveways intersect with paved streets or highways, the apron shall be paved with a permanent bituminous or concrete pavement from the street or highway pavement edge to the property line in order to prevent the accumulation of gravel or other debris on the roadway and all work shall be done in accordance with the applicable Street Construction and Storm Drainage Standards adopted by the County.
- C. Driveways in all Planned Residential Districts allowing lots smaller than one (1) acre per dwelling unit..., the driveways shall not be wider within the street right-of-way than allowed by the applicable Street Construction and Storm Drainage Standards adopted by the County, and shall be paved with a permanent bituminous or concrete pavement from the street or highway pavement edge to and including all on-site parking spaces.

ARTICLE 20. DISTRICT SIGN REGULATIONS

Section 4. GENERAL SIGN PROVISIONS AND REQUIREMENTS:

- A. Signs Shall Not Constitute Traffic Hazards: No sign shall be erected at or near the intersection of any street(s) or driveway(s) in such a manner as to obstruct free and clear vision of motorists using such street(s) or driveway(s) or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No sign which obstructs the view of motorists using any street intersection shall be allowed within the visual sight triangle of an intersection. See [Article 17, Section 1](#).
- B. Signs Must Be Outside the Public Right-of-Way: No sign other than traffic control signs shall be erected, constructed, or maintained within, over or upon the right-of-way of any street, avenue, highway or alley within the County.
- C. Maintenance Required: All signs and all components thereof, including supports, braces, and anchors, shall be of sound structural quality and shall be kept in a state of good repair, have a clean and neat appearance, and land adjacent thereto shall be kept free from debris, weeds, trash or other such condition by the owner thereof. If signs are not maintained as described, the Zoning Administrator or an authorized representative thereof shall have the right to order the repair or removal of any sign which is defective, damaged or deteriorated or has defects which may include holes, cracks, rotted, loose or missing materials or parts of the sign, or missing or faded print on sign copy. Such orders may be appealed to the Board of Zoning Appeals.
- D. Prohibited Signs, Signs Prohibited Except Under Certain Conditions, and Signs Generally Permitted as Provided:
 - 1. Prohibited Signs:
 - a. Directly Illuminated Signs are prohibited.
 - b. Roof Signs are prohibited.
 - c. Signs painted on the surface of stone, concrete, or other masonry construction are prohibited.
 - d. Motor vehicles, trailers or portable bases with wheels or to which wheels may be readily affixed shall not be used as a sign structure for any signs permitted by this article.
 - 2. Prohibited Signs, Except Under Certain Conditions as follows:
 - a. Attention Attracting Devices are prohibited except for flags or pennants, with name or logo or insignia of any person, governmental, public service, or charitable organization. This prohibition shall not apply to flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a sign and shall be subject to regulation as such. This prohibition shall not apply to signs indicating only the time, date, or weather conditions, and it shall not apply to the use of Attention Attracting Devices in conjunction with public ceremonies and parades, the observance or recognition of recognized holidays, and so on. This prohibition shall also not apply to banners used as temporary signs to announce or promote events of general civic interest provided such banners are attached top and bottom (or two sides) to permanent structural members on a post or building erected for another purpose, and provided that a sign permit is obtained.
 - b. Certain outdoor Advertising Signs: Bulletin Signs, Poster Signs, and Junior Poster Panel Signs, whether on-premise or off-premise, are prohibited
 - c. Temporary Handbills, Placards, and Posters are prohibited except that:
 - 1) Placards or posters no larger than four (4) square feet in area per individual panel may be used.
 - 2) Placards or posters no larger than twenty-five (25) square feet in area per individual panel may be placed inside a window of a business to promote special activities, events, prices, or sales on-premises.

- 3) Placards or posters no larger than four (4) square feet in area per individual panel may be placed inside a window of a business to promote special activities or events of purported general public interest which would occur off-premises.

All temporary signs shall be removed within two (2) weeks after the event(s) promoted.

3. Signs Generally Permitted as Provided in this Article:
 - a. Incidental Identification Signs are permitted in all zoning districts in accordance with the requirements in this Article.
 - b. Incidental Advertising Signs are permitted in all zoning districts in accordance with the requirements in this Article.
 - c. Projecting Signs are permitted in lieu of all wall signs permitted in this Article.
 - d. Illuminated Signs: Internally Illuminated Signs and Indirectly Illuminated Signs shall be permitted as follows:
 - 1) Internally Illuminated Signs shall not be constructed with an entirely illuminated background and copy area unless the illumination levels would be and are maintained low enough to prevent potentially offensive or hazardous illumination or glare or unless the illuminated background area has a medium to dark, semi-transparent finish to mask the intensity of the illumination.
 - 2) Reflectors on the illumination source for Indirectly Illuminated Signs shall be provided with proper lenses, concentrating the illumination on the area of the sign so as to prevent glare upon nearby street(s) or other property.
 - 3) It shall be unlawful for any person to use sign illumination which is wholly or partially illuminated in a manner that could or does interfere with the vision of pedestrians or motorists.

Section 6. DESIGN STANDARDS

B. Structural Types of Signs

1. Attached Signs: Size, height and Design Limitations:
 - a. Awning Signs shall not be larger than twenty-five (25) square feet nor 10% of the awning surface area whichever is smaller.
 - b. Marquee, Canopy, Overhead Canopy, Under-Canopy, Projecting or Wall Signs:
 - 1) Minimum Height Requirements: All Marquee, Canopy, Overhead Canopy, Under-canopy, or Projecting Signs shall be mounted at least fourteen (14) feet above any driveway and at least nine (9) feet above any walkway over which they are erected.
 - 2) Maximum Height Limitations: The top line of a Marquee, Canopy, Overhead Canopy, Projecting or Wall sign shall not be higher than the top of the wall, roof eaves, or parapet line of the building to which it is attached.
 - 3) Limitations on the Number of Sign Faces and the Sign Area:
 - a) Marquee, Canopy or Overhead Canopy Signs shall have only one sign face. The sign area of Marquee, Canopy or Overhead Canopy Signs shall not exceed twenty-five (25) square feet per establishment.
 - b) Under-canopy signs may have two (2) sign faces, and the sign area of any under-canopy sign shall not exceed three (3) square feet.
 - c) Projecting signs shall not have more than two (2) sign faces, and the sign area shall not exceed twenty-five (25) square feet.
 - d) Wall Signs shall not have more than one (1) sign face, and the sign area shall not exceed 10% of the Signable Wall Area on which the sign is located.
2. Detached Signs: Location, Size, Height and Design Limitations:
 - a. General Location Limitations:
 - 1) Detached signs shall not be located in the visual sight triangle as established in these regulations unless in compliance with the bulk and sight line requirements for visual triangles in [Article 17, Section 1](#) of these regulations.

- 2) Detached signs shall be at least ten (10) feet from all property lines, unless otherwise provided in this Article.
 - 3) Detached signs shall be located within a landscaped area which extends a minimum of three feet from all sides of the sign base.
- b. General Height Limitation: The total height of any monument or pole sign shall comply with Table 1 of this Article and shall not exceed fifteen (15) feet above the adjoining ground elevation, if 1) such ground elevation is higher than the elevation of the street(s) to which the sign faces, and if 2) the sign is placed at least fifty (50) feet from the street centerline, and if 3) the sign is placed within one hundred sixty-five (165) feet of the nearest right-of-way line of the street.

Except for outdoor advertising signs, other signs facing limited access highways may exceed the height limitations of Table 1 of this Article and may be up to twenty (20) feet above the elevation of the limited access highway(s) which the sign faces if the sign is placed within three hundred thirty (330) feet of the nearest right-of-way line of the highway.

- c. Monument Signs: Special Limitations: Monument Signs shall have an enclosed, solid base or structural base with the base at least three-fourths the width of the widest part of the sign face. An enclosed or solid sign base shall not be required if the lower edge of the sign face is within one (1) foot of the average finished grade. Monument signs shall not be constructed with an entirely illuminated background and copy area. Monument signs shall be on-premise signs, the sign area shall not exceed twenty-five (25) square feet, and the sign shall not exceed five (5) feet in height above the average adjacent grade, if located ten (10) feet from the street right-of-way. For each additional two (2) feet of setback from the street right-of-way, one (1) additional foot may be added to the height of the sign to a maximum of eight (8) feet.
- d. Pole Signs: Special Design and Area Limitations: Pole Signs shall not have more than two (2) sign faces, and the sign area shall not exceed twenty-five (25) square feet.

C. Functional Types of Signs:

1. Identification Signs: Shall be allowed as provided below and in **Table 1 of this Article**:
 - a. Business Signs shall not have more than two (2) sign faces, and the sign area shall not exceed twenty five (25) square feet for Detached Signs, Projecting Signs, Canopy Signs, or Overhead Canopy Signs. Business Signs may be Wall Signs if the sign area does not exceed ten percent (10%) of the signable wall area.
 - b. Development Complex Identification Signs shall be monument signs in accordance with the requirements of this Article.
 - c. General Identification Signs: Shall be allowed as provided in **Table 1 of this Article**.
 - d. Incidental identification signs:
 - 1) Construction Site Signs shall not have more than one (1) sign face, and the sign area shall not exceed 32 square feet.
 - 2) Instruction Signs shall not have more than two (2) sign faces and the sign area shall not exceed four (4) square feet.
 - e. Institutional Signs shall not have more than two (2) sign faces, and the sign area shall not exceed twenty five (25) square feet. Institutional signs may be attached or detached signs as provided in this Article.
 - f. Nameplate Signs: Nameplate signs shall not have more than one (1) sign face unless they are under-canopy signs which shall not have more than two (2) sign faces, and the sign area shall not exceed two (2) square feet unless otherwise provided by Table 1 of this Article.
 - g. Neighborhood Signs: Neighborhood signs shall not have more than two (2) sign faces and the sign area shall not exceed twenty five (25) square feet.
2. Advertising Signs:
 - a. Where Allowed:
 - 1) On-premises advertising signs allowed as provided below and in **Table 1 of this Article**.

- 2) After approval of a Conditional Use Permit as provided in **Article 23** of these regulations, outdoor advertising signs may be On- or Off-premise signs and allowed as provided below in the ... Rural Dist.
- b. On-premises Advertising Signs:
 3. General Advertising Signs allowed as provided in **Table 1 of this Article**.
 4. Incidental Advertising Signs allowed as provided below and in Table 1 of this Article.
 - a) Real Estate Signs shall not be larger than four (4) square feet for tracts smaller than 10 acres and not zoned for business or employment center uses; and shall not be larger than 32 square feet for tracts larger than 10 acres or tracts zoned for business or employment center uses, shall be located on-premise and not have more than two (2) sign faces.
 - b) Real Estate Project Signs shall not be larger than 32 square feet, shall not have more than 2 sign faces and shall be on-premise signs unless approved for off-premise use by Conditional Use Permit as provided in **Article 23** of these regulations.
 - c) Special Events Signs shall be allowed as provided in **Section 5, (D)(2)(c)(1), (2) & (3)**.
- c. Outdoor Advertising Signs (Bulletin Signs, Poster Panel Signs, or Jr Poster Panel Signs) Location, Height, Area, Lighting, & Spacing Requirements:
 - 1) Location:
 - a) Outdoor advertising signs shall not be located within 500 feet of a Residential District or any structure occupied by a residential or institutional use.
 - b) Outdoor advertising signs shall not be located within fifty (50') feet of a right-of-way.
 - c) Outdoor advertising signs shall not be attached to roof or wall or placed above the roof level of any building.
 - 2) Max Height: The top of any outdoor advertising sign shall not exceed thirty (30) feet above adjacent ground elevation.
 - 3) Maximum Sign Area:
 - a) The maximum sign area of any outdoor advertising sign shall not exceed a total of 650 square feet
 - b) The maximum height or vertical dimension of the sign face of any outdoor advertising sign shall not exceed fifteen (15') feet.
 - c) The maximum width or horizontal dimension of any one (1) outdoor advertising sign shall not exceed fifty (50') feet.
 - d) For purposes of the maximum sign area provision, each face of outdoor advertising signs, whether back-to-back, V-shaped or "tri-vision" shall be considered a separate sign.
 - 4) Lighting: Outdoor advertising signs may be indirectly illuminated, however the illumination shall not cast glare upon adjacent highway or as to pose a hazard to vehicular traffic.
 - 5) Minimum Spacing Requirements:
 - a) No outdoor advertising sign or structure hereafter erected shall be less than 1,200 feet from any other existing outdoor advertising sign structure on same side of street. Such minimum spacing distance shall be measured along the center line of the frontage street, or highway from a point opposite any edge of an outdoor advertising sign structure and perpendicular to the center line of each street, or highway. Double-faced outdoor advertising sign structures having back-to-back sign surfaces and V-shaped outdoor advertising sign structures shall not be prohibited by this spacing requirement.
 - b) No new outdoor advertising signs or sign structures shall hereafter be erected having more than one viewable sign face directed toward the same lane of traffic.
3. Noncommercial Speech Signs: Shall be allowed as provided in Table 1 of this Article.

Section 7. NONCONFORMING SIGNS:

Every legally established sign in existence on the effective date of these regulations (*July 1977*) may continue in existence subject to the following:

- A. It shall not be altered structurally or moved unless it is made to comply with the provisions of these regulations. However, the changing of the movable parts of an existing sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed a structural alteration.
- B. The lawful use of a sign existing on the effective date of these regulations, although such sign does not conform to the provisions hereof, may continue; but if such nonconforming use is discontinued for a period of six (6) months or more, such sign shall not be used until it has been made to conform with the provisions of these regulations.
- C. Any sign which has been damaged by fire, wind, explosion, or act of God to the extent that fifty (50) percent or more of the construction value or replacement cost of the sign before it was damaged shall be deemed to have been totally destroyed and the sign shall not be restored except in conformity with these regulations. Any sign which has been damaged to an extent less than fifty (50) percent of the construction value or replacement cost of the sign before it was damaged may be restored to the condition which it existed previously as a nonconforming use prior to its damage.

Section 8. TABLE ONE – ARTICLE 20, DISTRICT SIGN REGULATIONS

(Per Table 1, Group 1 which contains the RUR Rural District and most residential districts—)

Total Sign Area (per lot, site, establishment)	15 sf per lot or site unless otherwise allowed by this table (exclusive of incidental signs)
Structural Types of Signs Allowed	Attached: Wall Detached: Monument, Pole

Functional Types of Signs Allowed

General Identification: 1 sign per 330' of frontage; 1 face per sign
 Area: Detached sign 10-25 square feet /Attached sign 25 square feet
 Height: 8 feet
 Setback: Detached 10 feet / Attached – no setback

Incidental Advertising--

Real Estate Lot: 1 sign per frontage; 2 faces per sign
 Area: 4 square feet unless lot larger than 10 acres then 32 square feet
 Height: 8 feet
 Setback: None

Real Estate Project: 1 sign per frontage; 2 faces per sign
 Area: 32 square feet
 Height: 8 feet
 Setback: None

Special Event 1 sign per frontage; 1 face per sign (2 if inside a window)
 Area: 4 square feet
 Height: 8 feet
 Setback: None

Incidental Identification--

Construction Site: 1 sign per frontage; 1 face per sign
 Area: 32 square feet
 Height: 8 feet
 Setback: None

Instruction: 1 sign per road entrance; 2 faces per sign
 Area: 4 square feet
 Height: 4 feet
 Setback: None

Institutional: 2 sign per frontage; 2 faces per sign
 Area: 25 square feet; or 10% of awning surface or wall
 Height: Monument 5-8 feet; Pole 20 feet, Awning - top of wall

Setback	Detached – 10 feet
Nameplate--	1 sign per frontage; 2 faces per sign
Area:	Attached 1 square foot; Detached 2 square feet
Height:	Attached 8 feet; Detached 6 feet; Awning 20' above driveway / 12' above sidewalk
Setback	Detached 10 feet
Neighborhood--	1-2 sign per frontage; 2 faces per sign
Area:	Detached 25 square feet
Height:	Attached 8 feet, Monument 5-8 feet, Pole 8 feet
Setback	None
Non-Commercial Speech--	1 sign per frontage; 2 faces per sign
Area:	4 square feet
Height:	8 feet
Setback	None

ARTICLE 23. CONDITIONAL USE PERMITS

Section 4. CONDITIONAL USES WHICH MAY BE APPROVED IN CERTAIN ZONING DISTRICTS:

- A. GROUP A: Conditional uses, such as the following, may be approved by the Board in any zoning district ... as provided in these regulations:
1. Accessory buildings or structures larger than, accessory buildings in greater quantities than permitted by **Article 18** of these regulations, accessory buildings not clearly consistent with the character of the residential neighborhood, and accessory satellite antennae that would not comply with **Article 18, Section 6, (E)** of these regulations; (*Additional restrictions*)
 2. Airports, aviation fields, heliports, landing fields which conform with the obstruction surfaces described in Subpart C of Federal Aviation Regs Part 77, Objects Affecting Navigable Airspace, and under such other reasonable conditions as the Board deems necessary to assure compliance with the provisions of **Article 21** and provided that the requirements of **Section 6, (B)(1)** are satisfied; (*EIS required*)
 3. Athletic field complexes for baseball, soccer, football, track, and the like; arena, field house, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational sports;(*Additional restrictions*)
 4. Bed & breakfast establishments;
 5. Business retreats, executive conference centers or similar such uses;
 6. Cemeteries, mausoleums, crematories, or mortuaries; provided final development plan for a cemetery or mausoleum is a cemetery plat as required by state law;
 7. Archery ranges, camps, camp grounds, exposition centers, fairgrounds, fishing lakes, horse and livestock show or sales arenas, golf courses, golf driving ranges (commercial or illuminated), gun clubs, miniature golf courses, picnic grounds, rodeo arenas, shooting or target ranges and the like, operated by private parties and open to the general public either as participants or as spectators; (*Additional restrictions*)
 8. Day-Care Home, Group-Day Care Home, Child-Care or Adult-Care Center, Preschool, or Mother's Day Out Program provided development and performance standards in **Section 6 (B)(8) of this Article** are satisfied for any such uses in the Rural...districts;
 9. Drive-in or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;
 10. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
 11. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
 12. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
 13. Keeping of exotic animals or the keeping of horses, livestock, ponies, or similar such animals on tracts less than two (2) acres or poultry on tracts less than ten (10) acres or in any manner other than allowed by **Article 18, Section 7, (A)**;
 14. Kennels, whether breeding or boarding; shelters for domesticated animals; animal boarding, breeding or raising facilities as defined in these regulations, and like facilities other than those for agricultural purposes;
 15. Communication antennas, communication towers or any other structures greater than 60' in height, which are not otherwise permitted by these regulations, whether publicly or privately owned, provided that the provisions of **Section 6 (B)(4) of this Article** are satisfied; (*Additional restrictions*)
 16. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
 17. Utility substations, water treatment or distribution facilities, pipeline terminals, telephone switching or transmission stations, power plants, electrical distribution or transformer stations, wastewater treatment plants, and the like; and

18. Thematic uses, provided that the provisions of **Section 6, (B)(10) of this Article** are satisfied;
(*Additional restrictions*)
 19. Buildings or structures per **Article 17, Section 8** of these regulations; and
 20. Off-premise Real Estate Project Signs per **Article 20, Section 6 (C)(2)(b)** of these regulations.
- F. GROUP F: Oil well drilling and production and gas well drilling and production are allowed in the Rural District (RUR) on tracts 10 acres or larger. (*Additional restrictions*)
1. In Rural District, (RUR) on ownership tracts less than ten (10) acres ... conditional uses such as the following may be approved by the Board:
Oil well drilling and production and gas well drilling and production provided that the provisions of **Section 6, (B)(7) of this Article** are satisfied.
 2. In the Residential Districts ... conditional uses, such as following, may be approved by the Board:
Gas well drilling and production provided that the provisions of **Section 6, (B)(7) of this Article** are satisfied.
- G. GROUP G: In any district except the Residential Districts, Planned Residential Districts, the Planned Research and Development Park District (PEC-1) or the Planned Adult Entertainment District (PAE), conditional uses, such as the following, may be approved by the Board:
1. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - a. The delivery and placement of greater than 1,200 cubic yards of earth fill material or the excavation and removal of greater than 1,200 cubic yards of any earth excavated from any property, unless, however, such earth excavation or filling operations are necessary for the construction of a building or structure on the subject property, or
 - b. The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - c. An asphalt or concrete plant, and
 - d. subject to the standards and conditions in **Section 6, (B)(3) of this Article**.
 2. Sanitary landfills; composting yards; waste recycling centers; hazardous waste facilities; refuse transfer stations or waste incinerators serving more than one tract; construction or demolition landfills; burning of brush, trees, man-made items, and the like for more than 3 days or for materials brought from off-site to the property on which they are being burned or disposed of, or other such uses not otherwise prohibited by law and subject to the provisions of **Section 6, (B)(5) of Article 23**; and
 3. Salvage yards.
- I. GROUP I: In the Planned Retail Business Districts (PRB-1, PRB-2 and PRB-3), and in the following two Planned Employment Center Districts: the Planned Research, Development and Light Industrial Park District (PEC-3) and the Planned Industrial Park District (PEC-4), conditional uses, such as the following, may be approved by the Board:
1. Storage Yards for vehicles, materials, or supplies; and
 2. In the above districts and also in the RUR, Rural District, outdoor advertising signs subject to the provisions of Article 20 of these regulations.
- J. GROUP J: In the Rural District, (RUR) conditional uses such as the following may be approved by the Board if the requirements of **Section 6 (B)(11) of this Article** are satisfied...:
1. Storage Yards for vehicles, materials, supplies or construction equipment, including construction contractor's shops & construction contractor's yards. (*Additional restrictions*)

Section 5. USES PERMITTED IN CERTAIN ZONING DISTRICTS AND WHICH MAY BE APPROVED AS CONDITIONAL USES IN OTHER ZONING DISTRICTS:

The following uses are permitted in certain districts as provided herein and elsewhere in these regulations, but may be permitted by the Board as conditional uses in various other districts as provided hereafter:

- A. GROUP L: Churches and schools of general instruction and schools of special instruction ... may be allowed in Rural, ... Districts if approved by the Board as conditional uses. ...Such permits may be

approved for a period of thirty (30) years, but improvements or uses not specifically included in the permit shall not be allowed unless a new permit is approved.

- B. GROUP M: Manufactured homes ... may be allowed by the Board as a conditional use if a permit is approved as provided herein for all other districts except the Planned Adult Entertainment District (PAE), and if the provisions in **Section 6, (B)(9) of this Article** are satisfied.
- C. GROUP N: Off-street parking lots or structures ... may be allowed in all other districts except the Planned Adult Entertainment District (PAE) as a conditional use. Off-street parking lots or structures may be allowed as a business use in the PRB-3 and in PEC-3, if a permit is approved by the Board, provided that the setback requirements of the zoning district or the buffering and screening requirements in **Article 11, (7)(B) and (C) and Article 16, (3)(A) and (B)** of these regulations are satisfied as found to be appropriate requirements during consideration of the Conditional Use Permit and if approved by the Board.
- D. GROUP O: Group Homes Type One are allowed uses in the Rural District (RUR), ... District ... as a conditional use, if a permit is approved as provided herein, and if the requirements of **Section 6 (B)(11) of this Article** are satisfied.
- E. Group P: Landscape contractor's shops or yards ... may be allowed as conditional uses ... when associated with a wholesale nursery in the RUR, Rural District, if a permit is approved by the Board as provided herein.
- F. Group Q: Preschools and Day Care Centers are permitted uses in some zoning districts at certain sizes and subject to development and performance standards and conditions. Preschools and Day Care Centers may be approved as conditional uses in some zoning districts. The following table establishes these categories: *(Additional restrictions in Section 6(B)(8))*

6 or fewer children or adults per day:

Rural (RUR) or all Residential: Permitted accessory home occupation provided the home occupation restrictions and limitations of **Article 18 Section 5** are met. If those restrictions and limitations are not met, may be approved as an accessory use if a Conditional Use Permit is approved by the Board.

7-12 children or adults per day in a Residence, or to 1-12 children or adults per day not in a Residence:

Permitted accessory use within public/semi public facilities such as, but not limited to, churches, schools, and community buildings. *(Additional restrictions)* May be approved as a principal use if not in a residence or as an accessory use if in a residence if a Conditional Use Permit is approved by the Board.

13 or more children or adults per day.

May be approved as an accessory use if a Conditional Use Permit is approved by the Board.

Section 6. STANDARDS FOR CONDITIONAL USES:

- A. General Development and Performance Standards:
 - 1. In General: All uses established by Conditional Use Permit shall operate in accordance with a) the appropriate performance standards contained in this Article and in **Article 11** of these regulations, b) the development plan review considerations in **Article 15** of these regulations, and c) the Final Development Plan, the Statement of Intent and the description(s) of the use in the record(s) of the Conditional Use Permit application review and consideration proceedings. These performance standards are minimum requirements. However, the Board may add, should the occasion require, more restrictive but reasonable requirements as conditions on the permit to govern particular development or use authorized by the permit.
 - 2. Lot Area, Lot Dimension and Yard Requirements: Any development or use authorized by Conditional Use Permit shall abide by the lot area, lot dimension, and yard requirements of the particular zoning district in which the conditional development or use is located, unless a variance or rule exception is approved as provided in these regulations. However, the Board may add more restrictive requirements by imposing reasonable conditions on the particular development or use authorized by Conditional Use Permit as needed to assure compatibility with the surrounding properties. Certain conditional uses shall also comply with the minimum lot area, lot dimension and yard requirements which are set forth in this Article.

3. **Off-Street Parking Requirements:** The minimum off-street parking requirements, including required setbacks for parking areas, loading spaces, and internal drives for any development or use authorized by Conditional Use Permit, shall not be reduced below the minimum requirements as set forth in **Article 19**, Off-Street Parking Requirements of these regulations. However, the Board may add more restrictive requirements as conditions governing the particular development or use authorized by permit.
4. **Sign Regulations:** Specific sign requirements shall be established in the conditions governing the particular development or use authorized by Conditional Use Permit in accordance with the provisions of **Article 20**. However, in no instance shall the requirements be less restrictive than the sign regulations of the particular zoning district in which the proposed development or use is located.
5. **Trash Enclosures:** All facilities shall provide enclosed trash structures either inside or outside of the facility of sufficient size to adequately and sanitarly contain all trash produced by the facility. The management will be responsible for the policing of all trash associated with the operation of the facility.
6. An environmental impact assessment addressing those areas about which the Zoning Board or Board require additional information and which may have the greatest potential for harmful effects on the health, safety, and welfare of the community such as:
 - a. Noise and vibration impacts;
 - b. Water impacts;
 - c. Safety and nuisance potential;
 - d. Geological impacts; and
 - e. Wildlife impacts.

The environmental impact assessment shall also include baseline data against which actual impacts may be evaluated and shall also include the reasonable and preferred procedure and equipment for mitigating or abating any and all significant impacts. Furthermore, all environmental impact assessments shall be prepared and verified in writing by persons who have recognized expertise in the recognition, evaluation, and control of the subject which is of concern.

ARTICLE 24. NONCONFORMING LOTS AND USES

Section 2. SINGLE-FAMILY DWELLINGS ON NONCONFORMING LOTS OF RECORD IN RURAL OR ALL RESIDENTIAL DISTRICTS:

- A. In the **Rural District**, tracts or lots smaller than ten (10) acres which were legally established in accordance with the county regulations then in effect prior to **March 17, 1994**, may be used for single-family residential purposes and residential accessory structures, subject to the standard setback and lot coverage limitations required by **Article 9** of these regulations. Single-family residential dwellings may be constructed, and may be reconstructed if damaged or destroyed. Such dwellings also may be expanded and accessory structures may be built subject to the provisions of **Articles 18 & 23** of these regulations.
- B. Notwithstanding any other provision contained within these regulations, a single-family detached dwelling which complies with the restrictions in Section 2 (B) below, may be erected in any **Residential or Planned Residential District** on a lot that has less than the prescribed minimum lot area, width or depth, for such zoning district, if:
 1. The lot is not less than fifty (50) feet in width; and
 2. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, width or depth at such location would have been permitted by the zoning or subdivision regulations in effect ; and
 3. Except for lot line adjustments toward conformance with the regulations, the lot has remained in separate and individual ownership from adjoining tracts of land continuously from the creation of such lot to the present.
- C. Construction permitted by **Section 2 (B)** above, shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot is located; provided however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:
 1. The dwelling shall be placed on the lot so as to provide a side yard on each side of the dwelling.
 2. The sum of the widths of the two (2) side yards on each lot shall not be less than the smaller of:
 - a. Twenty-five percent (25%) of the width of the lot, or
 - b. The minimum total for both side yards prescribed by the bulk regulations for said zoning district.
 3. No side yard shall be less than ten percent (10%) of the width of the lot, and in no case less than five (5) feet wide.
- D. Front and rear yard setbacks shall be required as specified for the zoning district by these regulations or as provided by **Article 17, Section 5** herein.
- E. The total number and sizes of accessory buildings and structures on legal, nonconforming lots of records shall comply with **Article 18, Section 6** of these regulations.
- F. Any new accessory uses on legal, nonconforming lots of records shall comply with Article 18, Section 7, of these regulations.

Section 3. NONCONFORMING USE OF LAND:

Where land is being used for a nonconforming use at the time of adoption of these regulations, and such use is the principal use and not accessory to the use of the main building or structure on the premises, such use may be continued. Where such nonconforming use of land is an accessory to the main building or structure on the premises or the main use conducted on the premises, such use may be continued so long as there has not been a discontinuance of the nonconforming main use of the premises. Existing nonconforming uses of land shall not be qualitatively extended or enlarged but may be quantitatively extended, either on the same or adjoining property. **The protection afforded to nonconforming uses of land by this section applies only to such land held under ownership for said activity on or before the effective date of these regulations but shall not apply to land newly purchased or leased after said date.**

Section 4. NONCONFORMING USE OF BUILDINGS OR STRUCTURES:

- A. Except as otherwise provided herein, the lawful use of a building or structure existing at the effective date of these regulations may be continued although such use does not conform to the provisions hereof.

- B. The nonconforming use of a building or structure may be hereafter extended throughout those parts of the existing building or structure which were arranged, designed and constructed for a use which is not permitted in the district in which it is located at the time of the enactment of these regulations.

Section 5. DISCONTINUANCE OF NONCONFORMING USES:

Nonconforming uses of land, building(s), structure(s) or portion(s) thereof **which become and remain idle or unused for a continuous period of one hundred eighty (180) days or more** shall be presumed to have been abandoned and the land, building(s), structure(s), or portion(s) thereof shall not again be used except in conformance with these regulations.

Section 6. REPAIRS AND ALTERATIONS OF NONCONFORMING BUILDINGS OR STRUCTURES:

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located shall be subject to the following provisions:

- A. Repairs: Ordinary repairs may be made to a nonconforming building or structure. Ordinary repairs shall be determined by the County Building Code Official.
- B. Alterations and Enlargements:
 - 1. A nonconforming building or structure may be altered, including structural alterations, or may be enlarged, provided:
 - a. the alterations or enlargements would comply with these regulations and not increase or extend the degree of nonconformity,
 - b. the alterations are required by law or County regulations, and
 - c. the alteration(s) or enlargement(s) would conform with all other regulations herein for the district in which it is located.
 - 2. Any nonconforming structure which is relocated on the same lot shall thereafter conform to the provisions of this Article.

Section 7. DAMAGE OR DESTRUCTION OF A NONCONFORMING BUILDING OR STRUCTURE:

Any nonconforming building or structure, which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty percent (50%) of the value of the structure immediately prior to damage shall not be restored unless in conformity with the provisions of these regulations, and all rights as a nonconformity shall be terminated. If a building or structure is damaged by less than fifty percent (50%) of the value immediately prior to damage, it may be repaired, restored or reconstructed and used as before the time of damage, provided that such repairs, restoration or reconstruction are substantially completed within twelve (12) months of the date of such damage.

Section 8. CHANGE OF USE:

- A. Any nonconforming use may be changed to any conforming use or, to any use which is less nonconforming and more similar in character with the uses permitted in the district in which it is located.
- B. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be permitted to become a nonconforming use again.

Section 9. INTERMITTENT USE:

The casual, intermittent, temporary or illegal use of land, building(s), or structure(s) shall not be sufficient to establish the existence of a nonconforming use.

Section 10. EXISTENCE OF A NONCONFORMING USE:

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Zoning Administrator.

Section 11. NONCONFORMING USES NOT VALIDATED:

A nonconforming use in violation of the provisions of prior regulations shall not be validated in any way by the adoption of these regulations.

ARTICLE 25. GENERAL SUBDIVISION PROVISIONS

Section 1. TITLE AND SCOPE:

The regulations in Articles 25 through 31, combined with the provisions in Articles 1 through 4 and Articles 9 through 14 as they pertain to the subdivision of land, prescribe minimum design requirements and approval procedures for the development of new subdivisions and re-subdivisions of land in unincorporated Johnson County.

Section 2. PURPOSE:

The division and improvement of land for development has a significant and lasting impact on the physical environment of the County and places increasing demands on public facilities and services. The creation of new streets, lots and utility systems requires significant capital investments, and the failure to adequately size and construct sewers and streets, especially in the fringes of urbanizing areas, and the failure to adequately insure available water supplies, manage stormwater runoff and erosion, and plan for public services and facilities may result in physical and environmental problems which are difficult and costly to resolve. Premature or inappropriate land subdivisions often consume agricultural land and threaten viable agricultural uses.

These regulations set forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facility systems. The intent of these regulations is to prevent potential environmental hazards and to coordinate the use of private and public resources to achieve planned and orderly land development through the proper location and design of streets, building lines, open spaces, and utilities and the standards by which streets, utilities and other physical improvements shall be erected, constructed or installed.

Section 3. APPLICATION OF SUBDIVISION REGULATIONS:

These regulations shall apply to any of the following:

- A. Subdivision of any lot or tract of land into three (3) or more parts.
- B. Resubdivision of any lot or tract of land that has previously been subdivided or split into two (2) or more parts since **March 1, 1982**.
- C. Development which causes the establishment of any street, alley, sidewalk, or other property intended for public use.
- D. The removal of one or more platted lots, streets, or easements from a subdivision that is not otherwise being vacated or replatted.
- E. The subdivision, resubdivision, lot split or tract split of tracts of record on **March 1, 1982**, after the effective date of these regulations.

The owner(s) of any land located within the unincorporated portion of Johnson County subject to these regulations shall not subdivide land without first causing a subdivision plat to be prepared and without first obtaining approval thereof in accordance with the provisions of these regulations. No building permit shall hereafter be issued for construction on any land that has not been subdivided in compliance with these regulations and all other applicable governmental laws including, but not limited to, any other applicable Johnson County regulations in effect at the time of the subdivision of said land. Subdivision plats for tracts of land in the Airport Interest Areas also shall comply with the requirements and subdivision plat processing procedures in **Article 21** of these regulations.

Section 4. EXEMPTIONS FROM THE SUBDIVISION REGULATIONS:

These subdivision regulations shall not apply in the following instances:

- A. A transaction between owners of adjoining unplatted tracts of land which involves only a change in the boundary between the land owned by such persons provided no additional tracts are created and such tracts of land comply with the design requirements for lots in **Article 30** of these regulations and the applicable tract size and configuration provisions of these regulations.
- B. The conveyance of land for right-of-way by railroad or public utilities subject to local, state, or federal regulations, provided no new street right-of-way is involved.
- C. The division of a tract of land or lot of record prior to **March 1, 1982**.
- D. Cemetery Plats.

Any other or further division of the lot or tract of land shall be platted in compliance with the requirements of these regulations.

ARTICLE 29. LOT SPLIT PROVISIONS

Section 1. OBJECTIVE:

The objective of this Article is to provide for the division of

- A. An unplatted tract or platted lot of record as of **March 1, 1982**, that has not been divided since March 1, 1982.
- B. A lot within a subdivision that has been platted since March 1, 1982, but that has not been subsequently divided, into two (2) lots or tracts without having to comply with the platting requirements described in Articles 4 and 25 through 31 of these regulations

Such lot splits shall be subject to the guidelines established in Section 4 herein and any further divisions of the lot or tract shall be platted in compliance with the requirements of Articles 4 and 25 through 31 of these regulations.

Section 2. AUTHORIZATION FOR APPROVAL OF LOT SPLITS:

After providing at least 5-days written notice of each lot split application to the members of the Zoning Board for the area in which the property in question is located, the Zoning Administrator is hereby authorized to approve or disapprove lot split applications in accordance with the provisions of this Article. Appeals of a decision made by the Zoning Administrator may be made to the Board of Zoning Appeals.

Section 3. APPLICATION PROCEDURES AND REQUIREMENTS:

The application shall be submitted to the Planning Office and shall be accompanied by the following information:

- C. Two (2) copies of a drawing to scale of the lots involved showing the precise location of any structures thereon, the location and dimensions of easements, rights-of-way and entrances and the location and dimensions of the split. A survey may be required as determined by the Zoning Administrator to indicate the exact location of the structures.
- D. Where the lots are not served by a central sanitary sewer system, verification that new construction on the lots could comply with the then applicable County Environmental Sanitary Code and standards for on-site wastewater disposal as necessary to meet provision 4 (H) below shall be provided as required hereinafter.

Section 4. APPROVAL STANDARDS:

A lot split shall not be approved if one or more of the following conditions apply to the property involved in the proposed lot split:

- A. A new street is needed or proposed, or an existing street needs to be widened or extended.
- B. The Lot Split would result in lots that would not comply with the subdivision design criteria in **Article 30** of these regulations.
- C. If there is less street right-of-way than required for subdivisions by **Article 30** of these regulations, the Lot Split shall not be approved unless such dedication is made by separate instrument and recorded with the Register of Deeds prior to Lot Split approval. If such right-of-way dedication occurs, the applicant shall provide the legal description of the land being dedicated; such description shall be prepared by a registered surveyor or engineer licensed in the State of Kansas.
- D. All easement requirements in these regulations have not been satisfied or existing easements would have to be modified to affect the proposed lot split.
- E. The lot split would result in a lot that would not comply with the requirements of the zoning district in which the lot would be located.
- F. Such lot split would result in a lot, which due to location of flood plain, bodies of water, excessive slope, or other natural constraints, would not contain adequate buildable area for its intended use or, if central sanitary sewers are not available, the required area necessary for an on-site wastewater disposal system,

including septic system lateral fields, holding tank(s) or other wastewater disposal systems, as required by County codes and regulations.

- G. Such lot split would result in a lot which is not provided with minimum infrastructure required by **Article 31** of these regulations or the continuation of public facilities upon or adjacent to the property. Such features include, but are not limited to, roads, sewers, water lines, drainage improvements, parks and public open space.
- H. Such lot split would result in a lot that is unsuited for installation of an on-site wastewater disposal system where a central sanitary sewer system is not available. The adequacy of the site or the availability of sanitary sewers must be demonstrated by evidence submitted by the applicant. The feasibility of an on-site wastewater disposal system for new construction on either lot shall be determined by a percolation test and soils profile analysis performed according to the applicable County Environmental Sanitary Code and standards. When the measured time of percolation in such a test is more than 90% of the maximum time permitted by the ten applicable code and standards, or when available soils profile analysis data indicates that either lot has soils with severe limitations for on-site wastewater disposal systems, the feasibility of and design for the on-site wastewater disposal system shall be verified in writing by a registered professional engineer licensed in the State of Kansas or soils testing laboratory and shall be based on a soils profile analysis.
- I. If the lot split involves a previously platted lot, such lot split would not be the first division of the platted lot nor would be accomplished by more than a single, straight, dividing line. Any other divisions to create an additional building lot from a platted lot shall be accomplished by replatting.
- J. Access entrances to a public road cannot be provided in accordance with the then applicable street standards and recorded access control requirements.

Section 6. DISPOSITION OF APPLICATIONS:

The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the lot split within fifteen (15) days after determination that the application is complete. The Zoning Administrator shall determine whether or not an application is complete and shall not determine that an application is complete until all application requirements have been met by the applicant and until the Zoning Administrator has been provided with a copy of any recorded right-of-way dedication required to meet Approval in **Section 4 (C)** above. If no action is taken on the complete application within said fifteen (15) day period, then the application will be deemed approved.